

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A93.01	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 DATE 07 Dec 2003	CASE NUMBER FD-2002-0382	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Randolph AFB, Texas.

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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT **DATE: 12/7/2003**

TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) 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 reason and authority for discharge are denied. A change of reenlistment code is also denied.

The Board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE: Applicant does not contest the discharge. He simply states that he was having some personal problems at the time. The record indicates the applicant committed thirteen instances of misconduct, for which he received multiple Letters of Reprimand. However, if the applicant can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity, or impropriety, and any exemplary post-service accomplishments as well as any contributions to the community.

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. Therefore, the applicant's characterization and reason for discharge remains unchanged.

Attachment:

Examiner's Brief

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

[REDACTED]
[REDACTED]
(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 30 Jul 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change Reentry Code, and Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 11 Oct 81. Enlmt Age: 18 11/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-44, E-33, G-44, M-37. PAFSC: 3A011 - Information Management Helper. DAS: 4 Jun 01.

b. Prior Sv: (1) AFRes 25 Sep 00 - 28 Nov 00 (2 Mos 4 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 29 Nov 00 for 4 yrs. Svd: 0 Yrs 8 Mos 2 Das, all AMS.

b. Grade Status: AMN - 29 May 01

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AETC Form 341, 29 Jun 01 - Disrespect to staff and NCO.
LOR, 27 Jun 01 - Failed fourth room inspection.
AETC Form 341, 27 Jun 01 - Failed to march at attention while straggling.
AETC FM 341, 27 Jun 01 - Failure to have three AETC 341s on person.
LOR, 21 Jun 01 - Failed third room inspection and window unlocked.
LOR, 19 Jun 01 - Failed PC and room inspection.
LOR, 14 Jun 01 - Disrespect to an NCO and curfew violation.
LOR, 13 Jun 01 - Failure to report for AFI duties and skipping formation.
LOR, 11 Apr 01 - Failure to report for duty.
LOR, 5 Apr 01 - Failure to comply with instruction and improper military bearing.
AETC FM 173, 22 Mar 01 - Late for school.
AETC FM 173, 14 Mar 01 - Failure to properly prepare for class.
AETC FM 173, 12 Mar 01 - Failure to complete assigned homework.

f. CM: None.

g. Record of SV: None.

(Discharged from Keesler AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (0) Yrs (10) Mos (6) Das
TAMS: (0) Yrs (8) Mos (2) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 4 Sep 02.
(Upgrade Discharge to Honorable, Change Reentry Code, and Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF

ATCH

1. Applicant's Issues

6 Dec 02/cr



**-DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

24 Jul 01

MEMORANDUM FOR 81 TRG/CC

FROM: 81 TRW/JAJ
500 Fisher Street Rm 227
Keesler AFB, MS 39534-2553

SUBJECT: Legal Review, Administrative Discharge – Amn [REDACTED]
[REDACTED]

1. **ACTION:** On 16 Jul 01, 336 TRS/TRM recommended that Amn [REDACTED] (hereafter referred to as "Respondent") be administratively separated for minor disciplinary infractions with a general discharge characterization. The authority for this recommendation is AFI 36-3208, Section H, paragraph 5.49 (minor disciplinary infractions). Under paragraph 6.2.2, the respondent is not entitled to a board hearing.

2. **PERSONAL DATA:**

- a. Date and Term of Enlistment: 29 Nov 00, 4 Years;
- b. Total Active Federal Military Service Date: 29 Nov 00;
- c. Performance Reports: N/A.

3. **EVIDENCE FOR THE GOVERNMENT:**

- a. On 29 Jun 01, Respondent was disrespectful to the Training Office staff and NCO, for which he was counseled on that date.
- b. On 27 Jun 01, Respondent failed to comply with the 2nd Air Force Phase program by not carrying three AETC Forms 341 on his person, for which he was counseled on that date.
- c. On 27 Jun 01, Respondent failed to comply with the 2nd Air Force Phase program by failing to march at the position of attention while straggling, for which he was counseled on that date.
- d.. On 26 Jun 01, Respondent failed his room inspection for the fourth time, for which he received a Letter of Reprimand, dated 27 Jun 01.
- e. On 20 Jun 01, Respondent failed his room inspection for the third time. In addition he failed to lock his window constituting a security violation, for which he received a Letter of Reprimand, dated 21 Jun 01.

