










AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE A1C	AFSN/SSAN 		
TYPE	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
					X
					X
					X
					X
					X
ISSUES A94.05		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD	
HEARING DATE 7 JAN 03		CASE NUMBER FD2002-0329		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 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 		
INDORSEMENT				DATE: 7 JAN 03	
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		

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

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 does not contest his discharge. He merely states that he did not have a great enlistment and his short career was plagued with negativity and bad decisions. He now believes his life has changed a great deal since all of the negativity and he is now married and has a son. The record indicates the applicant received two Article 15's. The first one for consuming alcohol while underage, wrongfully possessing a military identification card and then wrongfully disposing of that card by cutting it up and putting it in a dumpster. The second one for disobeying a lawful order to not drive his vehicle anywhere on Eglin AFB for two years. In addition, he also received three Letters of Reprimand for failure to go, failure to turn in a volume of his CDCs, and receiving a speeding ticket while driving on a suspended license. The Board opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. 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

(Former A1C) (HGH A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/08/10 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 79/02/13. Enlmt Age: 19 3/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-36, E-41, G-42, M-44. PAFSC: 3E231 - Pavements & Construction Equipment Apprentice. DAS: 99/01/01.

b. Prior Sv: (1) AFRes 98/06/09 - 98/07/07 (29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 98/07/08 for 4 yrs. Svd: 03 Yrs 01 Mo 03 Das, all AMS.

b. Grade Status: A1C - 01/01/26
AMN - 99/01/08

c. Time Lost: None.

d. Art 15's: (1) 01/07/02, Eglin AFB, FL - Article 92. You, having knowledge of a lawful written order issued by Colonel - -----, to wit: not to drive your privately owned vehicle anywhere on Eglin AFB, Florida, or any other military installation for two(2) years from 7 Oct 99, an order which it was your duty to obey, did, on or about 27 May 01, fail to obey the same by wrongfully driving your privately owned vehicle on Eglin AFB, Florida. Suspended reduction to Amn, forfeiture of \$150.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

(2) 99/11/18, Eglin AFB, Florida - Article 92. You, who knew of your duties between on or about 23 Apr 99 and on or about 1 Sep 99, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while underage, as it was your duty to do. Article 134. You did, between on or about 23 Apr 99 and on or about 25 May 99, wrongfully possess a military identification card, then well knowing the same to be false. You did, between on or about 23 Apr 99, and on or about 25 May 99, wrongfully dispose of by cutting up and putting in a dumpster a military

identification card, then knowing the same to be false. Suspended reduction to AB, forfeiture of \$250.00 pay per month for 2 months. (No appeal) (No mitigation)

- e. Additional: LOR, 14 MAR 00 - Failure to go.
LOR, 18 JAN 00 - Failure to turn in first volume of CDCs.
LOR, 27 OCT 99 - Traffic violation.

f. CM: None.

- g. Record of SV: 98/07/08 - 00/03/07 Eglin AFB 2 (Initial)REF
00/03/08 - 01/01/26 Eglin AFB 3 (Cmdr Dir)

(Discharged from Eglin AFB)

h. Awards & Decs: AFTR.

- i. Stmt of Sv: TMS: (03) Yrs (02) Mos (02) Das
TAMS: (03) Yrs (01) Mos (03) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/07/28.
(Change Discharge to Honorable)

Issue 1: I must be very honest; I did not have a great enlistment in the United States Air Force. My short career was plagued with negativity and bad decisions. However, my life has changed a great deal since all of the negativity. I am now married and have a son. My focus is different and so is my attitude. I am currently pursuing an Associate's (sic) Degree at a local college.

During my time in the military, I did have some bright moments. My accomplishments included the Best Operator Award at the Regional Equipment Operators Training School in Pennsylvania in 1999. The award came in conjunction with a grade of 99, the highest grade in the class. I have also received numerous sports awards for basketball including participation on the 1999 AFMC Championship team, a 2001 AFMC All-Star selection, and an opportunity to try out for the All-Air Force Team.

I know that the man I am now could be a great contributor to the United States Air Force. I ask you to please consider upgrading my discharge to Honorable. I would like to serve my country as a member of the United States Air Force Reserves. Thank you for your time and favorable consideration in this matter.

ATCH

1. Memorandum For Discharge Review Board.
2. Four Character References.
3. DD Form 214 (Member 4).

02/11/13/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR ARMAMENT CENTER (AFMC)
EGLIN AIR FORCE BASE, FLORIDA

FD 2002-0329

AUG 07 2001

MEMORANDUM FOR 96 ABW [REDACTED]

FROM: AAC/JA

SUBJECT: Legal Review, AFI 36-3208 Administrative Discharge, [REDACTED]
[REDACTED], 796 CES (AFMC)

1. **LEGAL SUFFICIENCY:** I have reviewed the attached discharge package of [REDACTED] (respondent) and find it legally sufficient to support an administrative discharge action for misconduct, specifically minor disciplinary infractions, under AFI 36-3208, chapter 5, section H, paragraph 5.49.

