

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	<input checked="" type="checkbox"/>	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	LTHC	OTHER	DENY
[REDACTED]					<input checked="" type="checkbox"/>
[REDACTED]					<input checked="" type="checkbox"/>
[REDACTED]					<input checked="" type="checkbox"/>
[REDACTED]					<input checked="" type="checkbox"/>
[REDACTED]					<input checked="" type="checkbox"/>

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 3 FEB 03	CASE NUMBER FD2002-0269	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 RATIONAL 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 and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 3 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

FD2002-0269

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 3, 2003. The following additional exhibits were submitted at the hearing:

Exhibit 5: Applicant's contentions.

The attached brief contains 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 or that provided by the applicant substantiates an impropriety or inequity that would justify upgrade of the discharge.

ISSUES: The applicant was discharged with a General Discharge for Misconduct – Minor Disciplinary Infractions. The member does not contest the discharge, he merely states that he would like his discharge upgraded in order to receive the GI Bill. The Board reviewed the entire record, and considered the applicant's testimony but found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received an Article 15 for failure to go. He also received eight Letters of Reprimand, one Record of Individual Counseling, and one Memorandum for Record for the following: Traffic violation and willfully disobeying driving probation, failure to go (three times), missed appointment, failure to keep dorm room clean, not shaving and failure to obey a lawful order, late for duty (twice), and dereliction of duty.

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 DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 02/03/22 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 80/02/27. Enlmt Age: 18 3/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-83, E-81, G-82, M-74. PAFSC: 2A353B - Tactical Aircraft Maintenance Journeyman. DAS: 99/06/13.

b. Prior Sv: (1) AFRes 98/06/23 - 98/10/06 (3 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 98/10/07 for 4 yrs. Svd: 03 Yrs 05 MoS 16 Das, all AMS.

b. Grade Status: A1C - 02/02/04 (Article 15, 02/02/04).
SRA - 01/03/21.
AMN/A1C - (EPR Indicates): 98/10/07-00/04/15.

c. Time Lost: None.

d. Art 15's: (1) 02/02/04, Eielson AFB, AK - Article 86. You, did, on or about 23 Jan 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: MFR, 23 JAN 02 - Failure to go.
LOR, 27 DEC 01 - Dereliction of duty.
LOR, 31 AUG 01 - Failure to go.
LOR, 25 JUN 01 - Late for duty.
LOR, 21 JUN 01 - Late for duty.
LOR, 29 MAR 01 - Not shaving and failure to obey a lawful order.
LOR, 21 FEB 01 - Failure to keep dorm room clean.
RIC, 26 OCT 00 - Missed appointment.
LOR, 28 SEP 00 - Failure to go.
LOR, 27 SEP 00 - Traffic violation and willfully disobeying driving probation.

f. CM: None.

g. Record of SV: 98/10/07 - 00/04/15 Eielson AFB 4 (HAF Dir)
00/04/16 - 01/04/15 Eielson AFB 2 (Annual) REF

(Discharged from Eielson AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (03) Yrs (09) Mos (00) Das
TAMS: (03) Yrs (05) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/06/14.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. DD 214.

02/09/26/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

28 Feb 02

MEMORANDUM FOR 354 FW/CC

FROM: [REDACTED]

SUBJECT: Legal Review of AFPD 36-32 and AFI 36-3208 Discharge Action -- [REDACTED]
[REDACTED], 18FS, PACAF

1. I have reviewed the discharge package of [REDACTED] and find that it is legally sufficient to support the proposed action. I concur with the recommendation of the unit commander that [REDACTED] receive a general discharge without probation and rehabilitation based on Misconduct -- Minor Disciplinary Infractions, AFI 36-3208, paragraph 5.49.

2. DISCUSSION: The following incidents form the basis for this action:

a. On or about 29 Nov 99, he became delinquent in his payments to the DPP Service Center. For this infraction, his charge and check cashing privileges were suspended (Tab 4, Atch 1).

b. On or about 13 Jun 00, he failed to register his vehicle on base. For this infraction, he received a DD Form 1408 (Tab 4, Atch 2).

c. On or about 9 Sep 00, he was cited for having expired license plates on base. For this infraction, he received a Letter of Reprimand, dated 27 Sep 00 and his driving privileges were suspended for 30 days (Tab 4, Atch 3).

d. On or about 14 Sep 00, he failed to go to his M16 Training Class. For this infraction, he received a Letter of Reprimand, dated 28 Sep 00 (Tab 4, Atch 4).

e. On or about 11 Oct 00, he failed to attend a scheduled dental appointment. For this infraction, he received a Record of Individual Counseling, dated 26 Oct 00 (Tab 4, Atch 5).

f. On or about 15 Feb 01, he failed to keep his dormitory room within established military cleanliness standards. For this infraction, he received a Letter of Reprimand, dated 21 Feb 01 (Tab 4, Atch 6).

