

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN				
		SRA					
TYPE GEN	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	OTHER	DENY
							X*
							X*
							X*
			X+				
							X*
ISSUES A92.36, A92.21, A67.01		INDEX NUMBER A67.90		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			
HEARING DATE 03-03-25		CASE NUMBER FD2002-0363		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 +Change Reason and Authority to Secretarial Authority. *Change Reason and Authority to Minor Disciplinary Infractions. Case heard at Washington, D.C. 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.							
SIGNATURE OF RECORDER				SIGNATURE OF BOARD PRESIDENT			
INDORSEMENT				DATE: 03-03-25			
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

CASE NUMBER

FD2002-0363

GENERAL: The applicant appeals for upgrade of discharge to honorable, and to change the reason and authority for his discharge to "early separation."

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 is denied. Reason and authority for discharge are changed to more accurately reflect the basis for member's discharge.

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 misconduct, conduct prejudicial to good order and discipline. He had three Letters of Reprimand, a Letter of Admonishment, and at least one verbal counseling. There was also a Memo for Record documenting misconduct. This misconduct included writing 29 bad checks totaling more than \$1,000.00, failing to complete task certification training, failing to have the required shots for mobility on two separate occasions, failing to have the correct uniforms for mobility once, failing to maintain his base housing yard, and living in base housing for 8 months after his family had departed. Additionally, the record review revealed that member was on the Weight Management Program. The Board noted that when his misconduct occurred, member was the same age as other airmen who had adhered to the standards and he knew right from wrong, so he was held accountable for his actions. The Board surmised that although member's misconduct was a departure from the standards expected of airmen, it didn't rise to the level of serious misconduct that would warrant the reason and authority for his discharge to be "conduct prejudicial to good order and discipline." Therefore, the Board determined the basis for member's discharge would be better portrayed as "minor disciplinary infractions." Except for changing the reason for discharge in this way, the Board could find no wrongful action by the Air Force, nor an inequity or impropriety on which to base an upgrade.

The applicant submitted some documents regarding his post service conduct consisting of a college transcript, employee performance evaluations and training certificates, and a certificate of appreciation. While the Board commends member on his post-service conduct and notes it may be an improvement from that while he served in the military, it does not pertain to the period of service under review and does not offer a basis on which to warrant an upgrade.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was essentially 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 characterization of discharge should not be changed. However, the board further concludes that the reason and authority for discharge is more accurately described as minor disciplinary infractions, thus the applicant's reason and authority for discharge should be changed to minor disciplinary infractions under Title 10, USC1553.

Attachment:
Examiner's Brief

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

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 8 DEC 89 UP AFR 39-10, para 5-47b (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 26 Jun 65. Enlmt Age: 20 3/12. Disch Age: 24 5/12. Educ: HS DIPL. AFQT: N/A. A-80, E-72, G-66, M-80. PAFSC: 45550A - Photographic and Sensors Maintenance Specialist. DAS: 13 April 87.

b. Prior Sv: (1) AFRes 27 Sep 85 - 11 Jun 86 (8 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 12 Jun 86 for 4 yrs. Svd: 3 Yrs 5 Mo 27 Das, all AMS.

b. Grade Status: SrA - 12 Jun 89
A1C - 12 Apr 87

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 14 NOV 89 - Financial irresponsibility.
LOR, 14 NOV 89 - Dereliction of duty.
LOR, 28 AUG 89 - Dereliction of duty.
LOA, 21 AUG 89 - Dereliction of duty.
MFR, 21 JUN 89 - Violation of housing regulations.
9 AMS/MALL LTR, 10 NOV 88 - Dereliction of duty.

f. CM: None.

g. Record of SV: 12 Jun 86 - 14 Aug 87 Beale AFB 9 (Annual)
15 Aug 87 - 14 Aug 88 Beale AFB 8 (Annual) REF
15 Aug 88 - 14 Aug 89 Beale AFB 8 (Annual)

(Discharged from Beale AFB)

h. Awards & Decs: AFTR, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (2) Mos (12) Das
TAMS: (3) Yrs (5) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Aug 02.
(Change Discharge to Honorable and Change the Reason and Authority for Discharge)

NO ISSUES SUBMITTED.

ATCH

1. College Transcript.
2. Two Employee Performance Evaluations.
3. Certificate of Appreciation.
4. Two Training Certificates.

02DEC02/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 9TH STRATEGIC RECONNAISSANCE WING (SAC)
BEALE AIR FORCE BASE, CALIFORNIA 95903-5000



REPLY TO
ATTN. OF: JA [REDACTED] 2815)

