

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED] | GRADE AIC | AFSN/SSAN [REDACTED] |
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| TYPE | PERSONAL APPEARANCE | X RECORD REVIEW |
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| COUNSEL | NAME OF COUNSEL AND OR ORGANIZATION | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="text-align: center; padding: 2px;">X</td> <td style="padding: 2px;"></td> </tr> </table> | YES | NO | X | | | |
| YES | NO | | | | | |
| X | | | | | | |

| MEMBERS SITTING | VOTE OF THE BOARD | | | | |
|-----------------|-------------------|-----|-------|-------|----------|
| | HON | GEN | UOTHC | OTHER | DENY |
| | | | | | X |
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| ISSUES A95.00 | INDEX NUMBER A67.10 | EXHIBITS SUBMITTED TO THE BOARD | | |
| | | 1 | ORDER APPOINTING THE BOARD | |
| | | 2 | APPLICATION FOR REVIEW OF DISCHARGE | |
| | | 3 | LETTER OF NOTIFICATION | |
| HEARING DATE 1 MAY 03 | CASE NUMBER FD2002-0529 | 4 | BRIEF OF PERSONNEL FILE | |
| | | | COUNSEL'S RELEASE TO THE BOARD | |
| | | | ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE | |
| | | | TAPE RECORDING OF PERSONAL APPEARANCE HEARING | |

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.

REMARKS
Case heard at Washington, D.C.

Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

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| INDORSEMENT | DATE: 1 MAY 03 |
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| TO: SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742 | FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 RD FLOOR ANDREWS AFB, MD 20762-7002 |
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0529

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The board finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15 for being disrespectful in deportment toward a SSgt; derelict in the performance of his duties in that he willfully failed to perform his assigned security checks at building 27502 and building 27503 on numerous occasions. In addition, he received a Record of Individual Counseling for being derelict in his duty and for being disrespectful to an NCO and received four AETC Forms 341 for failure to report for formation, found sleeping in dorm, talking in formation, being late for formation and failure to perform required CQ duties. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings the board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

MISSING MEDICAL RECORDS

[REDACTED]

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 18 Jun 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 7 Mar 83. Enlmt Age: 17 2/12. Disch Age: 19 3/12. Educ: HS DIPL. AFQT: N/A. A-72, E-72, G-53, M-67. PAFSC: 2E131 - Sattelite, Wideband and Telemetry Systems. DAS: 3 Sep 01.

b. Prior Sv: (1) AFRes 20 May 00 - 16 Jul 01 (1 Year 1 Month 27 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 17 Jul 01 for 6 yrs. Svd: 0 Yrs 11 Mos 2 Das, all AMS.

b. Grade Status: A1C - 31 AUG 01

c. Time Lost: None

d. Art 15's: (1) 15 May 02, Fort Gordon, GA - Article 91. You, on or about 18 Apr 02, were disrespectful in deportment toward SSGT -----, a NCO, then known by you to be a superior NCO, who was then in the execution of his office, by not standing at the position of parade rest when the area was called to standby. Article 92. You, who knew of your duties at or near Fort Gordon, GA, on or about 18 Apr 02, were derelict in the performance of those duties in that you willfully failed to perform your assigned security checks at building 27502 and building 27503, as it was your duty to do. You, having knowledge of a lawful order issued by SRA ----- to perform required security checks at building 25703, an order which it was your duty to obey, did, on or about 18 Apr 02, failed to obey the order. You, having knowledge of a lawful order issued by SSGT ----- to perform required security checks at building 25703, an order which it was your duty to obey, did, on or about 18 Apr 02, failed to obey the order. Article 86. You, did, on or about 20 Apr 02, without authority, failed to go at the time prescribed to your appointed place of duty, to wit:



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR A1C [REDACTED]

MAY 28 2002

FROM: DET 1, 338 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your discharge will be described as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 15 May 02, you received Article 15, UCMJ, punishment for the following infractions:

i. On or about 18 Apr 02, you were disrespectful in deportment toward Staff Sergeant [REDACTED], a noncommissioned officer, then known by you to be a superior noncommissioned officer, who was then in the execution of his office, by not standing at the position of parade rest when the area was called to standby. (Atch 1, Appendix A w/atchs)

ii. On or about 18 Apr 02, you were derelict in the performance of your duties by willfully failing to perform your assigned security checks at building 25702 and building 25703, as it was your duty to do. (Atch 1, Appendix A w/atchs)

iii. On or about 18 Apr 02, you having knowledge of a lawful order issued by SrA [REDACTED] to perform required security checks at building 25703, an order which it was your duty to obey, failed to obey the order. (Atch 1, Appendix A w/atchs)

iv. On or about 18 Apr 02, you having knowledge of a lawful order issued by [REDACTED] to perform required security checks at building 25703, an order which it was your duty to obey, failed to obey the order. (Atch 1, Appendix A w/atchs)

v. On 20 Apr 02, you failed to go at the time prescribed to your appointed place of duty, to wit: Remedial Training at the Non-prior Service Dorm, Building 25703. (Atch 1, Appendix A w/atchs)

vi. On 18 Apr 02, without proper authority, you went from your assigned place of duty, to wit: Charge of Quarters. (Atch 1, Appendix A w/atchs)

vii. On 19 Apr 02, you failed to go at the time prescribed to your appointed place of duty, to wit: evening formation. (Atch 1, Appendix A w/atchs)

b. On 13 Feb 02, you were late to the 0545 hours formation as noted by A1C [REDACTED] on AETC Form 341, dated 13 Feb 02, for which you were counseled. (Atch 1, Appendix B)

c. On 28 Jan 02, you were observed talking while in formation as noted by A1C [REDACTED] on AETC Form 341, dated 28 Jan 02, for which you were counseled. (Atch 1, Appendix C)

d. On 9 Jan 02, you failed to report to the 0545 hours formation and was found to be sleeping in your dorm as noted on AETC Form 341, dated 9 Jan 02, for which you were counseled. (Atch 1, Appendix D)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher will decide whether you will be discharged or retained in the Air Force, and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force. Any special pay, bonuses, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel is available to assist you. You can call the Keesler ADC at DSN 597-2429. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 31 May 2002 by 1630 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You had a separation medical physical on 2 March 2002. You are not required to have another physical unless you have some new medical concerns that you want to have checked out.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in Bldg 25702, CSS.

9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
Commander

Attachments:

Attachments:

1. Supporting Documents
 - a. AF Form 3070, dated 15 May 02 w/atchs
 - b. AETC Form 341, dated 13 Feb 02
 - c. AETC Form 341, dated 28 Jan 02
 - d. AETC Form 341, dated 9 Jan 02
2. Airman's Receipt of Notification Memorandum
3. Airman's Statement
4. Medical Examination

ATCH 1