2. **INITIATION OF ACTION:** On 23 Jul 01, [REDACTED] 796 CES/CC, notified the respondent that he was recommending the respondent be administratively discharged for minor disciplinary infractions under AFI 36-3208, chapter 5, section H, paragraph 5.49. [REDACTED] recommends that the respondent receive a general discharge without probation and rehabilitation (P&R). The respondent is not entitled to an administrative discharge board.

3. **EVIDENCE CONSIDERED FOR THE GOVERNMENT:** The respondent has served in the Air Force since 8 Jul 98 and arrived at Eglin AFB on 1 Jan 99. Since that time, the respondent has amassed the following administrative actions: On 15 Sep 99 the respondent received a speeding ticket on Eglin Air Force Base, Florida while driving on a suspended license. For this incident, the respondent received a Letter of Reprimand dated 27 Oct 99. Between on or about 23 Apr 99 and on or about 1 Sep 99, the respondent consumed alcohol while underage. Also, between on or about 23 Apr 99 and on or about 25 May 99, the respondent possessed an altered military identification card which he later cut up and disposed of in a dumpster. For these incidents, the respondent received an Article 15, dated 18 Nov 99. On 14 Jan 00, the respondent failed to turn in his first volume of set B of his CDCs to his supervisor, which he knew was due. For this incident, the respondent received a Letter of Reprimand, dated 18 Jan 00. On 10 Mar 00, the respondent failed to report to mandatory shop physical training and did not report to his duty section on time. The respondent, when he was finally located in his dorm room, lied and said he was on quarters when he was not. For these incidents, the respondent received a Letter of Reprimand, dated 14 Mar 00. On or about 27 May 01, the respondent was found driving his POV on Eglin Air Force Base, Florida, while knowing that his base driving privileges had been suspended on 7 Oct 99 for a period of 2 years. For this incident, the respondent received an Article 15, dated 2 Jul 01. Copies of the supporting documents are attached to the notification memorandum (Tab 1).

4. **EVIDENCE CONSIDERED FOR THE RESPONDENT:** The respondent was advised of his rights to counsel and to submit statements for your consideration. After consulting counsel, the respondent submitted a statement for your consideration (Tab 3). In his statement, the respondent requests probation and rehabilitation. In the alternative, if discharge is approved, he requests an honorable service characterization. He disputes the validity of two of the letters of reprimand. He says that his CDCs were not due on 14 Jan 00 and that he had a medical excuse for missing physical training and reporting late for duty on 10 Mar 00. Furthermore, he asks that you review his response to the

Article 15 dated 2 Jul 01. He describes the offenses associated with his suspended driver's license and revoked base driving privileges as injustice.

5. DISCUSSION:

a. Separation Criteria: As stated above, this file is legally sufficient to support a discharge action pursuant to AFD 36-22 and AFI 36-3208, chapter 5, section H, paragraph 5.49. Pursuant to this paragraph, an airman may be administratively discharged if he has engaged in a pattern of misconduct consisting solely of minor disciplinary infractions. Minor disciplinary infractions would include failure to comply with nonpunitive regulations or minor offenses under the UCMJ and usually result in informal or formal counselings, letters of reprimand, or Article 15 nonjudicial punishments. In this case, [REDACTED] has engaged in numerous instances of minor offenses under the UCMJ and has received three Letters of Reprimand and two Article 15s. [REDACTED] was given an opportunity to respond to each action taken against him. The commander reviewed each response submitted and found that [REDACTED] committed the offenses alleged in the letters of reprimand and the Article 15s. There is ample evidence of misconduct in [REDACTED] file to warrant this discharge action.

b. Characterization of Discharge: Discharge under paragraph 5.49 can be described as under other than honorable conditions (UOTHC), general, or honorable. Only the General Court-Martial Convening Authority can approve a UOTHC or honorable service characterization for misconduct. A UOTHC discharge is appropriate when there has been a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of airmen. A general discharge is warranted when an airman's service has been honest and faithful, but significant negative aspects of the airman's performance of duty outweigh positive aspects of the airman's military record. An honorable discharge would be appropriate when the member's service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service has been so meritorious that any other characterization would be clearly inappropriate.

c. Recommended Characterization of Discharge: If discharge is approved, the respondent requests an honorable discharge so he can get his Montgomery GI Bill and some of his VA benefits. The Montgomery GI Bill requires an honorable discharge. VA benefits remain virtually the same with an honorable or general discharge characterization. Both the GI Bill and VA benefits are a benefit that members receive for meritorious service. [REDACTED] has not had meritorious service and he should not receive a discharge characterization of honorable just so he can get the GI Bill. Instead, the discharge characterization should reflect the quality of his service. An honorable discharge would be inappropriate as it would, for all intents and purposes, excuse [REDACTED] misconduct. However, considering [REDACTED] rank, age, and length of service, I do not recommend that he receive a UOTHC, which is the worst type of administrative discharge authorized. Without a doubt, [REDACTED] misconduct is a significant negative aspect of his duty performance that outweighs any positive aspects of his military record. Therefore, I concur with [REDACTED] recommendation that [REDACTED] receive a general discharge.

