

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> AMN	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<input checked="" type="checkbox"/>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>		
	<input checked="" type="checkbox"/>		

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

<b>ISSUES</b>	A94.06	<b>INDEX NUMBER</b>	A67.10	<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
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
				TAPE RECORDING OF PERSONAL APPEARANCE	

<b>HEARING DATE</b> 06 Dec 2003	<b>CASE NUMBER</b> FD-2002-0152	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Randolph AFB, Texas.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
<b>INDORSEMENT</b>	<b>DATE: 12/6/2003</b>

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0152

**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 to Honorable is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an impropriety that would justify upgrade of the discharge.

**ISSUE:** Applicant contends discharge was inequitable because "it was too harsh". The information provided by the applicant and contained in his records was carefully reviewed by the DRB. The records indicated the applicant received two Articles 15, three Letters of Reprimand, and five Records of Individual Counseling. The misconduct included failure to go, dereliction of duty, left place of duty without authorization and failure to report. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

**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, 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/05/16 UP AFI 36-3208, Para 5.49 (Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 79/04/15. Enlmt Age: 18 6/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-40, E-45, G-50, M-45. PAFSC: 3E751 Fire Protection. DAS: 98/06/06.

b. Prior Sv: (1) AFRes 97/10/27 - 97/12/28 (2 Mos 2 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AMN 97/12/29 for 4 yrs. Svd: 3 Yrs 4 Mo 18 Das, all AMS.

b. Grade Status: AMN - 00/08/16 (Vacation of Art 15, dated 01/03/01)  
A1C - 98/10/29  
AMN - 97/12/29

c. Time Lost: None

d. Art 15's: (1) 01/03/01, Vacation, Randolph AFB TX, Article 86. You did, on divers occasions, between on or about 27 Jan 2001, and on or about 6 Feb 2001, without authority fail to go at the time prescribed to your appointed place of duty. Reduced to AMN and forfeiture of \$560.00 per month for two months. (No appeal) (No mitigation)

(2) 00/08/16, Randolph AFB TX, Article 92. You, who knew or should have known of your duties, on or about 24 Jun 00, were derelict in the performance of those duties in that you negligently failed to stay awake during your shift, as it was your duty to do. Reduction to the grade of AMN, (suspended until 15 Feb 01), 30 days extra duty and a reprimand. (No appeal) (No mitigation).

e. Additional: RIC, 2 Feb 01 - Failure to go.  
LOR, 19 Jun 00 - Left his place of duty w/o authorization.  
LOR, 19 Jun 00 - Failure to go.  
RIC, 23 May 00 - Left his place of duty w/o authorization.  
RIC, 7 Apr 00 - Failure to go.  
LOR, 5 Oct 99, Failure to go.  
RIC, 6 Sep 99, Failure to go.  
RIC, 19 Jul 99, Failure to report to duty.

f. CM: None

g. Record of SV: 97/12/29 - 99/08/28 Randolph AFB 3 (Initial)  
99/08/29 - 00/08/28 Randolph AFB 2 (Annual) REF

(Discharged from Randolph AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (20) Das  
TAMS: (3) Yrs (4) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/03/29.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

**ATCH**

1. Applicant's Issues.
2. Applicant's Letter to Discharge Review Board.
3. Four Character References.
4. Five AF Forms 623a with Comments.
5. Two Letters of Appreciation.
6. Record of Individual Counseling.
7. DD Form 214.

02/07/12/cr

SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

- a. DOCUMENT 1: Letter Document 4: Letter of Appreciation (2)
- b. DOCUMENT 2: Character Statements (4) Document 5: Record of Individual Counseling
- c. DOCUMENT 3: AF Form 623a (5) Document 6: DD Form 214

**8. ISSUES**  
 The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

The police report written for Dereliction of Duty had been thrown out for unknown reasons. And despite the substantial evidence I provided to prove my innocence, I was issued an Article 15.

I believe I followed sick call procedures and cannot understand why the communications operator wasn't questioned when he neglected to forward both messages to my supervisor. The operator was a witness as to whether I phoned before roll-call, as well as the time in which I signed into Sick call.

The Memorandum for Record attached with "failing to follow sick call procedures" was only for a two minute tardiness for work.

Listed below are three occasions that display poor treatment among my chain of command:

1. July 2000 Conversation that transpired while being escorted for drug and alcohol testing by my Flight Chief and 1st Sgt.  
 Flight Chief: "I guess you don't plan to stay in the military."  
 AIC: "Actually, I plan to retire."  
 Flight Chief: "We'll see about that."
2. February 2001 Accused by my Flight Chief of being sick on purpose while at the hospital sick call.
3. May 2001 1st Sgt. suggested my family and I seek a shelter downtown.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

**9. CERTIFICATION**  
 I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD) 2002 03 29

b. SIGNATURE [Redacted]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

MAY 10 2001

MEMORANDUM FOR 12 FTW/CC

FROM: 12 FTW/JAJ

SUBJECT: Legal Review - Administrative Discharge - Amn [REDACTED]  
12 CES

1. I have reviewed the attached discharge file regarding Amn [REDACTED] the respondent, and find it procedurally correct and legally sufficient to support his discharge. This discharge was initiated on 30 Apr 01, pursuant to AFPD 36-32 and AFI 36-3208 Chapter 5, Paragraph 5.49 for Minor Disciplinary Infractions. The Respondent's commander recommends a General Discharge based upon information contained in paragraph 2 of the notification letter.

