

**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</b> GEN	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL:</b> YES NO X		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>
		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>

<b>MEMBERS 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> A94.05, A92.21, A93.11	<b>INDEX NUMBER</b> A67.90	<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>HEARING DATE</b> 03-01-08	<b>CASE NUMBER</b> FD2002-0216	<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 Washington, D.C.

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

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>TO:</b> SAF/MIBR 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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0216

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

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

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

**FINDINGS:** Upgrade of discharge is denied.

The Board finds that neither the evidence of record or that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for misconduct, conduct prejudicial to good order and discipline. He had three Letters of Reprimand (LOR), a Letter of Counseling, an Article 15, and a referral Enlisted Performance Report rated an overall "3." His misconduct included at least 41 instances of failure to go to his mandatory fitness improvement sessions over a 6-month period of time, and failure to obey a lawful order to do so. The Board noted that when his misconduct occurred, member was the same age as other airmen who had adhered to the standards, and in spite of the unit's efforts to help member correct his deficiencies, he was not motivated enough to conform to standards and his misconduct continued. The Board also noted member was diagnosed with an adjustment disorder with mixed conduct and emotion and mild life stressors, and had been evaluated for alcohol abuse, although no diagnosis was rendered. He also self-referred to anger management classes. While speculating that member may have been experiencing personal problems and had additional stress, applicant submitted no documentary evidence of those problems. At the time of the discharge, applicant waived his right to consult counsel and to submit statements on his own behalf. He was counseled by his unit several times in an effort to help him correct his deficiencies and had many opportunities to improve his behavior. He failed to respond to those rehabilitative efforts, so he was held accountable for his actions. No inequity or impropriety was found in this discharge in the course of the records review.

Applicant states he has matured as justification for an upgrade, and cites his post-service volunteer work. While the Board commends applicant on these areas, they do not pertain to the period of service under review, and therefore are not a matter of equity or propriety that warrants an upgrade.

**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

[REDACTED]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/01/31 UP AFI 36-3208, para 5.50 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 78/03/15. Enlmt Age: 19 0/12. Disch Age: 21 10/12. Educ: HS DIPL . AFQT: N/A. A-70, E-67, G-84, M-53. PAFSC: 2M031A - Missile and Space Systems Electrical Maintenance Apprentice. DAS: 98/04/13.

b. Prior Sv: (1) AFRes 97/03/15 - 97/06/24 (3 Mos 10 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 97/06/25 for 4 yrs. Svd: 2 Yrs 7 Mos 7 Das, all AMS.

b. Grade Status: AMN - 99/12/20 (Article 15, 99/12/20)  
A1C - 98/10/25  
AMN - Unknown

c. Time Lost: None

d. Art 15's: (1) 99/12/20, Malmstrom AFB, Mt - Article 92. You, having knowledge of lawful order issued by Senior Master Sergeant -----, to wit: Letter of Reprimand, dated 30 Jun 99, an order which it was your duty to obey, did, on divers occasions between 15 Oct 99 and about 16 Nov 99, fail to obey the same by failing to go the required amount of times to the Health and Wellness Center as part of your Monitored Fitness Improvement Program. Reduction to the grade of AMN, and suspended forfeiture of \$537.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 28 DEC 99 - Failure to maintain vehicle insurance.  
LOR, 07 OCT 99 - Failure to attend monitored fitness improvement program.  
LOR, 30 JUN 99 - Failure to attend monitored fitness improvement program.  
LOC, 15 APR 99 - Failure to attend monitored fitness improvement program.

f. CM: None.

g. Record of SV: 97/06/25 - 99/02/24 Malmstrom AFB 3 (Initial)

(Discharged from Malmstrom AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (10) Mos (17) Das  
TAMS: (2) Yrs (7) Mos (7) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/04/22.  
(Change Discharge to Honorable)

Issue: I have matured greatly, since leaving the service. When I first arrived at the base I had a bad experience and that had set the tone for my tour at Seymour Johnson. When I went through basic training I was honor grad and technical school in which I had a 93/92 average. I attended two schools. The first time school was 4 1/2 months in Texas. The second half of technical school Vandenberg AFB, CA which that school was 6 months long. Ever since I have been discharged I have been going to school, I worked until I got layed off. I have been doing volunteer work to occupy my time.

**ATCH**

1. College Transcript.
2. Character Reference.
3. Letter of Appreciation.
4. Character Reference.
5. Criminal Record Check.

02/10/02/cr



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 341ST SPACE WING (AFSPC)

FD 2002-0216

24 JAN 2000

MEMORANDUM FOR 341 SW/CC

FROM: 341 SW/JA

SUBJECT: Legal Review, Administrative Discharge Action [REDACTED]

1. ACTION: On 14 Jan 00, [REDACTED], 341 MXS/CC, initiated an administrative discharge action against [REDACTED] (hereinafter Respondent) IAW AFI 36-3208, paragraph 5.50, for a pattern of misconduct--conduct prejudicial to good order and discipline. [REDACTED] recommends a general discharge without probation and rehabilitation.

2. PERSONAL DATA:

- a. Date and Term of Current Enlistment: 25 Jun 97, 4 years
- b. Age: 21
- c. Pay Date: 25 Jun 97
- d. TAFMSD: 25 Jun 97
- e. Overall Ratings on Performance Reports: 25 Jun 97 -- 24 Feb 99 (3)

3. EVIDENCE FOR THE GOVERNMENT: The following provides the basis for discharge and may be considered on the issues of retention and service characterization.

