

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

| | | |
|--|--------------------|--------------------------------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED] | GRADE AB | AFSN/SSAN [REDACTED] |
|--|--------------------|--------------------------------|

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|---------|-------------------------------------|--|
| TYPE | PERSONAL APPEARANCE | X RECORD REVIEW |
| COUNSEL | NAME OF COUNSEL AND OR ORGANIZATION | ADDRESS AND OR ORGANIZATION OF COUNSEL |
| YES | NO | |
| | X | |

| MEMBERS SITTING | VOTE OF THE BOARD | | | | |
|-------------------|-------------------|-----|-------|-------|------|
| | HON | GEN | UO/HC | OTHER | DENY |
| [REDACTED] | X** | | | | |
| [REDACTED] | X** | | | | |
| [REDACTED] | X** | | | | |
| [REDACTED] | X** | | | | |
| [REDACTED] | X** | | | | |

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| ISSUES A94.06 | INDEX NUMBER A67.10 | EXHIBITS SUBMITTED TO THE BOARD | | | |
| | | 1 | ORDER APPOINTING THE BOARD | | |
| | | 2 | APPLICATION FOR REVIEW OF DISCHARGE | | |
| | | 3 | LETTER OF NOTIFICATION | | |
| | | 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 | | |
| HEARING DATE 13 FEB 03 | CASE NUMBER FD2002-0217 | | | | |

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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.

*** Change Reason for Discharge to Secretarial Authority.**

+ Change RE Code to 3K.

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| SIGNATURE OF RECORDER [REDACTED] | SIGNATURE OF BOARD PRESIDENT [REDACTED] |
|--|---|

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|-------------|------------------------|
| INDORSEMENT | DATE: 13 Feb 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

FD2002-0217

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, MD on February 13, 2003. The following additional exhibits were submitted at the hearing:

Exhibit 5: Applicant's contentions.

Exhibit 6: Statement from applicant

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

FINDINGS: Upgrade of discharge to Honorable is approved. The Reason for discharge is changed to Secretarial Authority and the RE Code will be changed to 3K.

The Board finds that neither the evidence of record or 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 was inequitable.

ISSUES: The applicant was discharged with a General Discharge for Misconduct – Minor Disciplinary Infractions. The records indicated the applicant received an AETC 173 for dereliction of duty (sleeping in class), a Record of Individual Counseling for dereliction of duty (making an inappropriate remark to a female airman), and three letters of Reprimand for violating a lawful instruction by having a body piercing in place while in uniform, failure to go on two separate occasions, lying to a student leader, and making a false official statement. While the Board did not condone the applicant's incident of lying to the student leader and making a false official statement, they also noticed that there was no senior NCO or senior officer input in regards to this separation. After a thorough and complete consideration of the information submitted by the applicant, the applicant's compelling personal testimony, and information contained in the record, the Board concluded there was sufficient mitigation and extenuation to substantiate upgrade of the discharge and to change the reason for the discharge. The Board also agreed to change the 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.

However, in view of the foregoing findings the board further concludes the applicant was not provided full administrative due process and that the overall quality of the applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority. In addition, the applicant's RE Code should be changed to 3K.

Attachment:
Examiner's Brief

I would first like to thank the board for taking my request for a review of records into consideration. I graduated early June of 2002, shortly there after I went off to boot camp on July 10, 2002. I enlisted as an F-16 Crew Chief in the US Air Force. This had been my plan for quit some time. I was unprepared for the mental stress and major responsibilities I was taking on. I went into boot camp with an open mind but I was still a child in many ways. The transition from childhood into adult hood is a combination of knowledge and experience in life. Before I entered the Air Force I was primarily dependent on my mother and father my whole life we were a close nit family and I was unaware of the difficulties of living on my own. I went from being guided through every step of life to guiding myself.

I was successfully in and enjoyed my field of work yet managing my personal life is what was my major problem. Life is a trial and error thing if something works you stick with it if not you try again. Unfortunately I had to realize it too little too late. My immaturity was my major down fall. All of my problems could be explained by my immaturity combined with my personal stress at the time.

After being discharged in February I was forced to mature and take a long look at what I was doing and where my life was headed. Unfortunately I had blown the greatest opportunity I had with the Air Force. I have been living on my own in Washington, DC from February to October of 20002 waiting for a response from the board. I held two full time jobs at Borders Books and Sports Authority in Tyson's Corner. In October I moved back to New Jersey where I live with my fiancée. I have been working at the same job since I arrived. Since my discharge I have had a long time to mature and I have grown wiser from my experiences. The military was a great opportunity for me and I hope this board can see that I had developed into a more responsible and mature person.

