

**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>
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TYPE <b>General</b>	<b>X PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
COUNSEL YES    NO <b>X</b>		NAME OF COUNSEL AND OR ORGANIZATION
		ADDRESS AND OR ORGANIZATION OF COUNSEL

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
	<b>X**</b>				
					<b>X</b>
					<b>X</b>
					<b>X</b>
	<b>X**</b>				

ISSUES <b>A94.05, A01.45</b>	INDEX NUMBER <b>A67.10</b>	EXHIBITS SUBMITTED TO THE BOARD	
		<b>1</b>	ORDER APPOINTING THE BOARD
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b>	LETTER OF NOTIFICATION
HEARING DATE <b>041503</b>	CASE NUMBER <b>FD2002-0400</b>	<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

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

**REMARKS**  
**Case heard at Washington, D.C.**  
**\* Change reenlistment code to permit re-entry into military**  
**+ Change narrative reason for discharge to "Secretarial Authority"**

**Advise the applicant of the decision of the Board and the right to submit an application to the AFBCMR.**

SIGNATURE OF RECORDER <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT		DATE: <b>031503</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**

CASE NUMBER

FD2002-0400

**GENERAL:** The applicant appeals for an upgrade of his general discharge to honorable and a change in his re-enlistment code. The applicant and SMSgt [REDACTED], his father, appeared and testified before the Board at Andrews AFB, MD, on April 15, 2003.

The applicant submitted the following items as exhibits: Law Enforcement Training Certificate dated 15 Feb 03, Law Enforcement Proficiency Demonstration dated 15 Feb 03, Test Results for Florida State Officer Examination dated 26 Feb 03.

The attached brief contains the available pertinent data on the applicant, the factors leading to the discharge, and the issues he submitted for review.

**FINDINGS:** The applicant's request to change the characterization of his discharge to honorable and a change to his re-enlistment code is denied.

Issue #1: The applicant contends that his overall service record is more deserving of a fully honorable discharge rather than the general under honorable conditions discharge he received. The respondent's record shows he received an Article 15 for sleeping on post, repeatedly failed to report to work on time, maintained his dormitory room in a state of disarray, and left his room without authority when he was supposed to be on quarters. His misconduct is well documented and outweighs the positive aspects of his service. Based on the foregoing, the Board concluded his commander appropriately characterized his service as general.

Issue #2: The applicant contends there was "no progression of discipline" in the counselings/reprimands he received from his superiors. The Board noted the governing instruction does not require successively higher-ranking individuals to impose administrative sanctions in order for an administrative discharge to be effective. Despite the foregoing, our review of the record reveals the respondent was counseled and reprimanded by a number of individuals at different levels in his chain of command. The Board concluded this issue was without merit.

The Board also reviewed and considered the applicant's entire service record before making a decision.

**CONCLUSIONS:** The Discharge Review Board concludes the applicant's discharge was consistent with the procedural and substantive requirements of the discharge regulation, was within the discretion of the discharge authority, and that the applicant received full administrative due process. For these reasons, the Board denies the applicant's request to upgrade his general discharge and to change his re-enlistment code.

Attachment:  
Examiner's Brief

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

MISSING MEDICAL RECORDS

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 8 Feb 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 11 Mar 81. Enlmt Age: 18 5/12. Disch Age: 20 10/12. Educ: HS  
DIPL. AFQT: N/A. A-40, E-62, G-48, M-48. PAFSC: 3P031 - Security Police  
Apprentice. DAS: 17 Nov 00.

b. Prior Sv: (1) AFRes 20 Aug 99 - 13 Jun 00 (9 Mos 25 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 14 Jun 00 for 4 yrs. Svd: 1 Yr 7 Mos 26 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 25 Jun 01, Tyndall AFB, FL - Article 113. You, were, on or about 11 Jan 01, being posted as a sentinel, found sleeping upon your post. Forfeiture of \$100.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 17 JAN 02 - Failure to obey a lawful order and making a false official statement.

LOR, 30 DEC 01 - Late for duty.