d. Probation & Rehabilitation (P&R): The respondent is eligible for P&R under AFI 36-3208, Chapter 7. P&R is limited to deserving cases, including those where the airman has demonstrated a potential to serve satisfactorily, has the capacity to be rehabilitated for continued military service or for 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. However, I do not believe [REDACTED] is a good candidate for P&R. Instead of accepting responsibility for his misconduct, [REDACTED] is trying to explain why he should be excused for violating Air Force rules and standards. [REDACTED] has demonstrated either an inability or unwillingness to comply with Air Force rules and standards. [REDACTED] does not think [REDACTED] is an appropriate candidate for P&R. Based on his service record and his inability to accept responsibility for his misconduct, I agree.

6. OPTIONS: As the Special Court-Martial Convening Authority in this case, you have the following options:

- a. Disapprove the discharge action and retain the respondent;
- b. Approve the discharge action and separate the respondent with a general discharge, with or without P&R;
- c. Return the file to the unit with a recommendation to reinitiate the case with a recommendation for a UOTHC discharge; or
- d. Forward to the General Court-Martial Convening Authority the respondent's case file, along with your recommendation that the respondent receive an honorable discharge, with or without P&R.

7. RECOMMENDATION: For the reasons set forth above, I recommend the respondent be discharged from the United States Air Force under AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.49, with a general discharge, without P&R.

[REDACTED]

Chief, Adverse Actions

I have reviewed the attached discharge package and the foregoing recommendation. I concur in the recommendation.

[REDACTED]

Assistant Staff Judge Advocate

Attachment:
Case File [REDACTED]



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 96TH AIR BASE WING (AFMC)
EGLIN AIR FORCE BASE, FLORIDA

FD2002-0329

MEMORANDUM FOR [REDACTED] 796 CES (AFMC)

FROM: 796 CES/CC

JUL 23 2001

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 15 Sep 99, you received a speeding ticket on Eglin Air Force Base, Florida, and were also found to be driving on a suspended license. For this incident, you received a Letter of Reprimand, dated 27 Oct 99.

b. Between on or about 23 Apr 99 and on or about 1 Sep 99, you were derelict in the performance of your duties in that you willfully failed to refrain from consuming alcohol while underage, as it was your duty to do. Also, between on or about 23 Apr 99 and on or about 25 May 99, you wrongfully and knowingly possessed a false military identification card. Finally, between on or about 23 Apr 99 and on or about 25 May 99, you wrongfully disposed of the false military identification card by cutting it up and putting it in a dumpster. For these incidents, you received an Article 15, dated 18 Nov 99.

c. On 14 Jan 00, you failed to turn in the completed first volume of set B of your CDCs to your supervisor, which you knew was due. For this incident, you received a Letter of Reprimand, dated 18 Jan 00.

d. On 10 Mar 00, you failed to report to mandatory shop physical training and failed to report to your duty section on time. When you were finally contacted, you lied about being placed on quarters. For these incidents, you received a Letter of Reprimand, dated 14 Mar 00.

e. On or about 27 May 01, you, having knowledge of a lawful order issued by [REDACTED] to wit: not to drive your privately owned vehicle anywhere on Eglin Air Force Base, Florida, or any other military installation for 2 years from 7 Oct 99, failed to obey the same by driving your privately owned vehicle on Eglin Air Force Base. For this incident, you received an Article 15, dated 2 Jul 01.

3. Copies of the documents to be forwarded to the separation authority in support of this

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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. Special pay, bonuses, 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 [REDACTED] building 451, 882-4185, on **24 Jul 01**, at **1030 hours**. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within **3 workdays** from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination with the 96th Medical Group, physical examination section, on 25 Jul 01 at 0915 hours.

8. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on **24 Jul 01**, at **1400 hours**.

9. **Immediately after** completion of your 96th Mission Support Squadron separations section briefing, report to the 96th Traffic Management Office with your completed AFDTC Form 4134 or LGTT Office Form B133. If you have a TMO pickup, it must be before ~~XX:XX:XX~~
30 Jul 01

10. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on **24 Jul 01**, at **0800 hours**.

11. 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 unit orderly room.

[REDACTED]
Commander, 796 CES

Attachments:

1. Supporting Documents
 - 1a. LOR, dated 27 Oct 99
 - 1b. Art 15, dated 18 Nov 99
 - 1c. LOR, dated 18 Jan 00
 - 1d. LOR, dated 14 Mar 00
 - 1e. Art 15, dated 2 Jul 01
2. Airman's Acknowledgment