

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AB</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<b>X PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	<b>X</b>	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>	<b>X</b>				
<b>[REDACTED]</b>	<b>X</b>				
<b>[REDACTED]</b>	<b>X</b>				
<b>[REDACTED]</b>	<b>X</b>				
<b>[REDACTED]</b>	<b>X</b>				

ISSUES <b>A94.06, A93.02, A92.22</b>	INDEX NUMBER <b>A67.90</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> 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 Travis AFB, California.**  
  
**Advise applicant of the decision of the Board.**  
  
**\* Change the Reason for discharge to Secretarial Authority.**  
  
**+ Change the RE Code to 3K.**

SIGNATURE OF RECORDER <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>5 FEB 03</b>
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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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD2002-0092

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Travis AFB, CA on February 5, 2003. The following additional exhibits were submitted at the hearing:

Exhibit 5: Applicant's contentions.

Exhibit 6: Character letter, [REDACTED], LAAFB DoD Police Force, undated

Exhibit 7: DoD Police, LAAFB Appraisal, Jan-May 2002

Exhibit 8: LAPD Diploma, LAPD Police Academy Training, Basic Police Science, 15 Nov 02

Exhibit 9: DoD Police certificate of training, 4 Apr 2002

Exhibit 10: Letter of appreciation for good deed, LA DoD Police, undated

Exhibit 11: Letter dated 1 Nov 93, request for permissive TDY for training

Exhibit 12: Letter dated 27 Feb 93, recommendation for permissive TDY

Exhibit 13: Fact sheet, relocation of Kadena consolidated command post

Exhibit 14: Character letters (2), from [REDACTED] and [REDACTED]

Exhibit 15: Quality Control Records, (2)

Exhibit 16: Letters of appreciation, (11)

Exhibit 17: Certificates of achievement, recognition, appreciation, (12)

Exhibit 18: 374 SPTG/CC Unit Safety Qualification letter

Exhibit 19: Certificates of training, (8)

Exhibit 20: Letters of appreciation, character (2)

Exhibit 21: LAPD Police Officer Academy certificate

Exhibit 22: AF Form 910, 12May92-11Jan94 w/ atch

Exhibit 23: 10Nov94 Subsistence in kind (SIK) validation letter

Exhibit 24: Hand drawn map of security area of responsibility

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

**FINDINGS:** The Board grants the requested relief.

The Board finds that the neither the evidence of record and nor that provided by the applicant substantiates an impropriety that would justify upgrade of the discharge. However, after a thorough review of the record, the Board finds that the applicant's character of discharge and reason for discharge are inequitable.

**ISSUES:** The applicant was discharged with a General Discharge for Misconduct – Conduct Prejudicial to Good Order and Discipline. The records indicated the applicant received an Article 15 for attempting to steal an In-Flight Kitchen box lunch meal of a value of about \$2.60. He also received 3 Letters of Reprimand and 2 Letters of Counseling for inattention on post, failure to follow standard procedures, failure to attend chemical warfare training, and failure to repair a hole in his boots. Evidence of testimony and the records regarding the actual nature and circumstances of the incidents lead the board to conclude that the applicant's discharge and characterization were too harsh. The Board does not condone the serious incidents of inattention while on post, but noted that no further incidents of inattention on post had occurred in the year prior to his discharge. The applicant provided evidence regarding the circumstances surrounding his Article 15 that lead the Board to conclude that discharge was harsh. The Board opined based on the positive aspects of the applicant's duty and post service accomplishments reflecting positively on his character, that he may have been retained for an opportunity for rehabilitation. While the Board did not condone the applicant's incidents of willful misconduct, they did feel it more equitable to characterize his service as honorable. The DRB also opined that the reason for discharge should be changed to Secretarial Authority and to change his RE Code.

**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.

However, in view of the foregoing findings, the Board also concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. The applicant's characterization for discharge should be changed to Honorable, Secretarial Authority, and the RE Code changed to 3K under the provisions of Title 10, USC 1553.