Hopefully as a result I may be able to regain my lost opportunity to serve in the military. Thank you for your time and consideration.



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

[REDACTED]
(Former AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 02/02/07 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 83/05/11. Enlmt Age: 17 3/12. Disch Age: 18 8/12. Educ:HS DIPL. AFQT: N/A. A-63, E-53, G-59, M-77. PAFSC: 2A313 - Tactical Aircraft Maintenance Helper. DAS: 01/09/03.

b. Prior Sv: (1) AFRes 00/08/24 - 01/07/09 (10 months 16 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 01/07/10 for 6 yrs. Svd: 00 Yrs 06 Mo 28 Das, all AMS.

b. Grade Status: none.

c. Time Lost: none.

d. Art 15's: none.

e. Additional: LOR, 09 JAN 02 - Failure to go o/a 7 Jan 02 and 4 Jan 02.
RIC, 12 DEC 01 - Dereliction of duty.
LOR, 26 NOV 01 - Failure to go on 19 & 26 Nov 01, lying to a student leader, and making a false official statement.
LOR, 20 NOV 01 - Violate a lawful general instruction by having a body piercing in place while in uniform.
AETC 173, 25 OCT 01 - Dereliction of duty.

f. CM: none.

g. Record of SV: none.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (05) Mos (14) Das
TAMS: (00) Yrs (06) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/05/13.

(Change Discharge to Honorable)

Issue 1: Since I have been a civilian, I have successfully held two jobs in the hopes that it will show how responsible I have become. I entered the Air Force directly after high school, and took my high school views with me. I have corrected my ways and hope it shows. I wasted my first opportunity to serve my country, and would just like to regain that chance. I have been able to truly compare civilian and enlisted life, and I yearn to obtain the structure and stability of being a member of the Air Force.

ATCH

1. Applicant's Issues.
2. Letter of Support.

02/08/21/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

1 Feb 02

MEMORANDUM FOR 82 TRG/CC

FROM: 82 TRW/JAC

SUBJECT: Legal Review, Recommendation for Discharge -- [REDACTED]

1. We have reviewed this discharge case file and find it legally sufficient to support discharge in accordance with the provisions of AFI 36-3208. Based upon our review, we conclude that the incidents documented within this file sufficiently support [REDACTED] discharge from the Air Force. We concur with the 362 TRS/CCQ that [REDACTED] should be discharged with an under honorable conditions (general) discharge in accordance with AFI 36-3208, paragraph 5.49 (minor disciplinary infractions).

2. Basis for Action. On 22 Jan 02, the 362 TRS/CCQ notified [REDACTED] that she was recommending that [REDACTED] be discharged from the service due to his misconduct.

3. Evidence for the Commander. The preponderance of the evidence in the case file supporting the squadron section commander's recommendation consists of the following:

a. The Respondent did, at or near Sheppard AFB TX, on or about 7 Jan 02, fail to go at the time prescribed to his appointed place of duty, to wit: Mandatory Study. For this misconduct and subparagraph "b" below he received a Letter of Reprimand (LOR) on 9 Jan 02.

b. The Respondent did, at or near Sheppard AFB TX, on or about 4 Jan 02, fail to go at the time prescribed to his appointed place of duty, to wit: Mandatory Study.

c. The Respondent, who knew or should have known of his duties at Sheppard AFB TX, on or about 12 Dec 01, was derelict in the performance of his duties in that he made an unprofessional remark towards another female airman. For this misconduct he received an AF Form 174, Record of Individual Counseling, on 12 Dec 01.

d. The Respondent did, at or near Sheppard AFB TX, on or about 26 Nov 01, fail to go his appointed place of duty at the prescribed time, to wit: [REDACTED] office at 1600. For this misconduct and subparagraphs "e" through "g" below, he received a LOR on 26 Nov 01.

e. The Respondent did, at or near Sheppard AFB TX, on or about 19 Nov 01, fail to go at the time prescribed to his appointed place of duty, to wit: Formation.

f. The Respondent did, at or near Sheppard AFB TX, on or about 19 Nov 01, lie to a student leader about his whereabouts.

[REDACTED]

g. The respondent did, at or near Sheppard AFB TX, on or about 19 Nov 01, make a false official statement to a Noncommissioned Officer.

h. The respondent did, at or near Sheppard FB TX, on or about 19 Nov 01, violate a lawful general instruction, to wit: AFI 36-2903, Table 2.5, Item 7, dated 8 Jun 98, by having a body piercing in place while in uniform. For this misconduct he received an LOR on 20 Nov 01.

i. The Respondent, who knew or should have known of his duties at Sheppard AFB TX, on or about 25 Oct 01, was derelict in the performance of those duties in that he slept in class, as it was his duty not to do. For this misconduct he received an AETC Form 173, Student Record of Academic/Nonacademic Counseling and Comments, on 25 Oct 01.

