

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

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

ISSUES A93.01, A94.05	INDEX NUMBER A67.10	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 RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.

REMARKS

Case heard at Andrews AFB, MD

Advise applicant of the decision of the Board and his right to appeal to the Board for Correction of Military Records.

[REDACTED]	SIGNATURE OF BOARD PRESIDENT
[REDACTED]	[REDACTED]

INDORSEMENT	DATE: 11 APR 03
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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 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0347

GENERAL: The applicant appeals for upgrade of discharge to Honorable and for a change in the Reason and Authority for Discharge and to the RE Code.

The applicant's case was considered by the Discharge Review Board (DRB), at Andrews AFB MD, on 9 April, 2003. The applicant did not appear despite having an appointment for a personal appearance.

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

FINDINGS: The DRB denies the requested relief.

The DRB finds that the evidence of record and that provided by the applicant does not substantiate an inequity or an impropriety that would justify an upgrade of the discharge.

ISSUES: The applicant was discharged with a General service characterization from the Air Force for minor disciplinary infractions. He had an Article 15 for driving while intoxicated, drinking underage, and failure to obey a superior commissioned officer. He also received three letters of reprimand, two of which concerned failure to go for being late to work, and the other concerned damaging military property and dereliction of duty for failing to report the damage. He then received a second Article 15 for dereliction of duty connected to his unauthorized personal use of his government credit card. There was also information in the file that suggested the member was involved in stalking a young female airman. However, no disciplinary action appears to have been taken for this behavior.

The member did not have any specific issues, but simply requested a review to provide him with, in effect, a second chance to return to the Air Force and serve his country.

CONCLUSIONS: The Discharge Review Board (DRB) concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was not an abuse of discretion of the discharge authority. As a procedural matter, there appeared to be no errors or irregularities associated with the processing of his case. Nor is there any problem with the disciplinary responses to his instances of misconduct. They were measured and appropriate. Indeed, the DRB was troubled by the number of infractions and the seriousness of the misconduct, particularly the DWI and the misuse of the government credit card. There did not appear to be any inequities in the member's case.

The applicant's appeal is, therefore, denied.

Attachment:
Examiner's Brief

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

[REDACTED]
[REDACTED]
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 16 Oct 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 29 Nov 80. Enlmt Age: 18 4/12. Disch Age: 20. Educ: HS DIPL.
AFQT: N/A. A-67, E-44, G-53, M-21. PAFSC: 3M051 - Services Apprentice.
DAS: 29 Sep 99.

b. Prior Sv: (1) AFRes 14 Apr 99 - 9 Jun 99 (1 month 27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Aug 99 for 4 yrs. Svd: 2 Yrs 4 Mo 7 Das, all AMS.

b. Grade Status: A1C - 10 Oct 00
AMN - 10 Dec 99

c. Time Lost: None.

d. Art 15's: (1) 21 Jul 01, Shaw AFB, SC - Article 92. You, who knew of your duties within the continental United States, between on or about 2 Apr 01, and on or about 27 May 01, were derelict in the performance of those duties in that you willfully misused your Government Travel Card for unauthorized purchases, as it was your duty not to do. Suspended reduction to the grade of Airman, forfeiture of \$100 pay and a reprimand. (No appeal) (No mitigation)

(2) 25 Sep 00, Shaw AFB, SC - Article 111. You did, on or about 17 Aug 00, physically control a vehicle, to wit: a passenger car, while drunk. Article 134. You did, on or about 17 Aug 00, unlawfully possess beer while under the age of twenty-one years, in violation of South Carolina Code Annotated Section 20-7-8920. Article 90. You, having received a lawful command from Major -----, your superior commissioned officer, then known by you to be your superior commissioned officer, to provide a blood sample, or words to that effect, did, at or near Fort Jackson, South Carolina, on or about 17 Aug 00, willfully disobey the same. Suspended reduction to the grade of Airman Basic, forfeiture of

\$502.00 pay, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 20 MAR 01 - Late for work.
LOR, 04 FEB 01 - Late for work.
LOR, 05 JAN 01 - Damaging military property and leaving the area with no intention of reporting the incident.
- f. CM: None.
- g. Record of SV: 10 Jun 99 - 9 Feb 01 Shaw AFB 3 (Initial)
(Discharged from Shaw AFB)
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (2) Yrs (6) Mos (3) Das
TAMS: (2) Yrs (4) Mos (7) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Jul 02.
(Change Discharge to Honorable, Change the RE Code, and Change the Reason and Authority for Discharge)