Attachment:  
Examiner's Brief

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

[REDACTED]  
[REDACTED]  
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 94/12/21 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge and to Change the Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 72/08/05. Enlmt Age: 19 3/12. Disch Age: 22 4/12. Educ:HS DIPL. AFQT: N/A. A-72, E-69, G-46, M-80. PAFSC: 3P031 - Security Apprentice. DAS: 92/10/14.

b. Prior Sv: (1) AFRes 91/11/13 - 92/05/11 (5 months 29 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 92/05/12 for 4 yrs. Svd: 02 Yrs 07 Mo 10 Das, all AMS.

b. Grade Status: AB - 94/11/21 (Article 15, 94/11/21)  
A1C - 93/09/12  
AMN - 92/11/12

c. Time Lost: none.

d. Art 15's: (1) 94/11/21, Kadena AFB, Japan - Article 80. You, did, on or about 05 Nov 94, attempt to steal an In-Flight Kitchen box lunch meal, of a value of about \$2.60, the property of the In-Flight Kitchen. Reduction to AB, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOC, 93/11/15 - Failure to go.  
LOC, 93/11/15 - Dereliction of duty.  
LOR, 16 NOV 93 - Violation of AFR 35-10  
LOR, 02 DEC 93 - Dereliction of duty.  
LOR, 22 APR 94 - Dereliction of duty.

f. CM: none.

g. Record of SV: 92/05/12 - 94/01/11 Kadena AB 4 (Initial)

(Discharged from Kadena AB)

h. Awards & Decs: AFTR, NDSM, AFOUA W/2 OLCS, SAEMR.

i. Stmt of Sv: TMS: (03) Yrs (01) Mos (09) Das  
TAMS: (02) Yrs (07) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/02/26.  
(Change Discharge to Honorable and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Reference Scale of Government Evidence.
2. MFR, SIK Validation.
3. Certificate of Recognition.
4. Certificate of Training.
5. Certificate of Achievement.
6. Certificate of Appreciation.
7. Three Letters of Appreciation.
8. Certificate of Appreciation.
9. Two Letters of Appreciation.
10. Character Reference.
11. Four Letters of Appreciation.
12. Two Q.C. Reports.
13. Enlisted Performance Report.
14. Civilian Performance Evaluation.

02/06/12/ia

Dear DRB:

The following issues are the reasons I believe my discharge should be upgraded to Honorable. If the DRB disagrees, please explain in detail why the board disagrees. The presumption of regularity that might normally permit the DRB to assume that the service acted correctly in the characterization my service as less than honorable does not apply to my case because of the evidence I am submitting in the following:

1. Clemency is warranted because it is an injustice for me to continue to suffer the adverse consequences of other than "Honorable" characterization. Recently, I have qualified for several civilian Police Officer jobs only to be turned away because of my negative discharge rating. I have been working for the US Air Force since 15 Dec 97 years as a civilian employee honorably. Ironically, I currently work for [REDACTED] 08. Since May 01, I have been working side by side with active duty personnel excelling in the same job I was discharged from.
2. Under current Security Forces (SF) standards, I would not receive the type of discharge I did. SF Airmen of today are considered valuable/critical assets to the USAF. Changes in the Quality Air Force (QAF) program implements more strict guidelines for supervisors to assist/help young Airman in trouble. Since 1994, SF has driven to a more professional force. More patience, guidance and education is the key today for a more professional force verses several years ago.
3. My last Enlisted Performance Report (EPR) rates my performance/conduct as very good and ready for promotion. I was rated a 4 out of 5 scale with excellent/positive comments from Supervisor, Superintendent and a concur from the Commander. (see supporting documents)
4. I was never just a Security Policeman. I played on the squadron softball team. Participated in fund raising activities. I was a certified/active member of the base Emergency Services Team (EST). Served as Combat Readiness Evaluator for deployable base units, etc. (see supporting documents)
5. The record of disciplinary actions against me show a suspicious trend. In 14 duty days I received two Letters Of Counseling (LOC), two Letters Of Reprimand, a Unfavorable Information file (UIF) established and was put on a control roster. Three months later I was given a good performance rating. The events that led to my involuntary discharge do not appear credible.(see attached Reference Scale and letter from Kadena Flight Kitchen.)
6. I must admit that the disciplinary action that was forced on me was the result of my immaturity to deal with certain situations.
7. In today's Air Force, my situation would not exist. There are many programs and policies dealing with young Airman with troubles. I had no real discipline problem. It was called immaturity. I feel that I was targeted purposely by a select

