

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>A1C</b>	AFSN/SSAN <b>[REDACTED]</b>		
TYPE <b>GEN</b>	PERSONAL APPEARANCE		<b>X RECORD REVIEW</b>		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NO				
	<b>X</b>				
<b>MEMBERS SITTING</b>			<b>VOTE OF THE BOARD</b>		
			HON	GEN	UOHC
			OTHER	DEBY	
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
ISSUES <b>A94.53, A92.21</b>		INDEX NUMBER <b>A67.30</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
				<b>1</b>	ORDER APPOINTING THE BOARD
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE
				<b>3</b>	LETTER OF NOTIFICATION
				<b>4</b>	BRIEF OF PERSONNEL FILE
					COUNSEL'S RELEASE TO THE BOARD
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE HEARING
HEARING DATE <b>03-03-11</b>		CASE NUMBER <b>FD2002-0358</b>			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.					
REMARKS					
<b>Case heard at Washington, D.C.</b>					
<b>Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.</b>					
SIGNATURE OF RECORDER <b>[REDACTED]</b>			SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>		
INDORSEMENT				DATE: <b>03-03-11</b>	
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		

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable 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 available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge and change of reenlistment code are 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 minor disciplinary infractions. He had an Article 15, three Letters of Reprimand, and three Records of Individual Counseling. He had two Enlisted Performance Reports, one rated an overall "3" and the other rated an overall referral "1." His misconduct included seven instances of failure to go or being late to work, and wrongfully using his unit recall roster to distribute phone numbers without the members' permission. The records also reflect member was diagnosed with a generalized anxiety disorder in July 2001, which eventually led to his permanent decertification from the Personnel Reliability Program. At the time of the discharge, member consulted counsel and submitted a statement requesting sufficient retention to earn his G.I. Bill education benefits, or in the alternative an honorable discharge. While the Board was sympathetic to the impact of the loss of these benefits on applicant, this is not a matter of equity or propriety that warrants an upgrade. Additionally, the Board noted member was given many opportunities to correct his behavior but was either unwilling or unable to do so. Member was responsible for his actions and was held accountable for them because his misconduct was disruptive to the unit. The board did not find sufficient mitigation to warrant an upgrade, and no inequity or impropriety was found in this discharge in the course of the records review.

**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 SRA)

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

2. **BACKGROUND:**

a. DOB: 05 Sep 72. Enlmt Age: 25 9/12. Disch Age: 28 11/12. Educ: HS DIPL. AFQT: N/A. A-37, E-69, G-55, M-81. PAFSC: 2A333A - F-15 Tactical Aircraft Maintenance Apprentice. DAS: 21 Jun 99.

b. Prior Sv: (1) AFRes 30 Jun 98 - 27 Sep 98 (2 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 28 Sep 98 for 4 yrs. Svd: 2 Yrs 11 Mos 8 Das, all AMS.

b. Grade Status: A1C - 10 Jul 01 (Article 15, 10 Jul 01)  
SRA - 28 Jan 01

c. Time Lost: None.

d. Art 15's: (1) 10 Jul 01, Seymour Johnson AFB, NC - Article 92. You, who knew of your duties, on or about 24 Jun 01, were derelict in the performance of those duties in that you willfully distributed private telephone numbers from your squadron recall roster, without obtaining permission from members of your unit, as it was your duty not to do. Reduction to A1C. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 09 JUL 01 - Dereliction of Duty.  
LOR, 13 JUN 01 - Missed appointment for the second time.  
LOR, 13 JUN 01 - Missed appointment.  
RIC, 21 DEC 00 - Late for Roll Call.  
RIC, 14 AUG 00 - Missed appointment.  
RIC, 11 APR 00 - Missed appointment.

f. CM: None.

g. Record of SV: 28 Sep 98 - 27 May 00 Seymour Johnson AFB 3 (Initial)  
28 May 00 - 27 May 01 Seymour Johnson AFB 1 (Annual) REF

(Discharged from Seymour Johnson AFB)

h. Awards & Decs: AFTR, AFOEA W/VALOR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (6) Das  
TAMS: (2) Yrs (11) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Aug 02.  
(Change Discharge to Honorable and Change the RE Code.)

