

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN				
[REDACTED]		AMN	[REDACTED]				
TYPE GEN	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	UOTHC	OTHER	DENY
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD			
A93.09, A92.35		A67.90		1	ORDER APPOINTING THE BOARD		
				2	APPLICATION FOR REVIEW OF DISCHARGE		
				3	LETTER OF NOTIFICATION		
HEARING DATE		CASE NUMBER		4	BRIEF OF PERSONNEL FILE		
02-12-18		FD2002-0282			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 Washington, D.C.							
Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.							
SIGNATURE OF RECORDER				SIGNATURE OF BOARD PRESIDENT			
[REDACTED]				[REDACTED]			
INDORSEMENT				DATE: 02-12-19			
TO:				FROM:			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				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			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0282

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 a Letter of Admonishment, three Letters of Reprimand (LOR), an Article 15, and vacation of suspended punishment. There were also two Memos for Record documenting misconduct. His misconduct included at least nine documented instances of failure to go to his appointed place of duty over a 9-month period of time. On some occasions member was as much as an hour late, and documents reflect he was late on average once per month. At the time of the discharge, applicant waived his right to consult counsel and to submit statements on his own behalf. Applicant now cites his desire to receive his G.I. Bill education benefits, and notes he never got into serious trouble. He also states he had applied for a hardship discharge that was denied, and that he requested to be discharged due to personal problems. The Board found nothing in the record to substantiate these claims. The Board noted that in some of his replies to disciplinary action, member agreed he had no excuse for his behavior and stated it would not happen again. He was not however motivated enough to conform to standards and his misconduct continued. The Board also noted member was diagnosed an alcohol abuser, entered into an in-patient detoxification program, and an intensive outpatient alcohol and drug abuse training program. Furthermore, he had been reclassified from the electronic warfare career field to financial management because he "didn't want to be there" and it "was hard on (him)." While understandable that members experiencing personal problems may have additional stress, applicant submitted no documentary evidence of those problems, how they were unique, or that he sought help from available agencies such as the Chaplain, Family Support Center, chain of command, or the Mental Health clinic. The Board further noted that when his misconduct occurred member was the same age as other airmen who had adhered to the standards. He was counseled 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 cited his desire to receive his G.I. Bill education benefits as justification for an upgrade. While the Board was sympathetic to the impact of the loss of these benefits on applicant, this is 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/09/28 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 75/02/15. Enlmt Age: 22 8/12. Disch Age: 25 7/12. Educ: HS DIPL. AFQT: N/A. A-76, E-68, G-64, M-78. PAFSC: 6F031 - Financial Management and Comptroller Apprentice. DAS: 99/03/18.

b. Prior Sv: (1) AFRes 97/10/24 - 98/03/24 (5 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 98/03/25 for 6 yrs. Svd: 02 Yrs 06 Mo 04 Das, all AMS.

b. Grade Status: AMN - 00/08/01 (Article 15, Vacation, 00/08/08)
A1C - 98/05/09

c. Time Lost: None.

d. Art 15's: (1) 00/08/08, Vacation, Little Rock AFB, AR - Article 86. You did, on or about 3 Aug 00, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. (No appeal) (No mitigation)

(2) 00/08/01, Little Rock AFB, AR - Article 86. You, did, on or about 6 Jul 00, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Amn, forfeiture of \$50.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: MFR, 07 JUL 00 - Late for work.
MFR, 07 JUL 00 - Late for work.
LOR, 05 JUN 00 - Late for work.
LOR, 03 APR 00 - Late for work.
LOR, 21 MAR 00 - Late for work.
LOA, 14 FEB 00 - Late for work.

f. CM: None.

g. Record of SV: 98/05/25 - 99/11/24 Little Rock AFB 3 (Initial)

(Discharged from Little Rock AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (02) Yrs (11) Mos (05) Das
TAMS: (02) Yrs (06) Mos (04) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/06/25.
(Change Discharge to Honorable)

Issue 1: I ----- requested to be discharged from the US Air Force due to family separation and my children being so far away from Little Rock AFB where I was stationed at the time. I had applied for a hardship, but did not qualify.