[REDACTED]

g. On or about 29 Mar 01, he failed to be within the Air Force Personal Grooming Standards. For this infraction, he received a Letter of Reprimand, dated 29 Mar 01 (Tab 4, Atch 7).

h. On or about 16, 18, and 21 Jun 01, he failed to report to his duty location at the time prescribed. For these infractions, he received a Letter of Reprimand, dated 21 Jun 01 (Tab 4, Atch 8).

i. On or about 25 Jun 01, he failed to go to his duty location at the time prescribed. For this infraction, he received a Letter of Reprimand, dated 25 Jun 01 and an Unfavorable Information File was established (Tab 4, Atch 9).

j. On or about 31 Aug 01, he failed to go to his duty location at the time prescribed. For this infraction, he received a Letter of Reprimand, dated 31 Aug 01, and this was added to his Unfavorable Information File (Tab 4, Atch 10).

k. On or about 21 and 26 Dec 01, while TDY to Al Jaber Air Base, Kuwait, he failed to go to his duty location at the time prescribed. For these infractions, he received a Letter of Reprimand, dated 27 Dec 01 (Tab 4, Atch 11).

l. On or about 23 Jan 02, he failed to go to his duty location at the time prescribed. For this infraction, he received nonjudicial punishment, dated 4 Feb 02, and this was added to his Unfavorable Information File (Tab 4, Atch 12).

3. All procedures required by AFI 36-3208 have been properly complied with, and the case has been appropriately processed. The unit followed the appropriate procedures and took the appropriate measures to assist [REDACTED] consulted legal counsel and has submitted matters for your review (Tab 6).

4. IRREGULARITIES: None.

5. OPTIONS FOR THE SPECIAL COURT-MARTIAL CONVENING AUTHORITY: As Special Court-Martial Convening Authority, you are the separation authority for this action. You may:

- a. Retain the respondent in the Air Force.
 - b. Direct the case be reinitiated under another paragraph, if you deem it appropriate.
 - c. Recommend the respondent be separated with an honorable discharge, with or without probation and rehabilitation, and forward the case to 11 AF/CC for action.
 - d. Direct the respondent be separated with a general discharge, with or without probation and rehabilitation.
- [REDACTED]

6. RECOMMENDATION: I have reviewed [REDACTED] discharge package and find it legally sufficient to support an involuntary discharge. The unit followed the appropriate procedures and took the appropriate measures to help [REDACTED] become a productive member of the United States Air Force. Despite all the efforts made by the squadron, [REDACTED] continued to engage in more misconduct. Therefore, I concur with the unit commander that Airman First Class [REDACTED] be separated with a general discharge, without the opportunity for probation and rehabilitation.

[REDACTED]
[REDACTED], Maj, USAF
Deputy Staff Judge Advocate

I concur.

[REDACTED]
[REDACTED], USAF
Staff Judge Advocate

Attachment:
[REDACTED] Discharge Package

[REDACTED]

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

MEMORANDUM FOR [REDACTED], 18 FS, PACAF

22 FEB 02

FROM: 18 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct - Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. 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 as follows:

a. On or about 29 Nov 99, you became delinquent in your payments to the DPP Service Center. For this infraction, your charge and check cashing privileges were suspended (Atch 1).

b. On or about 13 Jun 00, you failed to register your vehicle on base. For this infraction, you received a DD Form 1408 (Atch 2).

c. On or about 9 Sep 00, you were cited for having expired license plates on base. For this infraction, you received a Letter of Reprimand, dated 27 Sep 00 and your driving privileges were suspended for 30 days (Atch 3).

d. On or about 14 Sep 00, you failed to go to your M16 Training Class. For this infraction, you received a Letter of Reprimand, dated 28 Sep 00 (Atch 4).

e. On or about 11 Oct 00, you failed to attend a scheduled dental appointment. For this infraction, you received a Record of Individual Counseling, dated 26 Oct 00 (Atch 5).

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l. On or about 23 Jan 02, you failed to go to your duty location at the time prescribed. For this infraction, you received nonjudicial punishment, dated 4 Feb 02, and this was added to your Unfavorable Information File (Atch 12).

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 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 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 Capt [REDACTED] Area Defense Counsel, Building 3112, Room 155, Eielson AFB, Alaska, on 22 Feb 02 at 0930. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by (3 duty days) 27 Feb 02, 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 have been scheduled for a medical examination. You must report to the Physical Examination Section, 354th Medical Group, Building 3349, at 1300 on 25 Feb 02 for the examination.

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 your orderly room.

 Lt Col, USAF
Commander, 18 FS

Attachments:

1. DPP Service Ctr Memo, dtd 29 Nov 99
2. 354 SFS Memo, dtd 27 Jun 00
3. Ltr of Reprimand, dtd 27 Sep 00
4. Ltr of Reprimand, dtd 28 Sep 00
5. Record of Ind Counseling, dtd 26 Oct 00
6. Ltr of Reprimand, dtd 21 Feb 01
7. Ltr of Reprimand, dtd 29 Mar 01
8. Ltr of Reprimand, dtd 21 Jun 01
9. Ltr of Reprimand, dtd 25 Jun 01
10. Ltr of Reprimand, dtd 31 Aug 01
11. Ltr of Reprimand, dtd 27 Dec 01
12. AF Form 3070, dtd 4 Feb 02
13. Cmdr Directed Mental Eval, dtd 28 Dec 01