4. Additional Information. The respondent is 18 years old, began his present enlistment on 10 Jul 01, and was assigned to his unit on 3 Sep 01. His ASVAB scores are as follows: A - 63, E - 53, G - 59, and M - 77. The respondent is entitled to wear the Air Force Training Ribbon. He has consulted with counsel and has submitted statements for your consideration.

5. We note no administrative errors of legal significance and concur with the squadron section commander's recommendation for an under honorable conditions (general) discharge.

6. In accordance with AFI 36-3208, your options are to:

a. Direct [REDACTED] retention;

b. Suspend an under honorable conditions (general) discharge and recommend Probation and Rehabilitation;

c. Direct his discharge with an under honorable conditions (general) discharge; or

d. Recommend that [REDACTED] be discharged with an honorable discharge. If you determine an honorable discharge is appropriate, this file must be forwarded to 2 AF/CC since only a General Court-Martial Convening Authority may approve an honorable discharge characterization when the basis for discharge is misconduct (AFI 36-3208, paragraph 5.48.4).

7. If you have any questions regarding this matter, please contact [REDACTED] at ext 6-7193.

[REDACTED]
[REDACTED] USAF
Deputy Staff Judge Advocate

Attachment:
Case File

[REDACTED]



JAN 22 2002

MEMORANDUM FOR [REDACTED]

FROM: 362 TRS/CCQ

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 AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You did, at or near Sheppard AFB TX, on or about 7 Jan 02, fail to go at the time prescribed to your appointed place of duty, to wit: Mandatory Study. For this misconduct and subparagraph "b" below you received a Letter of Reprimand (LOR) on 9 Jan 02.

b. You did, at or near Sheppard AFB TX, on or about 4 Jan 02, fail to go at the time prescribed to your appointed place of duty, to wit: Mandatory Study.

c. You, who knew or should have known of your duties at Sheppard AFB TX, on or about 12 Dec 01, were derelict in the performance of your duties in that you made an unprofessional remark towards another female airman. For this misconduct you received an AF Form 174, Record of Individual Counseling, on 12 Dec 01.

d. You did, at or near Sheppard AFB TX, on or about 26 Nov 01, failed to go your appointed place of duty at the prescribed time, to wit: [REDACTED] office at 1600. For this misconduct and subparagraphs "e" through "f" below, you received a LOR on 26 Nov 01.

e. You did, at or near Sheppard AFB TX, on or about 19 Nov 01, fail to go at the time prescribed to your appointed place of duty, to wit: Formation.

f. You did, at or near Sheppard AFB TX, on or about 19 Nov 01, lie to a student leader about your whereabouts.

g. You did, at or near Sheppard AFB TX, on or about 19 Nov 01, make a false official statement to a Noncommissioned Officer.

h. You did, at or near Sheppard FB TX, on or about 19 Nov 01, violate a lawful general instruction, to wit: AFI 36-2903, Table 2.5, Item 7, dated 8 Jun 98, by having a body piercing in place while in uniform. For this misconduct you received an LOR on 20 Nov 01.

i. You, who knew or should have known of your duties at Sheppard AFB TX, on or about 25 Oct 01, were derelict in the performance of those duties in that you slept in class, as it was your duty not to do. For this misconduct you received an AETC Form 173, Student Record of Academic/Nonacademic Counseling and Comments, on 25 Oct 01.

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 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 and will probably be denied enlistment in any component of the armed forces.

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], Area Defense Counsel, at Bldg 1638, room 110, on 22 JAN 02 at 1600 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 26 JAN 02, unless you request and receive an extension for good cause shown. I will send them to 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 were scheduled for a physical examination on 14 Jan 02.
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 in the 362 TRS/Commanders Support Staff office.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED], USAF
Squadron Section Commander
362d Training Squadron

Attachments: (Listed on next page)

FD 2002-0217

Attachments:

1. LOR, 9 Jan 02
2. AF Form 174, 12 Dec 01
3. LOR, 26 Nov 01
4. LOR, 20 Nov 01
5. Response to LOR, 21 Nov 01
6. AETC Form 173, 25 Oct 01
7. AETC Form 125A, 21 Jan 02
8. Student Training Report, CL NR ~~██████████~~
9. AETC Form 173, 5 Jan 02
10. AETC Form 173, 19 Dec 01
11. Lackland AFB Form 205, 30 Aug 01
12. Airman's Receipt of Notification Memorandum *wd*

cc:

82 MSS/DPMARS
362 TRS/CSS (File)
Individual