LOR, 30 NOV 01 - Failure to maintain dormitory room in inspection order, safety and security violations.

LOR, 16 NOV 01 - Late for duty.

LOR, 04 NOV 01 - Late for duty, failure to meet dress and appearance standards, and failure to maintain dormitory room within acceptable standards of cleanliness.

LOR, 31 OCT 01 - Second offense being asleep on duty.

f. CM: None.

g. Record of SV: None.

(Discharged from Tyndall AFB)

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

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (20) Das  
TAMS: (1) Yr (7) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Aug 02.  
(Change Discharge to Honorable)

Issue: I am requestig your consideration for upgrading my military discharge. As supported by documents attached, I served during the period November 2000 to September 2001, receiving two certificates of appreciation, a letter of appreciation and the Armed Forces Expeditionary Medal. Beginning in October 2001, after my return from Saudi Arabia, I began to experience personal difficulties in my relationship and financial difficulties. This began to effect my professional duties as noted in seven LORs documented during the period of October 2001 to January 2002. After several LORs it became a joke by my peers inquiring if I had signed my LOR again. I did not take my superiors serious due to the many LORs issued. I was not given any informal disciplinary action (RMT) to indicate their seriousness. I discussed my personal and military problems with my father who is currently on active duty in the Air Force and based upon his recommendation I sought professional counseling through the Life Management Center at Tyndall Air Force Base, FL. The phychologist and I were able to identify the external problems that were affecting my professional duties and were causal factors in my various minor infractions. Unfortunately at this point, I was only able to attend three counseling sessions due the (sic) upgraded "FPCON" after the terrorist attack on 9/11. I feel that the timing of our national threat hendered (sic) my ability to correct my personal life as well as my professional career in the Air Force. I feel confident, that given time and additional counseling I would have overcome my difficulties and achieved higher goals.

**ATCH**

1. Discharge Documents..
2. Letter of Reference

18Dec02/cr

DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

31 JAN 2002

MEMORANDUM FOR 325 FW/CC

FROM: 325 FW/JA

SUBJECT: Legal Review – Administrative Discharge – [REDACTED]  
325 SFS

1. I have reviewed the attached discharge file concerning [REDACTED] and I find it both procedurally correct and legally sufficient to support his discharge.
2. **Background.** The 325 SFS/CC notified [REDACTED] of his intent to recommend discharge on 23 January 2002. [REDACTED] commander recommends discharge under AFI 36-3208 Chapter 5, Section H, para. 5.49, *Misconduct*, specifically Minor Disciplinary Infractions. [REDACTED] commander, [REDACTED], recommends an Under Honorable Conditions (General) discharge.
3. **Basis for Discharge.** A member is discharged for misconduct when he or she fails to maintain, both on and off duty, the high standards of personal conduct set forth for members of the Air Force. [REDACTED] has repeatedly failed to meet Air Force standards, disobeyed orders, and failed to take responsibility for his actions. He was found sleeping on post on two occasions. He received an Article 15 Nonjudicial Punishment action for the second incident. In his response to that action, while stating he accepted responsibility, he consistently gave excuses for his actions. He attempted to justify falling asleep because he was up all night with a woman he referred to as his "fiancée." This woman was in fact married to another man at the time the incident occurred, a fact that was well known to [REDACTED]. Nevertheless, he stated in his response that he intended to move in with her in the near future, although they did not have marriage plans. He neglected to mention the reason no marriage plans existed was because his "fiancée" was already a married woman. That [REDACTED] would ask for special consideration for neglect of his duties due to staying up all night with the wife of another man illustrates his complete and utter failure to understand Air Force standards. Furthermore, [REDACTED] continued to be involved in misconduct on several occasions after receiving the Article 15. He failed to go to his place of duty at the appointed time three times within a two month period, disobeyed the orders of both his superiors in the 325 SFS and the quarters order of a 325 MDG physician, and lied to his superiors on two occasions. Additionally, his dorm room was not within standards on two occasions, and he failed to maintain his dress and appearance. [REDACTED] consistently failed to meet Air Force standards, and demonstrated himself to be irresponsible and untrustworthy. He continues to fail to accept responsibility for his actions or

even understand that his behavior is inappropriate, as evidenced by the response he submitted to this discharge action, which will be discussed in the following paragraph. [REDACTED] appears to completely fail to understand that rules and standards apply to all Air Force members, or that he is responsible for his own actions. His actions clearly form a basis for discharge.