few that just did not want me in the Air Force for one reason or another. I can still remember my Supervisor telling me "Don't worry about a rebuttal for the LOR's. Just sign and press on. It would only make thing worse for me."

8. I feel my discharge was unfairly justified. The history/facts that led up to my discharge was not researched/investigated carefully. My last performance evaluation in my official records raises questions of the validity of my discharge. My record states I was offered rehabilitation. I do not recall ever being offered. (see supporting documents)

In closing, I would like to have the opportunity to go before the DRB and present my case in more detail. I feel it is time to fight for what I believe in. I have been overseas for the past 9 years up until last May. I have been waiting for this opportunity for 7 years. This issue is very important to my career and I. Thank you for your consideration.



FD 2002-0092



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

2 December 1994

MEMORANDUM FOR 18 WG/CC

FROM: 18 WG/JA  
Unit 5141, Box 40  
APO AP 96368-5141

SUBJECT: Legal Review - Administrative Discharge - [REDACTED]

1. BASIS: [REDACTED] has initiated this administrative discharge action against [REDACTED] for a Pattern of Misconduct-Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3108, paragraph 5.50.2. The initiating commander has recommended a general discharge without probation and rehabilitation.

2. GOVERNMENT'S EVIDENCE:

a. On or about 3 Nov 93, [REDACTED] failed to go at the time prescribed to Chemical Warfare Defense Training. As a result, he received a Letter of Counseling on 15 Nov 93 (Tab 1-1).

b. On or about 6 Nov 93, he was derelict in the performance of his duties in that he was inattentive during post inspection. As a result, he received a Letter of Counseling on 15 Nov 93 (Tab 1-2).

c. On or about 6 Nov 93, he was in violation of AFR 35-10 by wearing boots with a hole in them; he was instructed to buy another pair of boots. On or about 10 Nov 93, he was again in violation of AFR 35-10 in that he failed to replace his boots. On or about 15 Nov 93, he failed to replace his boots as directed and he failed to go at the time prescribed to his appointed place of duty. As a result, he received a Letter of Reprimand on 16 Nov 93 (Tab 1-3).

d. On or about 16 Nov 93, he was derelict in the performance of his duties in that he failed to properly secure the area he was assigned to. As a result, he received a Letter of Reprimand on 2 Dec 93, an Unfavorable Information File was established and he was placed on the Control Roster (Tab 1-4).

e. On or about 13 Apr 94, he was derelict in the performance of his duties in that he failed to report to his supervisor an incident that was not covered in the Security Police General Orders manual. As a result, he received a Letter of Reprimand on 22 Apr 94 (Tab 1-5).



f. On or about 5 Nov 94, he attempted to steal an in-flight box lunch meal. As a result, he received an Article 15 on 16 Nov 94. Punishment consisted of reduction to the grade of AB and a reprimand (Tab 1-6).

3. RESPONDENT'S EVIDENCE:

a. The respondent, a 22-year old airman, originally enlisted 12 May 92. His AQE scores are A-72, E-69, G-46, and M-80. This airman has received one evaluation report which closed out on 11 Jan 94 and rated him an overall 4. The airman is entitled to wear the medals, awards and ribbons outlined in the commander's recommendation.

b. The respondent was given the opportunity to consult with military defense counsel and has submitted a statement in response to this discharge action. [REDACTED] discusses the incidents that led to this discharge action. He believes that these incidences were either misunderstandings or minor errors on his part. He states that he has learned from these mistakes and that since his last Letter of Reprimand in April 1994 he has done a good job. [REDACTED] states that he just got married and was not aware of all the paperwork necessary to change his marital status. He states that he did not intentionally try to steal the box lunch. He states that he is very embarrassed about the incident and that he is not a thief, he merely made a mistake. He believes that he is an asset to the Air Force and has done a good job. He requests that he be retained in the Air Force.