2. The reasons for discharge is supported by the evidence and is summarized as follows:

a. On divers occasions, between on or about 27 January 2001, and on or about 6 February 2001, without authority, Amn [REDACTED] failed to go at the time prescribed to his appointed place of duty, to wit: the fire department communications center, building 700. For this action, the suspended punishment from Article 15 action dated 16 Aug 00 was vacated.

b. On or about 2 Feb 01, Amn [REDACTED] failed to go at the time prescribed to his appointed place of duty. For this action, he received a Record of Individual Counseling (RIC), dated 2 Feb 01.

c. On or about 24 Jun 00, at Randolph AFB, Texas Amn [REDACTED] was derelict in the performance of his duties in that he negligently failed to stay awake during his shift in the fire department communications center, building 700, as it was his duty to do. For this action, he received nonjudicial punishment on 16 Aug 00, which consisted of a suspended reduction to the grade of Amn (E-2), suspended forfeitures of \$560.00 pay for two months, 30 days extra duty, and a reprimand.

d. On divers occasions from on or about 13 Jun 00, to on or about 16 Jun 00, Amn [REDACTED] failed to go at the time prescribed to his appointed place of duty. Additionally, on 13 Jun 00, Amn [REDACTED] left his appointed place of duty without authorization. For these actions, he received a Letter of Reprimand (LOR), dated 19 Jun 00.

e. On or about 18 Jun 00, Amn [REDACTED] failed to go at the time prescribed to his appointed place of duty. On the same day, Amn [REDACTED] left his appointed place of duty without authorization. For these actions, Amn [REDACTED] received an LOR, dated 19 Jun 00.

f. On or about 23 May 00, Amn [REDACTED] left his appointed place of duty without authorization. For this action, he received a RIC, dated 23 May 00.

g. On or about 7 Apr 00 and 28 Mar 00, Amn [REDACTED] failed to go at the time prescribed to his appointed place of duty. For this action, he received a RIC, dated 7 Apr 00.

h. On or about 5 Oct 99, Amn [REDACTED] failed to go at the time prescribed to his appointed place of duty. For this action, he received a LOR, dated 5 Oct 99.

i. On or about 5 Sep 99, Amn [REDACTED] failed to go at the time prescribed to his appointed place of duty. For this action, he received a RIC, dated 6 Sep 99.

j. On or about 18 Jul 99, Amn [REDACTED] failed to wake up and report to his appointed place of duty. For this action, he received a RIC, dated 19 Jul 99.

k. On or about 9 Jul 99, Amn [REDACTED] was derelict in the performance of his duties in that he failed to watch his CDC study material videos. For this action, he received a RIC, dated 10 Jul 99.

3. The Respondent is a 22-year-old Fire Protection Apprentice who enlisted on 29 Dec 97. Amn [REDACTED] has consulted counsel in this action and has not submitted matters for your consideration.

4. The case file is free of any errors or irregularities that would substantially prejudice any of the Respondent's substantive or procedural rights.

5. Subject to a medical examination, a copy of which is not in the file, my review indicates a sufficient amount of evidence exists to support discharge. The Respondent's conduct has not been of the nature that the Air Force expects of its members. His actions are inconsistent with continued service in the U.S. Air Force. The squadron has responded with appropriate disciplinary action to include an Article 15 with vacated suspension, 6 Records of Individual Counseling, and 3 Letters of Reprimand. They counseled him regarding his pattern of misconduct, however, he did not respond to the counseling.

6. According to AFI 36-3208, paragraph 1.18, an Honorable Discharge is warranted when the quality of the airman's service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate. If an airman's service has been honest and faithful, a characterization of General is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record. The commander has recommended a General Discharge. This characterization most accurately describes Amn [REDACTED] Air Force service.

7. Amn [REDACTED] commander, [REDACTED] does not recommend probation and rehabilitation in this case. In his opinion, retention in a probationary status would be inconsistent with the maintenance of good order and discipline and would have an adverse impact on morale within

the squadron because Amn [REDACTED] has failed to respond to numerous attempts made by his chain of command to modify his attitude.