My new commander at 314th CPTS helped me obtain a discharge resulting in a General/Under Honorable Condition, I was a hard worker & never got into serious trouble while in the Air Force. I am requesting that my discharge be upgraded to an Honorable, so that I may be able to receive my GI Bill to help me through school and find a good job to support myself and children.

I am now starting school on July 8, 2002 for an Associates Degree in Information Technology. Please strongly consider this application for my upgrade as my future depends on this. Thanks in advance.

ATCH
None.

02/10/09/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 314TH AIRLIFT WING (AETC)
LITTLE ROCK AIR FORCE BASE, ARKANSAS

20 SEP 2000

MEMORANDUM FOR 314 AW/CC

FROM: 314 AW/JA

SUBJECT: Legal Review of Administrative Discharge: [REDACTED]
[REDACTED], 314th Comptroller Squadron

1. **LEGAL SUFFICIENCY:** I have reviewed the attached case file of [REDACTED] and pending proper medical clearance pursuant to AFI 36-3208, para 6.3, find it legally sufficient to support separating [REDACTED] for a Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline) with an Under Honorable Conditions (General) discharge without probation and rehabilitation.
2. **PROCEDURAL REQUIREMENTS:** On 18 August 2000, [REDACTED] 314 CPTS/CC, initiated action under AFPD 36-32 and AFI 36-3208 to involuntarily separate [REDACTED] for a Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline). [REDACTED] was properly notified of his rights associated with a notification discharge IAW AFPD 36-32 and AFI 36-3208. (Tabs 1 and 2.) [REDACTED] waived his right to consult with legal counsel and waived his right to submit matters on his behalf. (Tab 3.) [REDACTED] recommends separation of [REDACTED] with an Under Honorable Conditions (General) discharge without P&R. [REDACTED] is eligible for P&R according to AFI 36-3208, Chapter 7. As the Special Court-Martial Convening Authority for the installation, you are the discharge authority for the case. AFI 36-3208, para 5.56.1.1; Special Order G-012, dated 23 September 1998, HQ USAF.
3. **PERSONAL DATA:** [REDACTED] is 25 years old. He enlisted on 25 March 1998 for a term of 6 years and was assigned to 314 CPTS on 18 March 1999. He is entitled to wear the Air Force Training Ribbon. Member received one Enlisted Performance Report with the following closeout date and rating: 24 November 1999 - 3. (Tab 5)
4. **BASIS FOR ACTION:** The basis for action in the case is AFPD 36-32 and AFI 36-3208, para 5.50.2, and involves the following pattern of misconduct.
 - a. On or about 3 August 2000, [REDACTED] was derelict in the performance of his duties, in that without authority, he failed to go at the time prescribed to his appointed place of duty, to wit: building 1255.. For his actions, he received a Vacation of Suspended Nonjudicial Punishment Under Article 15, UCMJ. (Atch 1-1)

b. On 6 July 2000, ██████████ was derelict in the performance of his duties, in that without authority, he failed to go at the time prescribed to his appointed place of duty, to wit: building 1255. For his actions, he received Nonjudicial Punishment Under Article 15, UCMJ. (Atch 1-2)

c. On three occasions 21 March 2000, 3 April 2000, and 27 April 2000, ██████████ was derelict in the performance of his duties, in that without authority, fail to go at the time prescribed to his appointed place of duty, to wit: building 1255. For his actions, he received three letters of reprimands. (Atch 1-3)

d. On 14 February 2000, ██████████ was derelict in the performance of his duties, in that without authority, fail to go at the time prescribed to his appointed place of duty, to wit: building 1255. For his actions, he received a letter of admonishment. (Atch 1-4)

5. SUMMARY OF MATTERS SUBMITTED BY ██████████ None. (Tab 3)

6. SHOULD ██████████ BE DISCHARGED? Yes. Amn ██████████ should be discharged IAW AFI 36-3208, Paragraph 5.50.2, for a Pattern of Misconduct. His misconduct includes conduct of a nature that tends to disrupt order, discipline, and morale within the military community and usually involves causing dissent, disruption, and degradation of mission effectiveness. Based on Amn Perry's history of misconduct, administrative separation is warranted.

