

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.10</b>	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE <b>9 Jan 03</b>	CASE NUMBER <b>FD2002-0319</b>	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 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 
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INDORSEMENT	DATE: <b>9 Jan 03</b>
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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

FD02-0319

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable, change the Reason for discharge, and change his RE Code.

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

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

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

The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

**ISSUE:** Applicant contends that his discharge was improper because paperwork in his file was outdated and not removed. He also states that he has had a chance to grow up, mature and that he has learned his lessons. The record indicates the applicant received an Article 15 for failure to go. He also received three Letters of Reprimand for being late for work (twice) and failure to adhere to a 24-hour quarters order. In addition, he received four Letters of Counseling and a Memorandum For Record for dereliction of duty (three times), missing his cycle ergometry test, failure to shine his shoes, being late for an appointment and failure to shave. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the discharge.

**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 01/10/18 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch, Change Reentry Code and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 81/12/15. Enlmt Age: 17 0/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-85, E-80, G-80, M-63. PAFSC: 3P031 - Security Forces Apprentice. DAS: 99/11/20.

b. Prior Sv: (1) AFRes 98/12/19 - 99/06/29 (6 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 99/06/30 for 6 yrs. Svd: 02 Yrs 03 Mo 19 Das, all AMS.

b. Grade Status: AMN - 01/05/25 (Article 15, 01/05/25)  
A1C - 99/08/13

c. Time Lost: None.

d. Art 15's: (1) 01/05/25, Columbus AFB, MS - Article 86. You did, on or about 24 Apr 01, without authority, failed to go at the time prescribed to your appointed place of duty. Reduction to Amn. (No appeal) (No mitigation)

e. Additional: MFR, 23 JUL 01 - Dereliction of duty.  
LOR, 04 APR 01 - Late for duty.  
LOR, 29 DEC 00 - Failed to adhere to 24 hour quarters authorization.  
LOR, 13 FEB 01 - Late for work.  
LOC, 12 MAY 00 - Late for appointment and failure to shave.  
LOC, 26 APR 00 - Failure to shine shoes.  
LOC, 17 MAR 00 - Dereliction of duty.  
LOC, 19 DEC 99 - Dereliction of duty and missing cycle ergometry test.

f. CM: None.

g. Record of SV: 99/06/30 - 01/01/15 Columbus AFB 3 (HAF Dir)

(Discharged from Columbus AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (02) Yrs (10) Mos (00) Das  
TAMS: (02) Yrs (03) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/05/17.  
(Upgrade Discharge to Honorable, Change Reentry Code and Reason for Discharge)

Issue 1: My discharge was improper because the paperwork reviewed in my file was outdated and not removed, as by usual procedure. The paperwork in my file file (sic) should have been removed after a period of time; however it was never removed. Upon discharge review the descision (sic) was made on poor records keeping and outdated minor disciplinary infractions. When I brought this issue to the attention with my first sergeant he told me that there was nothing to be done about the poor records keeping. i (sic) firmly believe that had the outdated paperwork been removed as it were supposed to have been that my discharge proceeding would have ended differently. Now I have had more of a chance to grow up, mature, and learned my lessons. I wish to once again proudly serve my country. I firmly believe that every young man and woman should experience the pride and honor you recieve (sic) from serving your country. I wish to regain and continue those feelings now that I have had a chance to utilize hindsight and see where I was wrong. I believe I can contribute more to my country by joining the military again. In order to achieve this I must have my discharge upgraded. I thank you for your time and this opportunity to serve my country again.

**ATCH**  
None.

02/11/12/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0319

MEMORANDUM FOR 14 FTW/CC

7 Aug 01

FROM: 14 FTW/JA

SUBJECT: Legal Review of Administrative Discharge - [REDACTED]  
[REDACTED] (14 SFS)

1. **Overview:** On 30 Jul 01, 14 SFS/CC initiated discharge action against [REDACTED] (the respondent) for Minor Disciplinary Infractions in accordance with AFPD 36-32, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, Misconduct, Paragraph 5.49, Minor Disciplinary Infractions. After consulting with his defense counsel, the respondent submitted a written statement for your consideration. 14 SFS/CC recommends you separate the respondent with a general discharge without probation and rehabilitation (P&R). After review, I concur.

