

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTIC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53	INDEX NUMBER A67.90	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

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.

DD Form 149 submitted. The case will be forwarded to the AFBCMR for further processing.

SIGNATURE OF RECORDING OFFICER	SIGNATURE OF BOARD PRESIDENT
[REDACTED]	[REDACTED]

INDORSEMENT	DATE: 03-03-25
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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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0316

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for misconduct, conduct prejudicial to good order and discipline. He had three Articles 15, a Letter of Reprimand, and two Letters of Counseling. Member also had an Enlisted Performance Report rated an overall referral "2." Member's misconduct included failing to report to work on time, playing computer games on his government computer during duty hours when told not to and there was work to be done, making a false official statement, driving on base while under revocation, and falling asleep on post while performing duties as a sentinel. At the time of the discharge, member submitted a statement in his own behalf requesting retention to his expiration of term of service. Member now agrees the things he did while in service didn't meet military standards, but he feels he's been sufficiently "punished" and it has taught him a lesson. The Board notes that administrative separation is a separate and distinct action apart from any non-judicial proceeding or disciplinary action; it is an action that severs the military status of an individual and characterizes his service, but is not the same as punishment rendered for his misconduct. The Board further noted that when his misconduct occurred, member was the same age as other airmen who had adhered to the standards and he knew right from wrong, so he was held accountable for his actions. The Board felt member's misconduct was a serious departure from the standards expected of airmen as evidenced by the fact the reason for his discharge was "conduct prejudicial to good order and discipline." The Board could find no wrongful action by the Air Force, nor an inequity that would warrant 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/11/14 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 79/12/22. Enlmt Age: 19 8/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-43, E-24, G-33, M-23. PAFSC: 3A031 - Information Management Apprentice. DAS: 00/05/24.

b. Prior Sv: (1) AFRes 99/09/17 - 99/12/28 (3 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 99/12/29 for 4 yrs. Svd: 01 Yrs 10 Mo 16 Das, all AMS.

b. Grade Status: AB - 01/06/07 (Article 15, 01/06/07)  
 AMN - 01/04/02 (Article 15, 01/04/02)

c. Time Lost: None.

d. Art 15's: (1) 01/10/22, Moody AFB, GA - Article 113. You, on or about 2 Oct 01, being posted as a sentinel at the 41<sup>st</sup> Rescue Squadron Operations Facility, were found sleeping upon your post. Thirty days restriction and a reprimand. (No appeal) (No mitigation)

(2) 01/06/07, Moody AFB, GA - Article 92. You, having knowledge of a lawful order issued by LtCol -----, to wit: That your driving privileges on Moody AFB, GA, were revoked for one year, dated 14 Feb 01, an order which it was your duty to obey, did, on or about 18 Apr 01, fail to obey the same by wrongfully driving your privately owned vehicle on Moody AFB, GA. You, having knowledge of a lawful order issued by LtCol -----, to wit: That your driving privileges on Moody AFB, GA were revoked for one year, dated 14 Feb 01, an order which it was your duty to obey, did, on or about 20 May 01, fail to obey the same by wrongfully driving your privately owned vehicle on Moody AFB, GA. Reduction to AB, and 30 days restriction. (No appeal) (No mitigation)

(3) 01/04/02, Moody AFB, GA - Article 107. You, did, on or about 09 Feb 01, with intent to deceive, make to SrA --

-----, an official statement, to wit: "my insurance policy has been in effect since 7 Feb 01," or words to that effect, which statement was false in that your insurance policy took effect on 9 Feb 01, and was then known by you to be so false. Reduction to Amn, and 15 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOC, 01 JUN 01 - Late for duty.  
LOR, 01 MAR 01 - Dereliction of duty.  
LOC, 28 JUL 00 - Late for duty.
  - f. CM: None.
  - g. Record of SV: 99/12/29 - 01/08/28 Moody AFB 2 (Initial)REF  
(Discharged from Moody AFB)
  - h. Awards & Decs: AFTR, SAEMR.
  - i. Stmt of Sv: TMS: (02) Yrs (01) Mos (28) Das  
TAMS: (01) Yrs (10) Mos (16) Das
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/07/09.  
(Change Discharge to Honorable)

Issue 1: First thank you for the chance to do this now that I have this chance. I know the things I've done was not up to the military code of life and I have been punished for it that is why I'm asking the Board to upgrade my discharge. I know that was the over all punishment but it would not come to that it that was the last chance but I feel that was for and it taught me a lesson.