Issue 1: I would like to re-enter the USAF NG. I have been going to school and have almost finished my degree in Professional Aeronautics. I felt it was in the best interest of the AF at the time I was discharged.

Issue 2: 2A333A is wrong. I received my 5 level the end of 2000. It should read 2A335A.

**ATCH**

1. DD Form 214 (Member-4).
2. Four Letters of Recommendation.
3. Criminal Record Check.

27Nov02/ia

DEPARTMENT OF THE AIR FORCE  
4TH FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC



29 AUG 2001

MEMORANDUM FOR 4 FW/CC

FROM: 4 FW/JA

SUBJECT: Legal Review—Discharge under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49,  
[REDACTED]

1. HISTORY: The 336th Fighter Squadron Commander has recommended that [REDACTED] be discharged from the Air Force for misconduct, specifically minor disciplinary infractions. The basis for this recommendation is AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. The commander recommends a general discharge without a period of probation and rehabilitation (P&R). The respondent is eligible for, and has been processed by, notification procedures in accordance with AFI 36-3208, Paragraph 6.2. The respondent has consulted counsel. [REDACTED] statement is at Tab 6.

2. BASIS FOR ACTION: [REDACTED] received three Records of Individual Counseling, three Letters of Reprimand, and punishment under Article 15. These actions were taken to correct various types of misconduct to include several instances of failure to go and dereliction of duty. A more detailed discussion of specific instances of misconduct is contained in the squadron section commander's Notification Memorandum, dated 20 August 2001 located at Tab 1.

3. EVIDENCE FOR THE RESPONDENT: [REDACTED] is 28 years old and has served on active duty since 28 September 1998. The respondent has received two enlisted performance reports with overall ratings of 3 and 1 (oldest to most recent). In his statement, [REDACTED] has requested that he be retained in the service until 27 September 2001, so that he is eligible to receive his Montgomery G.I. Bill benefit. Additionally, [REDACTED] requests you consider upgrading his discharge classification from general to honorable.

4. ERRORS AND IRREGULARITIES: None

5. CONCLUSIONS:

a. Discharge is appropriate under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49, which subjects a member to discharge when there is evidence of misconduct, specifically minor disciplinary infractions. [REDACTED] failure to go and dereliction of duty have disrupted good order, discipline, and morale within the military community; hence, discharge is appropriate.

b. Characterization of Service: I concur with the Commander's recommendation of a general discharge. According to AFI 36-3208, Paragraph 5.48.4, an honorable characterization is appropriate in a discharge for misconduct when "the member's record has been so meritorious that any other characterization would be clearly inappropriate." In such cases, the GCM convening authority approves the service characterization. On the other hand, a general discharge is warranted, according to paragraph

1.18.2, when "significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record." [REDACTED] as a well-documented history of minor misconduct since his arrival at Seymour Johnson AFB. His repeated misconduct far outweighs the positive aspects of his service; therefore, a general discharge is appropriate.

c. Probation and Rehabilitation: I concur with the Commander's recommendation that [REDACTED] not be offered P&R. The Air Force has already made substantial efforts to rehabilitate this member through counseling and discipline. [REDACTED] has responded to the Air Force's rehabilitative efforts by continuing to engage in misconduct, thereby demonstrating that he does not have the capacity to be rehabilitated for continued military service. Therefore, P&R is not appropriate in this case.

6. LEGAL SUFFICIENCY: This case is legally sufficient, contingent upon a finding that the respondent is medically qualified for worldwide duty.

7. OPTIONS: As the separation authority, you have the following options in this case:

- a. Retain the respondent; or
- b. Approve separation and recommend to the 9 AF/CC that the respondent be discharged with an honorable discharge with or without probation and rehabilitation; or
- c. Approve separation and discharge the respondent with a general discharge with or without probation and rehabilitation; or
- d. If you believe an under other than honorable conditions (UOTHC) discharge is appropriate, return the case file to the squadron commander and direct processing by administrative board procedures IAW AFI 36-3208, Paragraph 6.13.