7. CHARACTERIZATION: ██████████ recommends separation of ██████████ with an Under Honorable Conditions (General) discharge. Under AFI 36-3208, para 1.18.2, if an airman's service has been honest and faithful, an Under Honorable Conditions (General) service characterization is warranted whenever significant negative aspects of the airman's conduct or duty performance outweigh the positive aspects of the airman's military record. A General discharge is appropriate in this case because of ██████████ history of misconduct.

8. PROBATION AND REHABILITATION (P&R): ██████████ is eligible for P&R under AFI 36-3208, Chapter 7. However, P&R should be offered only in cases where "there seems to be a reasonable expectation of rehabilitation." (Para 7.2.7.) In this case, ██████████ unit attempted to rehabilitate him by using the stepped approach to discipline (Vacation of Suspended Nonjudicial Punishment Under Article 15, UCMJ, and Nonjudicial Punishment Under Article 15, UCMJ). Despite the efforts of the unit, ██████████ has continued to exhibit behavior inconsistent with military service. ██████████ has failed to demonstrate a capacity to be rehabilitated and his retention would be inconsistent with good order and discipline. See AFI 36-3208, para 7.3. Therefore, as recommended by ██████████ discharge should not be suspended for P&R.

9. OPTIONS: As Separation Authority, you must determine whether the allegations are supported in fact. If you find that the allegations are not supported in fact, then you must retain [REDACTED] If you find that the allegations are supported in fact, you may:

- a. Direct his retention;
- b. Direct his separation with an Under Honorable Conditions (General) discharge with or without P&R;
- c. Recommend his separation with an Honorable discharge with or without P&R to 19 AF/CC; or,
- d. Direct reinitiating and processing the case according to AFI 36-3208, Chapter 6, Section C, if you believe that an Under Other Than Honorable Conditions (UOTHC) discharge is appropriate.

10. RECOMMENDATION: Approve [REDACTED] recommendation to separate [REDACTED] with an Under Honorable Conditions (General) discharge without P&R.

[REDACTED]
 [REDACTED] USAF
 Chief, Adverse Actions

I concur.

[REDACTED]
 [REDACTED] USAF
 Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 314TH AIRLIFT WING (AETC)
LITTLE ROCK AIR FORCE BASE, ARKANSAS

18 SEP 2000

MEMORANDUM FOR [REDACTED]

FROM: 314 CPTS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force IAW AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. If my recommendation for discharge is approved, the separation authority may characterize your service as either Honorable or Under Honorable Conditions (General). I will recommend characterizing your service as Under Honorable Conditions (General).

2. My reasons for this action are:

a. You, did at or near Little Rock Air Force Base, Arkansas, on or about 3 August 2000, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1255.. For your actions, you received a Vacation of Suspended Nonjudicial Punishment Under Article 15, UCMJ. (Atch 1-1)

b. You, did at or near Little Rock Air Force Base, Arkansas, on or about 6 July 2000, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1255. For your actions, you received Nonjudicial Punishment Under Article 15, UCMJ. (Atch 1-2)

c. You, did at or near Little Rock Air Force Base, Arkansas, on diverse occasions between on or about 21 March 2000 and on or about 27 April 2000, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1255. For your actions, you received letters of reprimands. (Atch 1-3)

d. You, did at or near Little Rock Air Force Base, Arkansas, on or about 14 February 2000, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1255. For your actions, you received a letter of admonishment. (ACTH 1-4)

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 discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

[REDACTED]

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 [redacted] Area Defense Counsel, Bldg 1255, Rm 201, Telephone 7-3260 on September 2000 at hours. 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 within (3) workdays unless you request and receive an extension for good cause shown. I will forward any statements you submit 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 Little Rock AFB Hospital at 0800 hours on 19 September 2000 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 the Orderly Room.

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

[redacted signature]
USAF
Commander

Attachments:

- 1-1 Vacation, 8 August 2000
Evidence
- 1-2 Article. 15, 1 August 2000
Member's Response, 27 July 2000
Evidence
- 1-3 Derogatory Information, 3 Letter of Reprimands
- 1-4 Derogatory Information, 1 Letter of Admonishment

[redacted]