ATTORNEY WORK PRODUCT

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f. On 18 Jun 01, Respondent failed his room inspection for the second time. In addition, on 16 Jun 01, he failed the PC and room inspection part of Remedial Military Training, for which he received a Letter of Reprimand, dated 19 Jun 01.

g. On 9 Jun 01, Respondent showed disrespect to an NCO and broke phase later on that same evening, for which he received a Letter of Reprimand, dated 14 Jun 01.)

h.. On the 6th, 7th, and 8th of Jun 01, Respondent admitted to failing to report to AFI details and skipping formations, for which he received a Letter of Reprimand for dereliction of duty on 13 Jun 01.

i. On 11 Apr 01, while assigned to Sheppard Air Force Base, Texas, Respondent was derelict in the performance of his duties, by failing to report for duty for the second time, for which he received a Letter of Reprimand, dated 11 Apr 01.

j. On 4 Apr 01, while assigned to Sheppard Air Force Base, Texas, Respondent failed to comply with set instructions and guidelines while marching in a military formation by spraying a substance intended for practical jokes, for which he received a Letter of Reprimand, dated 5 Apr 01.

k. On 22 Mar 01, while assigned to Sheppard Air Force Base, Texas, Respondent failed to show up for school on time, for which he was counseled on that date.

l. On 14 Mar 01, while assigned to Sheppard Air Force Base, Texas, Respondent failed to be properly prepared for class, for which he was counseled on that date.

m. On 9 Mar 01, while assigned to Sheppard Air Force Base, Texas, Respondent failed to have his homework assignment completed, for which he was counseled on 12 Mar 01

4. **EVIDENCE FOR THE RESPONDENT**: This 19-year old airman is in his first enlistment and has AQE scores as follows: A - 44, E - 33, G - 44, M - 37. The Respondent waived his right to consult with counsel. He also waived his right to submit a written response for the commander's consideration.

5. **DISCUSSION**: This file is legally sufficient. The Respondent has had various minor disciplinary infractions, which occurred throughout the time he has been stationed here. We concur with the 336 TRS/TRM's recommendation of a general discharge. If a member's service has been honest and faithful, a general discharge is warranted when significant negative aspects of the member's conduct or performance of duty outweigh positive aspects of the member's military record. Respondent's behavior warrants such a characterization. We also concur with 336 TRS/TRM's recommendation against offering respondent probation and rehabilitation. The respondent has been given opportunities to improve, and to this date fails to show any improvement. Further attempts at probation and rehabilitation would likely prove unsuccessful.

6. **OPTIONS**: As the Separation Authority your options are:

a. If you determine this separation action is not supported by the evidence, direct that it be discontinued, and direct the respondent be retained in the Air Force.

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b. If you determine this separation action has been brought under an inappropriate section of AFI 36-3208, direct reinitiation under a more appropriate section.

c. If you determine this separation action is supported by the evidence, approve the separation action and direct the respondent be given a general discharge, with or without probation and rehabilitation, for minor disciplinary infractions under the provisions of AFI 36-3208, paragraph 5.49.

d. If you determine this separation action is supported by the evidence, but believe an honorable discharge is appropriate, make that recommendation and forward the file to 2 AF/CC for further disposition.

e. If you determine that an under other than honorable conditions discharge is appropriate under paragraph 5.49, direct a discharge board be convened, and forward the file to 336 TRS/TRM for processing.

7. **RECOMMENDATION:** Approve respondent's separation with a general service characterization, without probation and rehabilitation, for minor disciplinary infractions under the provisions of AFI 36-3208, Chapter 5, Section H, paragraph 5.49.



SSgt, USAF
NCOIC, Airman discharge Facility

I concur.



