

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN						
[REDACTED]		A1C	[REDACTED]						
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW						
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		YES	NO		X	ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO								
	X								
MEMBERS SITTING		VOTE OF THE BOARD							
		HON	GEN	UOTHC	OTHER	DENY			
		X*							
		X*							
		X*							
		X*							
ISSUES A94.06		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD					
HEARING DATE 9 Jan 03		CASE NUMBER FD2002-0326		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					
				TAPES 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. Change Reason and Authority to Secretarial Authority, SPD Code 3K.									
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT						
[REDACTED]			[REDACTED]						
INDORSEMENT					DATE: 9 Jan 03				
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

FD02-0326

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

The applicant was offered a personal appearance before the Discharge Review Board 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: The discharge is upgraded to Honorable, and the Reason for discharge is changed to Secretarial Authority. Also, the RE Code is changed to 3K.

ISSUE: The applicant does not contest his discharge. He would like to reenter the military after he graduates from aircraft maintenance school. The records indicated the applicant received a General discharge for Misconduct – Minor Disciplinary Infractions. He received three Letters of Reprimand and two Reports of Individual Counseling for failure to go and failing a room inspection. After a thorough and complete consideration of the information submitted by the applicant, the applicant's compelling personal reasons, 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 applicant's reenlistment 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 and that the applicant was provided full administrative due process.

However, in view of the foregoing findings, the board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority. The applicant's characterization and reason for discharge should be changed to Honorable and Secretarial Authority under the provisions of Title 10, USC 1553. Applicants RE Code should be changed to 3K.

Attachment:
Examiner's Brief

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

[REDACTED]
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/04/05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, Change of Reentry Code and Reason for Discharge).

2. **BACKGROUND:**

a. DOB: 82/12/27. Enlmt Age: 17 3/12. Disch Age: 18 3/12. Educ: HS DIPL. AFQT: N/A. A-79, E-83, G-86, M-78. PAFSC: 2A511B - Aerospace Maintenance Helper. DAS: 00/07/10.

b. Prior Sv: (1) AFRes 00/03/31 - 00/05/24 (1 Month 24 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 00/05/25 for 6 yrs. Svd: 0 Yrs 10 Mos 11 Das, of which AMS is 0 Yrs 10 Mos 6 Das (Ex. 5 Das lost time).

b. Grade Status: A1C - 00/11/24

c. Time Lost: 00/11/02 - 00/11/06 (5 Days).

d. Art 15's: None.

e. Additional: LOR, 16 FEB 01 - Failure to go on three occasions.
LOR, 16 FEB 01 - Failure to go on two occasions.
LOR, 06 DEC 00 - Failed room inspection.
RIC, 25 OCT 00 - Failure to go.
RIC, 12 OCT 00 - Failure to go.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (0) Mos (0) Das
TAMS: (0) Yrs (10) Mos (6) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/07/27.

(Upgrade Discharge to Honorable, Change Reentry Code and Reason for Discharge)

Issue 1: I would like my discharge changed and/or recieve (sic) a waiver so that I may have the option to return to the USAF after graduation at -----
College of Aviation Specialty: Aircraft Maintenance