Issue 1: My only request is that you thouroughly (sic) go through my package and really consider changing my discharge from General to Honorable. To be honest, every (sic) since I was seperated (sic) from the force, I have felt like a duck out of water. I've spoken to recruiters from other services, and was told once my dis-charge (sic) was upgraded I could re enter (sic), but my heart is with the Air Force. Even though I have great memories and letters of apraisals (sic), I would trade them all for one more chance to live my life the way I was, no am destined to (sic). These letters I have sent you, I have no copies of. Like I said, I would trade them all for just one more chance. Again I would like to say thank you and God bless.

ATCH

1. Letter to the Discharge Review Board.
2. Four Character References.
3. Memorandum For 20 SVS/CCF, 26 Jan 01.
4. Nomination For Award.
5. Enlisted Performance Report.
6. Performance Feedback Worksheets.
7. AF Form 77, Supplemental Evaluation Sheet.
8. Ten Letters of Recommendation.
9. Seven Character References.

20Nov02/ia



DEPARTMENT OF THE AIR FORCE
20th FIGHTER WING (ACC)
SHAW AIR FORCE BASE, SOUTH CAROLINA

FD 2007-0347

MEMORANDUM FOR 20 FW/CC

FROM: 20 FW/JA

SUBJECT: Legal Review of AFI 36-3208 Action - [REDACTED]

1. Basis for Action: The Commander, 20th Services Squadron, has recommended that [REDACTED] be separated from the service with a general discharge for misconduct – minor disciplinary infractions, under the provisions of AFI 36-3208, section H, paragraph 5.49. The Respondent is being processed according to the notification procedure.

2. Facts: The file reflects the following as reasons for discharge:

a. On or about 17 Aug 00, the Respondent unlawfully possessed alcohol while under the age of twenty-one, physically controlled a vehicle while drunk, and willfully disobeyed a lawful command given to him by his superior commissioned officer. For these acts of misconduct, the Respondent received Article 15 nonjudicial punishment on 25 Sep 00. Punishment consisted of a suspended reduction to the grade of Airman Basic, forfeiture of \$502.00 pay, restriction to Shaw Air Force Base for 30 days, and 30 days extra duty.

b. On or about 1 Jan 01, the Respondent caused damage to military property by breaking a window in the day room. For this misconduct, he received a letter of reprimand (LOR), dated 5 Jan 01.

c. On divers occasions between on or about 3 Feb 01 and 20 Mar 01, the Respondent failed to go at the time prescribed to his appointed place of duty. These acts of misconduct are evidenced by two LORs, dated 4 Feb 01 and 20 Mar 01.

d. Between on or about 2 Apr 01 and on or about 27 May 01, the Respondent was derelict in the performance of his duties by willfully misusing his government travel card. For this misconduct, he received Article 15 nonjudicial punishment on 21 Jul 01. Punishment consisted of a suspended reduction to the grade of Airman, forfeiture of \$100.00, and a reprimand.

3. Respondent's Submission: After consulting with counsel, the Respondent elected to submit extensive matters for your consideration. The Respondent requests an honorable discharge. He also asks at the end of his statement to be retained. The Respondent's submissions for your consideration are at Tab 7 and the attached binder. They include numerous recommendations for the Air Force Academy Preparatory School, certificates and a positive evaluation from a supervisor at Prince Sultan Air Base.

4. Errors and Irregularities: The file contains no errors or irregularities.

5. Conclusions:

a. Pending receipt of the medical examination, this file is legally sufficient to support a discharge, pursuant to AFI 36-3208, chapter 5, paragraph 5.49. The Respondent's file reflects two Article 15s and three letters of reprimand. The Respondent's file reflects positive contributions. It also, however, reflects multiple acts of misconduct that have had a detrimental effect on good order and discipline. Therefore, the Air Force would be best served by his immediate discharge.

b. The Respondent's commander has recommended the Respondent receive a general discharge. I concur with this recommendation. A general discharge is appropriate when significant negative aspects of an airman's conduct or duty performance outweigh positive aspects of the airman's military record. In this case, the Respondent's pattern of misconduct casts a shadow on his military career.

c. The commander does not recommend Probation and Rehabilitation (P&R). I concur. Despite the rehabilitative efforts undertaken by unit supervisory personnel on his behalf, the Respondent has failed to adhere to expected Air Force standards of conduct. Motivational Flight failed to have any lasting positive effect on him. If the extensive measures taken thus far to assist the Respondent have not worked, further expenditures of effort will likely fail. Therefore, P&R is inappropriate in this case.