Captain, USAF
Chief, Adverse Actions Division

Attachment
Case File

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DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

JUL 16 2001

MEMORANDUM FOR AMN [REDACTED]

FROM: 336 TRS/TRM

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, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your discharge will be described as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 29 Jun 01, you were disrespectful to the Training Office staff and NCO, for which you were counseled on that date. (Atch 1, Appendix A) [REDACTED]

b. On 27 Jun 01, you failed to comply with the 2nd Air Force Phase program by not carrying three AETC Forms 341 on your person, for which you were counseled on that date. (Atch 1, Appendix B) [REDACTED]

c. On 27 Jun 01, you failed to comply with the 2nd Air Force Phase program by failing to march at the position of attention while straggling, for which you were counseled on that date. (Atch 1, Appendix C) [REDACTED]

d. On 26 Jun 01, you failed your room inspection for the fourth time, for which you received a Letter of Reprimand, dated 27 Jun 01. (Atch 1, Appendix D) [REDACTED]

e. On 20 Jun 01, you failed your room inspection for the third time. In addition you failed to lock your window constituting a security violation, for which you received a Letter of Reprimand, dated 21 Jun 01. (Atch 1, Appendix E) [REDACTED]

f. On ~~On~~ 18 Jun 01, you failed your room inspection for the second time. In addition, on 16 Jun 01, you failed the PC and room inspection part of Remedial Military Training, for which you received a Letter of Reprimand, dated 19 Jun 01. (Atch 1, Appendix F) [REDACTED]

g. On 9 Jun 01, you showed disrespect to an NCO and broke phase later on that same evening, for which you received a Letter of Reprimand, dated 14 Jun 01. (Atch 1, Appendix G) [REDACTED]

h.. On the 6th, 7th, and 8th of Jun 01, you admitted to failing to report to AFI details and skipping formations, for which you received a Letter of Reprimand for dereliction of duty on 13 Jun 01. (Atch 1, Appendix H) [REDACTED]

i. On 11 Apr 01, while assigned to Sheppard Air Force Base, Texas, you were derelict in the performance of your duties, by failing to report for duty for the second time, for which you received a Letter of Reprimand, dated 11 Apr 01. (Atch 1, Appendix I) [REDACTED]

j. On 4 Apr 01, while assigned to Sheppard Air Force Base, Texas, you failed to comply with set instructions and guidelines while marching in a military formation by spraying a substance intended for practical jokes, for which you received a Letter of Reprimand, dated 5 Apr 01. (Atch 1, Appendix J) [REDACTED]

k. On 22 Mar 01, while assigned to Sheppard Air Force Base, Texas you failed to show up for school on time, for which you were counseled on that date. (Atch 1, Appendix K) [REDACTED]

l. On 14 Mar 01, while assigned to Sheppard Air Force Base, Texas you failed to be properly prepared for class, for which you were counseled on that date. (Atch 1, Appendix L) [REDACTED]

m. On 9 Mar 01, while assigned to Sheppard Air Force Base, Texas you failed to have your homework assignment completed, for which you were counseled on 12 Mar 01. (Atch 1, Appendix M) [REDACTED]

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander, Military Training Flightexercising SPCM jurisdiction or higher 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. Any special pay, bonuses, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult MIG at Bldg 0701, Room 102, on MIF at MIF 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 by MIF by 1630 hours 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 medical examination. You must report to 81st Medical Group, Physical Exams on 23 Jul 01, 2001 at 0700 for the 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 Bldg 2215, CQ.

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


Capt, USAF
Commander

Attachments:

1. Supporting Documents
 - a. AETC Form 341, dated 29 Jun 01
 - b. AETC Form 341, dated 27 Jun 01
 - c. Letter of Reprimand, dated 27 Jun 01
 - d. AETC Form 341, dated 27 Jun 01
 - e. Letter of Reprimand, dated 21 Jun 01
 - f. Letter of Reprimand, dated 19 Jun 01
 - g. Letter of Reprimand, dated 14 Jun 01
 - h. Letter of Reprimand, dated 13 Jun 01
 - i. Letter of Reprimand, dated 11 Apr 01
 - j. Letter of Reprimand, dated 5 Apr 01
 - k. AETC Form 173, dated 22 Mar 01
 - l. AETC Form 173, dated 14 Mar 01
 - m. AETC Form 173, dated 12 Mar 01
2. Airman's Receipt of Notification Memorandum
3. Airman's Statement
4. Medical Examination
5. Other Derogatory Data