- a. Between 26 Jan 99 and 5 Apr 99, Respondent failed to go to 27 of the 30 fitness sessions for which he was scheduled. For this misconduct Respondent received a Letter of Counseling (LOC) dated 15 Apr 99.
- b. Between 26 Jan 99 and 4 Jun 99, Respondent failed to go to 41 of the 57 fitness sessions for which he was scheduled. For this misconduct Respondent received a Letter of Reprimand (LOR) dated 30 Jun 99.
- c. After receiving an LOC and LOR for missing scheduled fitness sessions, it was brought to the attention of the commander that Respondent again was not attending his fitness sessions as required. For this misconduct Respondent received an LOR dated 7 Oct 99.
- d. Between 15 Oct 99 and 16 Nov 99, Respondent again disobeyed a lawful order when he failed to go to scheduled fitness sessions. For this misconduct Respondent received an Article 15 dated 20 Dec 99.

e. On 30 Nov 99, Respondent was cited by a Great Falls Police officer for failing to maintain vehicle insurance. For this misconduct Respondent received an LOR dated 28 Dec 99.

4. EVIDENCE FOR THE RESPONDENT: The Respondent consulted counsel and chose to waive his right to submit statements.

5. DISCUSSION:

a. The file is legally sufficient to support [REDACTED] recommendation for Respondent's general discharge for a pattern of misconduct. A general discharge is appropriate since the negative aspects of Respondent's conduct, on and off duty, outweigh the positive aspects.

b. Despite the squadron's rehabilitative efforts, Respondent has continually failed to adhere to Air Force standards and shows repeated disregard for rehabilitative opportunities afforded him. Thus, he is not an appropriate candidate for probation and rehabilitation.

6. OPTIONS:

a. Disapprove the discharge action and order retention of Respondent.

b. Recommend to 20 AF/CC that Respondent receive an honorable discharge for a pattern of misconduct with or without probation and rehabilitation.

c. Approve the discharge and order Respondent's general discharge for a pattern of misconduct with or without probation and rehabilitation.

d. Recommend that Respondent receive an UOTHC discharge with or without probation and rehabilitation. If you determine that this is the appropriate disposition of this case, please return the file for discharge board processing.

7. RECOMMENDATION: Discharge [REDACTED] IAW AFI 36-3208, paragraph 5.50, for a pattern of misconduct with a general discharge without probation and rehabilitation, as recommended by [REDACTED].

[REDACTED]  
[REDACTED]  
[REDACTED] USAF  
Staff Judge Advocate

Attachment:

Case File - [REDACTED]



14 JAN 00

MEMORANDUM FOR 341 MXS [REDACTED]

FROM: 341 MXS/CC

SUBJECT: Notification Memorandum

1. Pursuant to AFD 36-32 and AFI 36-3208, paragraph 5.50, I am recommending your discharge from the United States Air Force for a pattern of misconduct--conduct prejudicial to good order and discipline. If my recommendation is approved, your service will be characterized as either honorable, general, or under other than honorable conditions. I am recommending a general discharge.

2. My reasons for this action are:

a. Between 26 Jan 99 and 5 Apr 99, you failed to go to 27 of the 30 fitness sessions for which you were scheduled. For this misconduct you received a Letter of Counseling (LOC) dated 15 Apr 99.

b. Between 26 Jan 99 and 4 Jun 99, you failed to go to 41 of the 57 fitness sessions for which you were scheduled. For this misconduct you received a Letter of Reprimand (LOR) dated 30 Jun 99.

c. After receiving an LOC and LOR for missing scheduled fitness sessions, it was brought to the attention of the commander that you again were not attending your fitness sessions as required. For this misconduct you received an LOR dated 7 Oct 99.

d. Between 15 Oct 99 and 16 Nov 99, you again disobeyed a lawful order when you failed to go to scheduled fitness sessions. For this misconduct you received an Article 15 dated 20 Dec 99.

e. On 30 Nov 99, you were cited by a Great Falls Police officer for failing to maintain vehicle insurance. For this misconduct you received an LOR dated 28 Dec 99.

3. Copies of the above documents will be forwarded to the separation authority in support of this recommendation. The commander exercising SPCM 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 any special pay, bonus, or education assistance funds may be subject to recoupment.

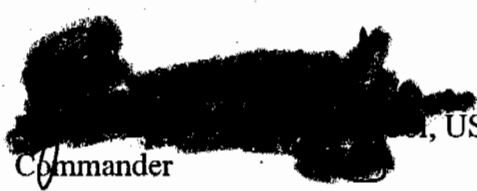
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel, 7015 Goddard Drive, Bldg 145, Room 144 on 18 JAN 00 at 1300. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. You have three duty days from the date of this letter (COB 20 JAN 00), to provide me with any statements you want the separation authority to consider. You may request and receive an extension for good cause shown. I will send all submitted statements 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 must receive a medical examination. You are scheduled for a medical examination at the 341st Medical Group Physical Examination Section on 18 JAN 00 at 1330 hours. You **MUST** be in uniform for this appointment. If you wear glasses, you must also bring them to this appointment.

8. Any personal information you provide in rebuttal is subject to the Privacy Act Statement as explained in AFI 36-3208, Atch 6. A copy of AFI 36-3208 is available for your use at your orderly room.

 , USAF  
Commander

Attachments:

1. Supporting documents:
  - a. LOC dated 15 Apr 99
  - b. LOR dated 30 Jun 99
  - c. LOR dated 7 Oct 99
  - d. AF Form 3070 dated 20 Dec 99
  - e. LOR dated 28 Dec 99
2. Airman's Receipt of Notification Memorandum