**4. Matters Submitted by Respondent.** [REDACTED] submitted a written statement, a letter from his Area Defense Counsel, character statements from his father and three of his father's friends, a LOE, several certificates of appreciation, and some medical documentation concerning a knee condition. These statements, if anything, emphasize the need to discharge this airman. [REDACTED] three and a half page statement is an illustration of the complete irresponsibility and untrustworthiness of this airman. He states he started to "turn his life around" in January 2001, after receiving an Article 15 for sleeping on post. However, after this supposed catharsis, this airman engaged in sleeping on post again, lying to supervisors, disobeying orders, and failing to go. He essentially asks for this behavior to be excused because of difficulties in his personal life, specifically the fact that his fiancée had a relationship with another man while he was TDY, and married this other individual. [REDACTED] continued his romantic involvement with his "fiancée" throughout the course of her marriage to her civilian spouse, and actively attempted to destroy the marriage; his involvement with this married woman caused [REDACTED] to experience stress which he claims impacted his duty performance. In his response to the Article 15 action he received for sleeping on post, he offered his relationship with this woman as an excuse for his actions, explaining he spent the night with her, and stated his intent to move in with her. He failed to mention that she was married to another man, evincing an intent to mislead his commander.

In his response to this action, [REDACTED] again offers this relationship as an excuse for the myriad of disciplinary problems he experienced since returning from Saudi Arabia. He states that the unprofessional relationship he had with a married woman should be excused because "we were not committing adultery," and that the failure of the 325 SFS leadership to be "supportive" of his relationship caused his misconduct. As a result of [REDACTED] excessive involvement with this married woman, his response to the Article 15 action in which he evinced an intent to carry on an unprofessional romantic relationship with her, and statements he made to [REDACTED] that he intended to remain actively romantically involved with the woman he referred to as his "fiancee" despite her marriage, [REDACTED] was issued a no contact order. Instead of accepting the order, he made statements to [REDACTED] to the effect that he did not intend to obey the order. In his response to this action he states "there was no reason to stop me from seeing my fiancée... [she] did not want the order and I did not want the order." Statements such as these show a continued inability to understand the need for good order and discipline, and to act in a professional manner that does not bring discredit upon the Air Force. The respondent also states that since he believed his "fiancee" was pregnant with his child, the SFS/CC acted unreasonably by issuing him a no-contact order. It should be noted that without a blood test, it cannot be determined who the biological father of the woman's child is. Furthermore, in many states even if a man is the biological father of a child who is born to the wife of another man, the woman's spouse is considered the legal father of the child and the biological father has no legal rights such as visitation. Legal challenges by biological fathers to this system have routinely failed. The law does not support the respondent's assertion that he is entitled to carry on an unprofessional relationship with a married woman because she may be carrying his child. Not only does [REDACTED] seek to excuse his unprofessional relationship, which was not even cited

as a basis for discharge in this action, he actually seeks to use the stress of engaging in a romantic relationship with another man's wife as an excuse for the on duty misconduct cited in this action. This is reprehensible and is conduct that cannot be tolerated if good order and discipline is to be maintained.

Furthermore, [REDACTED] makes several statements to the effect of that he was getting underserved LORs. These LOR's were issued for lying to supervisors, failures to go, and disobeying orders. Several were issued for multiple offenses. None of the LORs were excessive responses to the misconduct cited therein; in fact, other airman in his squadron received Article 15 actions for conduct similar to that cited in some of the respondent's LOR's.