8. As the SPCM convening authority, you may:

- a. decide the case is without merit and retain the Respondent; or
- b. order the case initiated again, extending the Respondent the right to a board hearing, if you believe separation with an Under Other Than Honorable Conditions Discharge is more appropriate; or
- c. approve the Respondent's separation with a General Discharge, with or without suspension of the discharge's execution for probation and rehabilitation; or
- d. forward the file to 19 AF/CC with the recommendation that he direct that the Respondent be discharged with an Honorable Discharge.

8. I recommend that you direct that Amn Wilson be discharged with a General Discharge, without suspension of the discharge's execution for probation and rehabilitation.

[REDACTED]  
[REDACTED] Lt Col, USAF  
Staff Judge Advocate, 12 FTW

Attachment:  
Case File





DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

30 APR 2001

MEMORANDUM FOR AMN [REDACTED]

FROM: 12 CES/CC

SUBJECT: Notification Memorandum—Administrative Discharge

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is Air Force Policy Directive 36-32 and Air Force Instruction 36-3208, Chapter 5, Paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending your service be characterized as General.

2. My reasons for this action are as follows:

a. You, did, on divers occasions, between on or about 27 January 2001, and on or about 6 February 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: the fire department communications center, building 700. For this action, the suspended punishment from Article 15 action dated 16 Aug 00 was vacated. (Atch 1a)

b. On or about 2 Feb 01, you failed to go at the time prescribed to your appointed place of duty. For this action, you received a Record of Individual Counseling (RIC), dated 2 Feb 01. (Atch 1b)

c. You who knew or should have known of your duties at Randolph AFB, Texas, on or about 24 Jun 00, were derelict in the performance of those duties in that you negligently failed to stay awake during your shift in the fire department communications center, building 700, as it was your duty to do. For this action, you received nonjudicial punishment on 16 Aug 00, which consisted of a suspended reduction to the grade of Amn (E-2), suspended forfeitures of \$560.00 pay for two months, 30 days extra duty, and a reprimand. (Atch 1c)

d. You, who knew or should have known of your duties, did, on divers occasions from on or about 13 Jun 00, to on or about 16 Jun 00, fail to go at the time prescribed to your appointed place of duty. Additionally, on 13 Jun 00, you left your appointed place of duty without authorization. For these actions, you received a Letter of Reprimand (LOR), dated 19 Jun 00. (Atch 1d)

e. On or about 18 Jun 00, you failed to go at the time prescribed to your appointed place of duty. On the same day, you left your appointed place of duty without authorization. For these actions, you received an LOR, dated 19 Jun 00. (Atch 1e)

f. On or about 23 May 00, you left your appointed place of duty without authorization. For this action, you received a RIC, dated 23 May 00. (Atch 1f)

g. On or about 7 Apr 00 and 28 Mar 00, you failed to go at the time prescribed to your appointed place of duty. For this action, you received a RIC, dated 7 Apr 00. (Atch 1g)

h. On or about 5 Oct 99, you failed to go at the time prescribed to your appointed place of duty. For this action, you received an LOR, dated 5 Oct 99. (Atch 1h)

i. On or about 5 Sep 99, you failed to go at the time prescribed to your appointed place of duty. For this action, you received a RIC, dated 6 Sep 99. (Atch 1i)

j. On or about 18 Jul 99, you failed to wake up and report to your appointed place of duty. For this action, you received a RIC, dated 19 Jul 99. (Atch 1j)

k. On or about 9 Jul 99, you were derelict in the performance of your duties in that you failed to watch your CDC study material videos. For this action, you received a RIC, dated 10 Jul 99. (Atch 1k)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction, or a higher authority, will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult Capt. [REDACTED], Area Defense Counsel, Bldg. 399, Room B-40 (7-2274) at 0900 on 1 MAY 01. You may consult civilian legal 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 3 MAY 01 unless you request and receive an extension, in writing, for showing good cause. I will send them to the separation authority.

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

7. You have been scheduled for a medical examination. You must report to the Physical Exam Section at 1300 on 2 MAY 01 for a required examination.

8. You must report to 12 MSS/DPMARS (Separations) within 24 hours of this notification.  
*SEE AMN [REDACTED] - 1 MAY 01 1100HRS.*
9. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in the unit personnel office.
10. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

[REDACTED] Lt Col, USAF  
Commander, 12 CES

Attachments:

1. Supporting Documents
  - a. AF Form 366, dated 14 Feb 01
  - b. RIC, dated 2 Feb 01
  - c. AF Form 3070, dated 16 Aug 00
  - d. LOR, dated 19 Jun 00
  - e. LOR, dated 19 Jun 00
  - f. RIC, dated 23 May 00
  - g. RIC, dated 7 Apr 00
  - h. LOR, dated 5 Oct 99
  - i. RIC, dated 6 Sep 99
  - j. RIC, dated 19 Jul 99
  - k. RIC, dated 10 Jul 99
2. Member's Receipt of Notification Memorandum