**ATCH**

- 1. DD Form 149.

02/11/06/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 347TH RESCUE WING (ACC)  
MOODY AIR FORCE BASE, GEORGIA

9 November 2001

MEMORANDUM FOR 347 RQW/CC

FROM: 347 RQW/JA

SUBJECT: Legal Review of Discharge Action: [REDACTED]  
[REDACTED] Rescue Squadron (41<sup>st</sup> RQS)

1. I have reviewed the subject discharge action and find it legally sufficient. [REDACTED] 41 RQS/CC, has recommended that [REDACTED] be involuntarily separated from the Air Force under honorable conditions (general) in accordance with AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, for a pattern of misconduct (conduct prejudicial to good order and discipline). [REDACTED] does not recommend a program of probation and rehabilitation (P&R). I concur.

2. In reviewing this action, I find that there is a legally sufficient basis to separate [REDACTED] from the Air Force with an under honorable conditions (general) discharge without P&R, as recommended.

a. Basis for discharge: AFI 36-3208, paragraph 5.50.2, states that airmen are subject to discharge for conduct prejudicial to good order and discipline. [REDACTED] misconduct includes multiple instances of failure to report to duty at the time prescribed, sleeping on post while assigned as a sentinel, disobeying a lawful command given by a superior commissioned officer, making a false official statement, and playing games on his government assigned computer during duty hours. In response to this misconduct, [REDACTED] received two Letters of Counseling, a Letter of Reprimand and three punishments pursuant to Article 15, UCMJ.

b. Should [REDACTED] be discharged? In determining whether [REDACTED] should be discharged, you may consider the nature of the offenses and the circumstances surrounding them. You must then decide whether his conduct was indeed prejudicial to good order and discipline. In my view, [REDACTED] misconduct has had an adverse effect on order and discipline within the wing. I believe the serious and repetitive nature of [REDACTED] misconduct demonstrates an unwillingness to conform to Air Force standards. Consequently, [REDACTED] should be administratively discharged.

c. Service characterization:

(1.) Honorable: AFI 36-3208, paragraph 1.18.1, states that an honorable discharge should be given when the airman's service has met Air Force standards of acceptable conduct and the member's service is so meritorious that any other characterization would be inappropriate. Due to the serious disciplinary actions taken, [REDACTED] record during this enlistment does not support an honorable discharge. Moreover, the General Court-Martial Convening Authority would have to approve such a characterization.

(2.) General: Paragraph 1.18.2 states that characterization of an airman's service as under honorable conditions (general) is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh the positive aspects of his military record. [REDACTED] military record does not indicate exceptional service. On the contrary, the [REDACTED] misconduct outweighs the positive aspects of his record. Accordingly, an under honorable conditions (general) discharge is appropriate.

d. Probation and Rehabilitation: AFI 36-3208, paragraph 7.3, states that P&R may be offered to airmen who have demonstrated a potential to serve satisfactorily, have the capacity to be rehabilitated for continued military service or completion of the current enlistment, or whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force. The commander has recommended that P&R not be offered because the squadron has already attempted to rehabilitate [REDACTED]. I concur. In an on going effort to rehabilitate [REDACTED] [REDACTED] has received two Letters of Counseling, a Letter of Reprimand and three punishments pursuant to Article 15, UCMJ. Thus, the 41<sup>st</sup> RQS has attempted to rehabilitate [REDACTED] by giving him numerous chances with no avail. Furthermore, based on [REDACTED] repeated misconduct, [REDACTED] will not become an Airman who can comport with Air Force standards; therefore he should not receive P&R.

3. Response: [REDACTED] has been in the Air Force for less than six years and is therefore not entitled to a hearing before an administrative discharge board. On 30 October 2001 [REDACTED] was informed that he was being considered for discharge and informed of his right to consult military counsel and submit statements on his own behalf. On 2 November 2001, [REDACTED] submitted a letter stating that he wants to be retained in the Air Force until his date of separation. However [REDACTED] has been given numerous opportunities to be rehabilitated, and nevertheless is still unable to conform to Air Force standards. The seriousness of his repeated misconduct has caused good order and discipline problems within the squadron. Therefore [REDACTED] request to be retained should be denied.

4. [REDACTED] s physical examination is complete and there is no medical bar to discharge.