2. **Personal History:** The respondent is 19 years old and is married. He enlisted in the Air Force for a 6-year term on 30 Jun 99. He arrived at Columbus AFB on 20 Nov 99. He has received one performance report with an overall rating of 3.

3. **Facts:** The salient facts from the respondent's file are as follows:

a. On 16 Dec 99, the respondent missed his cycle ergometry test and on 19 Dec 99, the respondent failed to report to work on time. As a result, he received a Letter of Counseling (LOC), dated 19 Dec 99.

b. On 17 Mar 00, the respondent was derelict in the performance of his duties in that he failed to be attentive to his post. For this, he was given an LOC, dated 17 Mar 00.

c. On 26 Apr 00, the respondent failed to properly shine his boots for which he was given an LOC.

d. On 12 May 00, the respondent failed to report to an appointment on time and upon arriving at that appointment, he was not properly shaven. As a result, he was given an LOC, dated 12 May 00.

e. On 28 Dec 00, the respondent failed to adhere to a 24 hour quarters authorization. For this, he received a Letter of Reprimand (LOR), dated 29 Dec 00.

f. On 13 Feb 01, the respondent failed to report to work on time for which he was given an LOR.

g. On 23 Mar 01, the respondent failed to report to work on time. As a result, he received an LOR, dated 4 Apr 01.

h. On 24 Apr 01, the respondent failed to report to work at the appointed time. For this, he was given nonjudicial punishment under Article 15, UCMJ on 25 May 01. His punishment consisted of a reduction in grade to airman.

**4. Matters Submitted by the Respondent:** The respondent has submitted a statement for your consideration, as well as two letters of support. (See Atch 3).

a. In his statement, the respondent expresses a desire to be retained in the Air Force. He acknowledges that he has made mistakes during the course of his military service but indicates that he has learned from those mistakes. The respondent goes on to say that if he were given a second chance, he would be a successful member of the Air Force team. He touches on hardships he experienced while growing up, which led him to join the Air Force. The respondent credits his service at Columbus Air Force Base with his being able to meet and marry his current wife. He conveys gratitude for being able to serve in the Air Force, even if retention is not granted.

b. In addition to his own statement, the respondent has submitted memoranda from two fellow members of the Security Forces Squadron. (See Atch 3). The statements basically express the same sentiment. They indicate that respondent is a person of great character and is a valuable asset to the Air Force team. They also speak of the respondent's appreciation for the Air Force and his dedication to service. Though they acknowledge the fact that the respondent has made some mistakes, both statements express a desire for retention on his behalf.

**5. Discussion:**

a. *Legal Sufficiency:*

(1) Airmen are subject to discharge for minor disciplinary infractions when there is at least a preponderance of the evidence they violated non-punitive regulations or committed minor offenses (AFI 36-3208, paragraphs 5.49 and 6.12.1). Minor disciplinary infractions may involve informal counselings, formal counselings, letters of reprimand, or nonjudicial punishment under Article 15 (AFI 36-3208, paragraph 5.49).

(2) The evidence in this case clearly shows a series of violations of non-punitive regulations and minor offenses. These violations and offenses were documented as informal counselings, formal counselings, letters of reprimand, and one Article 15. On at least 8 occasions in a little less than two years of service, the respondent violated Air Force standards. Since arriving at Columbus AFB in Nov 99, he has been derelict in the performance of his duties by failing to report to work on time, and failing to be attentive to his post. The respondent also failed to adhere to acceptable Air Force standards of dress and appearance by failing to properly shave and failing to properly shine his boots.

(3) In summary, the evidence is more than sufficient to support this discharge action.

b. *Characterization of Service*: Separation for minor disciplinary infractions may result in an honorable, general, or under other than honorable conditions (UOTHC) discharge.

(1) A honorable discharge is warranted when the quality of the airman's service generally has met Air Force standards of acceptable conduct and performance of duty, or when a member's service is otherwise so meritorious that any other characterization would be inappropriate. (AFI 36-3208, paragraph 1.18.1)

(2) A general discharge is appropriate when a member's service has been honest and faithful, but significant negative aspects of the member's service outweigh the positive aspects (AFI 36-3208, paragraph 1.18.2).