8. RECOMMENDATION: That you approve the separation of [REDACTED] from the United States Air Force with a general discharge, without probation and rehabilitation, by signing the attached memorandum.

[REDACTED]

Attachment:  
Case File [REDACTED]



DEPARTMENT OF THE AIR FORCE  
4TH FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC

FD2002-0358

MEMORANDUM FOR [REDACTED]

20 Aug 01

FROM: 336 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically for minor disciplinary infractions. The authority for my recommendation is AFD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. According to Table 1.3 of AFI 36-3208, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action:

a. On or about 6 April 2000, you failed to report for a Forms Documentation class for which you received a Record of Individual Counseling. These actions are documented by an AF Form 174, for which you acknowledge receipt on 11 April 2000 (Tab 1a).

b. On or about 9 August 2000, you failed to report for a Forms Documentation class for which you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 14 August 2000 (Tab 1b).

c. On or about 20 December 2000, you reported late for roll call for which you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 21 December 2000 (Tab 1c).

d. On or about 10 May 2001, you failed to report for chemical warfare training for which you received a Letter of Reprimand. These actions are documented by a Letter of Reprimand, dated 13 June 2001 (Tab 1d).

e. On or about 29 May 2001, you failed to report for chemical warfare training for the second time for which you received a Letter of Reprimand. These actions are documented by a Letter of Reprimand, dated 13 June 2001 (Tab 1e).

f. On or about 24 June 2001, you were derelict in the performance of your duties in that you willfully distributed private telephone numbers from your squadron recall roster without obtaining permission from members of your unit for which you received punishment under Article 15 of the Uniform Code of Military Justice. These actions are documented by an AF Form 3070, dated 5 July 2001 with attachments (Tab 1f).

g. On or about 9 July 2001, you were derelict in the performance of your duties in that you willfully and negligently failed to report for duty for which you received a Letter of Reprimand. These actions are documented by a Letter of Reprimand, dated 9 July 2001 (Tab 1g).

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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 service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 21 Aug (date) at 0830 (time). You may consult civilian counsel at your own expense.

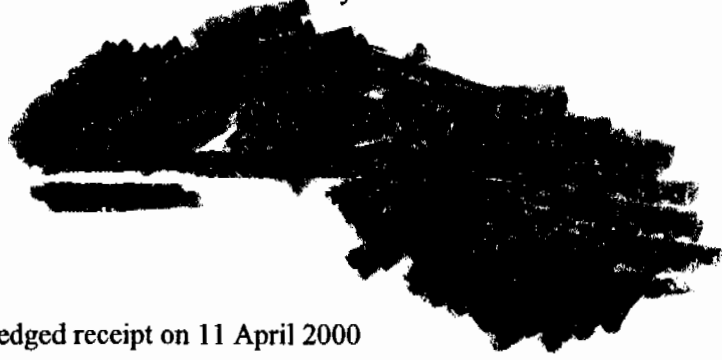
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 23 AUG 01 (allow three duty days) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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 mandatory medical examination at the Physical Examination Section, 4th Medical Group, Seymour Johnson AFB, on 10 August 2001 at 0845 hours. You will be scheduled for a mandatory follow-up examination at the Green Team on 10 August 2001 at 0940 hours. You must report 15 minutes prior to your scheduled appointment times.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 33-332 is available for your use at the unit orderly room or the Area Defense-Counsel office.

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



Attachments:

Supporting Documentation:

- a. AF Form 174, for which you acknowledged receipt on 11 April 2000
- b. AF Form 174, dated 14 August 2000
- c. AF Form 174, dated 21 December 2000
- d. Letter of Reprimand, dated 13 June 2001
- e. Letter of Reprimand, dated 13 June 2001
- f. AF Form 3070, dated 5 July 2001 with attachments
- g. Letter of Reprimand, dated 9 July 2001