1 DEC 1989

SUBJECT: Administrative Discharge, [REDACTED] 9th Avionics
Maintenance Squadron

TO: 9 MSSQ/MSP
9 SRW/CC

1. I have reviewed the attached AFR 39-10 separation action concerning SrA David W. Long and find it legally sufficient.
2. BACKGROUND: On 28 Nov 89, [REDACTED] Commander, 9 AMS, initiated discharge proceedings against [REDACTED] pursuant to AFR 39-10, Chapter 5, Section H, paragraph 5-47b for a pattern of misconduct, conduct prejudicial to good order and discipline, recommending [REDACTED] receive a general discharge, without probation and rehabilitation. The case has been appropriately processed by the notification procedure described in AFR 39-10, Chapter 6. After consultation with his assigned counsel, [REDACTED], on 1 Dec 89, AlC [REDACTED] waived his right to submit statements in his own behalf. No irregularities affecting any substantial right of [REDACTED] have been noted in the case file.
3. SUMMARY OF THE EVIDENCE:
 - a. FACTS: During the past year, [REDACTED] has engaged in the following misconduct: four instances of dereliction in performance of duty; the writing of approximately 29 checks returned for insufficient funds in his account; and violating Beale AFB housing regulations. As a result of his misconduct, [REDACTED] received three Letters of Reprimand, one Letter of Admonishment, and verbal counsellings.
 - b. PERSONAL DATA: [REDACTED] is a 24 year-old tactical reconnaissance electronic sensor apprentice who has been on active duty for three years, five months. He was assigned to his unit on 13 Apr 87. His APR history reflects overall ratings of 8, 8, and 9.
4. DISCUSSION:
 - a. CRITERIA: Paragraph 5-47b authorizes discharge for a pattern of misconduct consisting of conduct prejudicial to good order and discipline. My review of the case file leads me to conclude that the evidence is legally sufficient to support [REDACTED] administrative discharge pursuant to that paragraph.
 - b. CHARACTER OF DISCHARGE: Since this case was processed by the notification procedure, only an honorable or general discharge is authorized. Characterization of discharge will be determined solely by the member's military record during the current enlistment. A general discharge is a separation under honorable conditions and is appropriate when significant

negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record. In this case, [REDACTED] misconduct definitely constitutes a "significant negative aspect" of his conduct which outweighs positive aspects of his military record. A general discharge characterization is therefore appropriate.

c. PROBATION AND REHABILITATION: I concur with [REDACTED] recommendation that [REDACTED] not be offered probation and rehabilitation (P & R) under AFR 39-10, Chapter 7. The rehabilitative aspects of three Letters of Reprimand, one Letter of Admonishment, and verbal counsellings have not succeeded in this case, as evidenced by [REDACTED] subsequent misconduct. In my opinion, [REDACTED] has not demonstrated the potential to serve satisfactorily and his retention on active duty would be inconsistent with the maintenance of good order and discipline in the Air Force. As a result, P & R is inappropriate in this case.

5. OPTIONS: As the separation authority, you may:

- a. Direct that [REDACTED] be retained in the Air Force, or
- b. Direct that [REDACTED] be discharged and furnished an honorable discharge with or without P & R, or
- c. Direct that [REDACTED] be discharged and furnished a general, under honorable conditions, discharge with or without P & R.

6. RECOMMENDATION: Based upon my review of the case file, I recommend that [REDACTED] be administratively separated from the Air Force and furnished a general, under honorable conditions, discharge without probation and rehabilitation.

[REDACTED] JAF

1 Atch
Case File, [REDACTED]



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 9TH STRATEGIC RECONNAISSANCE WING (SAC)
BEALE AIR FORCE BASE, CALIFORNIA 95903-5000



REPLY TO
ATTN. OF: 9 AMS/CC

28 Nov 89

SUBJECT: Letter of Notification

TO: [REDACTED] 9th Avionics Maintenance Squadron

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, conduct prejudicial to good order and discipline. The authority for this action is AFR 39-10, paragraph 5-47b. 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 detailed in the subparagraphs listed below. 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.

a. From on or about 12 Jan 89 to on or about 11 Oct 89, you wrote approximately 29 checks for a total in excess of \$1,000.00. Each check was subsequently returned for insufficient funds in your account. As a result, you received a Letter of Reprimand, 14 Nov 89, attachment 1.

b. On 23 Aug 89, at Beale AFB, CA, you were derelict in the performance of your duties in that you failed to complete task qualification training as it was your duty to do. For this action, you received a Letter of Reprimand, 28 Aug 89, attachment 2.

c. On 8 Aug 89, at Beale AFB, CA, you were derelict in the performance of your duties in that you failed to have all required items for mobility check-in as it was your duty to do. As a result, you received a Letter of Admonishment, 21 Aug 89, attachment 3.

d. On or about 21 Jun 89, at Beale AFB, CA you violated Beale AFB housing's regulations on lawn maintenance. For this you were counseled as documented in Memo For Record, 21 Jun 89, attachment 4.

e. In Mar 89, at Beale AFB, CA, you were derelict in the performance of your duties in that you failed to notify the Family Housing Office that your dependents were no longer residing with you in family housing, as it was your duty to do under AFR 90-1. For this incident, you received a Letter of Reprimand, 14 Nov 89, attachment 5.

f. On or about 8 Nov 88, at Beale AFB, CA, you were derelict in the performance of your duties in that because of your lack of personnel readiness and complacent attitude, you were unable to complete your mobility check-in as it was your duty to do. As a result, you were counselled, as documented on 9 AMS/MAAL Letter, 10 Nov 88, attachment 6.

Peace is our Profession

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] at the Area Defense Counsel Office, building 2179, room 102, Wednesday, 29 Nov 89, at 1530 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 1 Dec 89, unless you request and receive an extension for good cause shown. I will send them to the 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 have been scheduled for a medical examination. You must report to the 9 SRW Hospital, Flight Surgeon's office at 0730 hours on Wednesday, 29 Nov 89, for this examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the orderly room.

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

[REDACTED]

6 Atchs

1. Letter of Reprimand, 14 Nov 89
2. Letter of Reprimand, 28 Aug 89
3. Letter of Admonishment,
21 Aug 89
4. Memo for Record, 21 Jun 89
5. Letter of Reprimand, 14 Nov 89
6. 9 AMS/MAAL Letter, 10 Nov 88