(3) A UOTHC discharge is appropriate when the member's service is a significant departure from the conduct expected of airmen (AFI 36-3208, paragraph 1.18.3). Under this type of characterization, the member must be given an opportunity for a hearing by an administrative discharge board or request discharge in lieu of trial by court-martial.

14 SFS/CC is recommending a general discharge. I concur. Here, the numerous infractions committed by the respondent qualify as significant negative aspects of the respondent's career outweighing the positive aspects. Accordingly, a general discharge is appropriate.

c. *Probation and Rehabilitation (P&R)*: After making several attempts to turn the respondent around, his commander is now convinced that Probation and Rehabilitation would be inappropriate, I agree. Prompt and immediate discharge is appropriate in this case.

6. **Commander's Options**: As the separation authority you may:

- a. Direct the respondent be retained;
- b. Direct the respondent be discharged with a general discharge, with or without the opportunity for P&R;
- c. Recommend the respondent be discharged with an honorable discharge and forward this package with your justification to HQ 19 AF/CC for approval; or
- d. Forward this case to a discharge board if you believe a UOTHC is appropriate.

7. **Recommendation**: That you direct the respondent be separated from the Air Force with a general discharge without P&R.

 USAF

Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0319

130 JUL 2001

MEMORANDUM FOR [REDACTED]

FROM: 14 SFS/CC

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, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, Misconduct, Paragraph 5.49, Minor Disciplinary Infractions. 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:

a. On 19 Dec 99, you failed to report to work on time and on 16 Dec 99, you missed your cycle ergometry test for which you received a Letter of Counseling, dated 19 Dec 99. (Atch 1)

b. On 17 Mar 00, you were derelict in the performance of your duties in that you failed to be attentive to your post for which you received a Letter of Counseling, dated 17 Mar 00. (Atch 2)

c. On 26 Apr 00, you failed to properly shine your boots for which you received a Letter of Counseling, dated 26 Apr 00. (Atch 3)

d. On 12 May 00, you failed to report to an appointment on time and upon arriving at that appointment you were not properly shaven for which you received a Letter of Counseling, dated 12 May 00. (Atch 4)

e. On 28 Dec 00, you failed to adhere to your 24 hour quarters authorization. As a result, you received a Letter of Reprimand (LOR), dated 29 Dec 00. (Atch 5)

f. On 13 Feb 01, you failed to report to work on time for which you received an LOR, dated 13 Feb 01. (Atch 6)

g. On 23 Mar 01, you failed to report to work on time for which you received and LOR, dated 4 Apr 01. (Atch 7)

h. On 24 Apr 01, you failed to report to work at the appointed time for which you received nonjudicial punishment under Article 15, UCMJ, on 25 May 01. Your punishment consisted of a reduction in grade to airman. (Atch 8)



i. On 20 Jul 01, you were on post guarding the F-117, Stealth Fighter, but had to be relieved of those duties because of dereliction. You were found to be on a bathroom break without having called for a relief patrol. (Atch 9)

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 a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your discharge 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. Please consult the Area Defense Counsel (████████████████████) at Keesler AFB at DSN 597-2429 or (228) 377-2429. 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 COB 2 AUGUST 01 (three workdays from your receipt of this notification memorandum) 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 Columbus AFB Clinic, Physical Exam Section at 1100 on 1 Aug 01 for the examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in your unit orderly room.

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

████████████████████  
████████████████████  
████████████████████ USAF  
Commander, 14 SFS

10 Attachments:

1. Letter of Counseling, dated 19 Dec 99
2. Letter of Counseling, dated 17 Mar 00
3. Letter of Counseling, dated 26 Apr 00
4. Letter of Counseling, dated 12 May 00

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5. Letter of Reprimand, dated 29 Dec 00
6. Letter of Reprimand, dated 13 Feb 01
7. Letter of Reprimand, dated 4 Apr 01
8. AF Form 3070, dated 25 May 01
9. Memo For Record, dated 23 Jul 01
10. Airman's Receipt of Notification Memorandum