ATCH

1. Applicant's Letter
2. DD Form 214
3. Certificate of Death

02/11/12/cr



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

2 Apr 01

MEMORANDUM FOR 82 TRG/CC

FROM: 82 TRW/JAC

SUBJECT: Legal Review, Recommendation for Discharge [REDACTED]
362 TRS

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 21 Mar 01, 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 2 Feb 01, on or about 5 Feb 01, and on or about 6 Feb 01, fail to go to his appointed place of duty at the prescribed time, to wit: Bldg 1080. For this misconduct, he received a Letter of Reprimand (LOR) on 16 Feb 01.
 - b. The respondent did, at or near Sheppard AFB TX, on or about 29 Jan 01, on or about 1 Feb 01, and on or about 7 Feb 01, fail to go to his appointed place of duty at the prescribed time, to wit: detail roll call and his mandatory Mental Health appointment. For this misconduct, he received an LOR on 16 Feb 01.
 - c. The respondent did, at or near Sheppard AFB TX, on or about 29 Nov 00, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 2.1.3, dated 15 Oct 97, by failing to keep his dormitory room in inspection order at all times. For this misconduct, he received an LOR on 6 Dec 00.
 - d. The respondent did, at or near Sheppard AFB TX, on or about 6 Oct 00, fail to go to his appointed place of duty at the prescribed time, to wit: Mandatory Anthrax briefing. For this misconduct, he received an AF Form 174, Record of Individual Counseling, on 25 Oct 00.
 - e. The respondent did, at or near Sheppard AFB TX, on or about 25 Sep 00, on or about 27 Sep 00, and on or about 28 Sep 00, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 2.1.13, dated 15 Oct 97, by failing to show up for Physical Conditioning. For this misconduct, he received an AF Form 174 on 12 Oct 00.

This communication is privileged as attorney work product and/or attorney-client communication or is protected by another privilege recognized under the law. Do not distribute, forward, or release without the prior approval of the sender or of 82 TRW/JA.

4. Additional Information. The respondent is 18 years old, began his present enlistment on 25 May 00, and was assigned to his unit on 10 Jul 00. His ASVAB scores are as follows: A - 79, E - 83, G - 86, and M - 78. The respondent is entitled to wear the Air Force Training Ribbon. He has waived his right to consult with counsel and has waived his right to submit statements for review.

5. We note no administrative errors 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 6-7186.

[REDACTED]

Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

21 Mar 2001

MEMORANDUM FOR [REDACTED] 362 TRS

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 2 Feb 01, on or about 5 Feb 01, and on or about 6 Feb 01, fail to go to your appointed place of duty at the prescribed time, to wit: Bldg 1080. For this misconduct you received a Letter of Reprimand (LOR) on 16 Feb 01.

b. You did, at or near Sheppard AFB TX, on or about 29 Jan 01, on or about 1 Feb 01, and on or about 7 Feb 01, fail to go to your appointed place of duty at the prescribed time, to wit: detail roll call and your mandatory mental Health appointment. For this misconduct you received an LOR on 16 Feb 01.

c. You did, at or near Sheppard AFB TX, on or about 29 Nov 00, violate a lawful general instruction, to wit: Sheppard AFB Instruction, 36-2902 dated 15 Oct 97, paragraph 2.1.3, by failing to keep your dormitory room in inspection order at all times. For this misconduct you received an LOR on 6 Dec 00.

d. You did, at or near Sheppard AFB TX, on or about 6 Oct 00, fail to go to your appointed place of duty at the prescribed time, to wit: mandatory anthrax briefing. For this misconduct you received an AF Form 174, Record of Individual Counseling, on 25 Oct 00.

e. You did, at or near Sheppard AFB TX, on or about 25 Sep 00, on or about 27 Sep 00, and on or about 28 Sep 00, violate a lawful general instruction, to wit: Sheppard AFB Instruction, 36-2902, dated 15 Oct 97, paragraph 2.1.13, by failing to show up for Physical Conditioning. For this misconduct you received an AF Form 174 on 12 Oct 00.

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 23 Mar 01 at 0900 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 22 Mar 01, 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 22 Mar 01 at 0915 hrs.

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.



Attachments:

1. LOR, 16 Feb 01
2. LOR, 16 Feb 01
3. LOR, 6 Dec 00
4. AF Form 174, 25 Oct 00
5. AF Form 174, 12 Oct 00
6. AF Form 2098, 13 Nov 00
7. AF Form 2098, 13 Nov 00
8. OF Form 275, 18 Jan 01
9. AETC Form 125A, 19 Mar 2001
10. Student Training Report, CL NR 01022
11. Lackland AFB Form 205, 5 Jul 00
12. Airman's Receipt of Notification Memorandum [REDACTED]

cc:

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