4. ERRORS OR IRREGULARITIES: None noted.

5. DISCUSSION:

a. AFI 36-3208, paragraph 5.50.2, authorizes the involuntary separation of airmen who engage in a pattern of misconduct. [REDACTED] actions have resulted in one Article 15, three Letters of Reprimand, two Letters of Counseling, establishment of an Unfavorable Information File and placement on the Control Roster. These documented instances of misconduct satisfy the requirements of the regulation and justify discharge.

b. Characterization of service as general is appropriate when significant negative aspects of an airman's conduct outweigh positive aspects of his or her military record. Based on the continual nature of his misconduct, characterization of [REDACTED] service as general is appropriate.

c. I concur with 18 SPS/CC that probation and rehabilitation is not appropriate for this airman. [REDACTED] was given numerous opportunities to rehabilitate himself. He did not take advantage of those opportunities and continued his misconduct. There is no reason to believe that further rehabilitative efforts would be effective.

6. OPTIONS: As special court-martial convening authority, you may:

a. Retain [REDACTED], if you consider discharge unwarranted;

b. Direct a general discharge with or without probation and rehabilitation; or

c. Recommend that 3 AF/CC direct an honorable discharge with or without probation and rehabilitation.

7. RECOMMENDATION:

I recommend you direct a general discharge without probation and rehabilitation by signing the attached letter.



Colonel, USAF  
Staff Judge Advocate, 18th Wing

MEMORANDUM FOR [REDACTED]

NOV 21 1994

FROM: 18 SPS/CC  
Unit 5212  
APO AP 96368-5212

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct-Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are, specifically:

a. On or about 3 Nov 93, you failed to go at the time prescribed to Chemical Warfare Defense Training. As a result, you received a Letter of Counseling on 15 Nov 93 (Tab 1-1).

b. On or about 6 Nov 93, you were derelict in the performance of your duties in that you were inattentive during post inspection. As a result, you received a Letter of Counseling on 15 Nov 93 (Tab 1-2).

c. On or about 6 Nov 93, you were in violation of AFR 35-10 by wearing boots with a hole in them for which you were instructed to buy another pair of boots. On or about 10 Nov 93, you were in violation of AFR 35-10 in that you failed to replace your boots. On or about 15 Nov 93, you failed to replace your boots and you failed to go at the time prescribed to your appointed place of duty. As a result, you received a Letter of Reprimand on 16 Nov 93 (Tab 1-3).

d. On or about 16 Nov 93, you were derelict in the performance of your duties in that you failed to properly secure the area you were assigned to. As a result, you received a Letter of Reprimand on 2 Dec 93, an Unfavorable Information File was established and you were placed on the Control Roster (Tab 1-4).

e. On or about 13 Apr 94, you were derelict in the performance of your duties in that you failed to report an incident that was not covered in the Security Police General Orders manual. As a result, you received a Letter of Reprimand on 22 Apr 94 (Tab 1-5).

f. On or about 5 Nov 94, you attempted to steal an In-Flight box lunch meal. As a result, you received an Article 15 on 16 Nov 94. Punishment consisted of reduction to the grade of AB and a reprimand (Tab 1-6).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority 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.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [redacted] at the Area Defense Counsel at Building 1460 on 28 Nov at 0830 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1400, 30 Nov 94 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination on 16 Nov 94 at 0645 at the Physical Exams Section, 18th Medical Group, Kadena AB, Japan.

7. 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 at the Area Defense Counsel office.

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

[redacted signature]

USAF  
Commander, 18th Security Police Squadron