6. Options: As the Special Court-Martial Convening Authority in this case, you may:

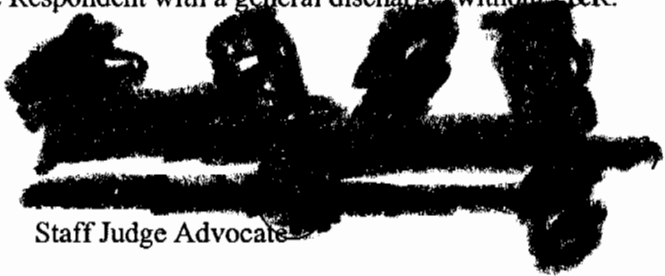
a. Retain the Respondent in the Air Force;

b. Direct the Respondent be discharged with a general discharge, with or without P&R;

c. Recommend the Respondent be discharged with an honorable discharge, with or without P&R, and forward this case to the General Court-Martial Convening Authority (9 AF/CC) for his action; or

d. Direct this case be reinitiated pursuant to the board hearing procedures of AFI 36-3208, chapter 6, section C, if you feel a discharge under other than honorable conditions is warranted.

7. Recommendation: I recommend you separate the Respondent with a general discharge, without P&R.



Staff Judge Advocate

Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
20th FIGHTER WING (ACC)
SHAW AIR FORCE BASE, SOUTH CAROLINA

FD2002-0347

04 SEP 2001

MEMORANDUM FOR [REDACTED]

FROM: 20 SVS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct – 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, paragraph 5.49. If my recommendation is approved, your discharge will be characterized as honorable or general. I recommend your discharge be characterized as general.

2. My reasons for this action are:

a. On or about 17 Aug 00, you unlawfully possessed alcohol while under the age of twenty-one, physically controlled a vehicle while drunk, and willfully disobeyed a lawful command given to you by your superior commissioned officer. For these acts of misconduct you received an Article 15 nonjudicial punishment action, dated 25 Sep 00. Punishment consisted of a suspended reduction to the grade of Airman Basic, forfeiture of \$502.00 pay, restriction to Shaw Air Force Base for 30 days, and 30 days extra duty.

b. On or about 1 Jan 01, you caused damage to military property by breaking a window in the day room. For this misconduct, you received a letter of reprimand (LOR), dated 5 Jan 01.

c. On or about 3 Feb 01, you blatantly showed up for work late. For this misconduct, you received an LOR, dated 4 Feb 01.

d. On or about 20 Mar 01, you failed to show up on time for work, which impeded the mission from being accomplished. For this misconduct, you received an LOR, dated 20 Mar 01.

e. Between on or about 2 Apr 01 and on or about 27 May 01, you were derelict in the performance of your duties by willfully misusing your government travel card. For this misconduct, you received an Article 15 nonjudicial punishment action, dated 21 Jul 01. Punishment consisted of a suspended reduction to the grade of Airman, forfeiture of \$100.00, and a reprimand.

3. 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 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 not be allowed to enlist in any other branch of the armed forces.

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, 895-9530, on 4 Sep 01, at 1100 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 three days after receipt of the notification memorandum,

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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 must report to the Shaw AFB Hospital, Physical Examinations Section, between the hours of 1100 – 1300, Mon – Thurs, for a medical 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. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge, unless the reason is homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

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



Commander [Redacted], Major, USAF

6 Attachments:

1. AF Form 3070, 25 Sep 00 w/atchs
2. LOR, 5 Jan 01 w/atchs
3. LOR, 4 Feb 01
4. LOR, 20 Mar 01 w/atch
5. AF Form 3070, 21 Jul 01
6. Respondent's Receipt of Notification (Tab 5)