5. As the Special Court-Martial Convening Authority, you have the following options:

- a. Retain the respondent;
  - b. Recommend to the General Court-Martial Convening Authority (9 AF/CC) that the respondent be separated with an honorable discharge with or without the opportunity for P&R;
  - c. Approve an under honorable conditions (general) discharge with or without the opportunity for P&R; or,
  - d. Direct that the unit commander reinitiate this action for processing IAW board hearing procedures if you believe that an under other than honorable conditions (UOTHC) discharge may be warranted.
6. I recommend that you direct [REDACTED] be separated under honorable conditions (general) without P&R. I also recommend that you bar [REDACTED] from Moody [REDACTED] for two years in light of the misconduct underpinning [REDACTED] discharge.

[REDACTED]



DEPARTMENT OF THE AIR FORCE

347TH RESCUE WING (ACC)  
MOODY AIR FORCE BASE, GEORGIA

30 October 2001

MEMORANDUM FOR AB [REDACTED] 41 RQS

FROM: 41 RQS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for conduct prejudicial to good order and discipline (pattern of misconduct). The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 as follows:

- a. On 28 Jul 00, you failed to report for duty on time. This was your third time being late for duty. For these offenses, you received a Letter of Counseling (LOC), dated 28 Jul 00 (Atch 1a).
- b. On 28 Feb 01, you were derelict in the performance of your duties in that you were witnessed playing a card game on your government computer during duty hours. For this offense, you received a Letter of Reprimand (LOR), dated 1 Mar 01 (Atch 1b).
- c. On 9 Feb 01, you did with the intent to deceive, make an official statement to Senior Airman [REDACTED] to wit: "My insurance policy has been in effect since 7 Feb 01", or words to that effect, which statement was totally false, and known by you to be false. For this offense you received nonjudicial punishment pursuant to Article 15, UCMJ, on 2 Apr 01. Punishment included a reduction to the grade of airman, and 15 days extra duty (Atch 1c).
- d. On 30 May 01, you failed to report for duty on time. For this offense, you received an LOC, dated 1 Jun 01, which was used to establish your Unfavorable Information File (Atch 1d).
- e. On 18 Apr 01, and 20 May 01, you failed to obey a lawful order issued by [REDACTED] to wit: Not to drive on Moody Air Force Base for one year, dated 14 Feb 01,



an order which it was your duty to obey. For these offenses you received nonjudicial punishment pursuant to Article 15, UCMJ, on 7 Jun 01 (Atch 1e). Punishment included a reduction to the grade of airman basic, and restriction to the limits of Moody Air Force Base, Georgia for 30 days.

- f. On 2 Oct 01, you, being posted as a sentinel at the 41<sup>st</sup> Rescue Squadron Operations Facility, were found sleeping upon your post. For this offense you received nonjudicial punishment pursuant to Article 15, UCMJ, on 22 Oct 01. Punishment included restriction to the limits of Moody AFB for 30 days, and a reprimand (Atch 1f).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a 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 precluded from enlistment in any component of the armed forces. Any pay special pay, bonus, or education assistance funds may be subject to recoupment.

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, in Building 5107 Austin Ellipse, Moody AFB, GA, extension (DSN) 460-3421, on **31 October 2001 at 1100 hrs**. Please take your copy of this Notification Memorandum and attachments with you to your appointment. You may consult civilian counsel at your own expense.

4. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me within **three duty days** after receipt of this notification letter unless you request and receive an extension for good cause shown. I will send them to the separation authority.

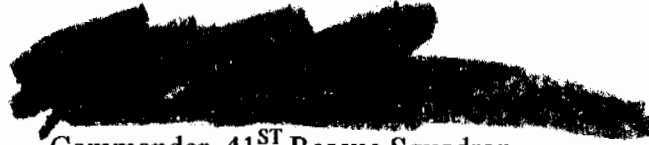
5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, Physical Exams, Building 3296, on **1 November 2001 at 0810 hrs** for the examination. **This is a mandatory appointment. Be sure to bring your medical records to this appointment.**

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 orderly room.

FD 7007-0316

8. Execute the attached acknowledgement and return it to me immediately.



Commander, 41<sup>ST</sup> Rescue Squadron

Attachments:

1. Supporting Documents, Reasons for Discharge
  - a. LOC, 28 Jul 00
  - b. LOR, 1 Mar 01
  - c. AF Form 3070, 2 Apr 01 (w/atch)
  - d. LOC\UIF, 1 Jun 01
  - e. AF Form 3070, 7 Jun 01 (w/atch)
  - f. AF Form 3070, 22 Oct 01 (w/atch)
2. Receipt of Notification Memorandum