The next item the respondent submitted was a statement from his ADC, [REDACTED]. [REDACTED] mistakenly attacks the legality of the no-contact order issued to [REDACTED]. First, the 325 SFS/CC was well within his rights to issue this order. Flagrantly carrying on an unprofessional relationship with the spouse of a civilian in the local community is prejudicial to good order and discipline and casts discredit upon the Air Force. A no-contact order is an appropriate way to deal with such a situation; the protection of good order and discipline is a valid military purpose to issue a no-contact order. However, because neither the unprofessional relationship itself nor any violation of the no contact order is relied upon as a basis for discharge in this action, attacks on the order are irrelevant. [REDACTED] further states not all of the paperwork the respondent received was "fairly given." The disciplinary actions taken against [REDACTED] were eminently fair and consistent with discipline given to others in his squadron for similar offenses.

[REDACTED] also submitted statements by his father and three of his father's friends. [REDACTED] is a 20 year old security forces member who should be able to accept responsibility for his actions without the need to rely on his father and his father's connections to attempt avoid the consequences of his actions. [REDACTED] also submitted medical documentation of a knee condition, which is utterly irrelevant to this action since any knee condition he may have had did not impact his propensity to engage in disciplinary infractions. He also submitted several certificates of appreciation.

**5. Characterization of Discharge.** [REDACTED] may receive a General or Honorable discharge. Alternatively, the discharge process could be reinitiated in order to extend to [REDACTED] the right to a discharge board, if you feel that an Under Other Than Honorable Conditions discharge is more appropriate. The 325 SFS/CC recommends [REDACTED] service be characterized as General. The negative aspects of his service outweigh the positive aspects of his military service. [REDACTED] has consistently been involved in misconduct for which he fails to accept responsibility. His conduct involves flagrant disregard for Air Force standards and the orders of his supervisors. He acts only to further his own personal benefit, and fails to have concern for the effects of his actions on his squadron and the Air Force. He was given numerous chances to improve, but instead of adhering to standards he blames Security Forces leadership for not being understanding of the stress caused by his relationship with a married woman.

**6. Legal and Procedural Sufficiency.**

- a. The case file is free from any errors or irregularities that would substantially prejudice any of the respondent's substantive or procedural rights. My review indicates a sufficient amount of evidence to support discharge.
- b. [REDACTED] conduct has not been of the nature that the Air Force expects of its Airmen. He has been involved in numerous incidents of misconduct, and has failed to respond to corrective efforts including verbal counseling, Letters of Reprimand, and an Article 15. Even after receiving correction, he has continued to engage in the misconduct. He continues to fail to take responsibility for his actions, and believes he should receive special treatment due to "stress." Both his actions and his attitude are inconsistent with military service.

**7. Probation and Rehabilitation.** [REDACTED] commander, [REDACTED] does not recommend probation and rehabilitation in this case. In his opinion, retention in a probationary status would be inconsistent with good order and discipline. The squadron has tried numerous rehabilitative efforts, and none have been successful. [REDACTED] continues to fail to appreciate the nature of his conduct or accept responsibility for it. As long he is unable or unwilling to accept responsibility and continues to blame others for his problems attempts at rehabilitation will be ineffective. [REDACTED] has no real desire to change because he believes he does not need to follow the rules applied to others. The immaturity of this airman's logic is shown by his assertion that his on duty misconduct should be excused due to the stress of carrying on an unprofessional relationship with another man's wife.

**8. Options.** As the SPCM convening authority, you may:

- a. decide the case is without merit and retain [REDACTED] or
- b. order the case initiated again, extending the respondent the right to a board hearing, if you believe separation with an Under Other Than Honorable Conditions discharge is more appropriate; or
- c. approve the respondent's separation with a General discharge, with or without probation and rehabilitation; or
- d. forward the file to 19 AF/CC with the recommendation that he direct that the respondent be discharged with an Honorable discharge.

9. I recommend that you direct that [REDACTED] be discharged with a General discharge without probation and rehabilitation.

[REDACTED] USAF  
Staff Judge Advocate





DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD2002-0400

MEMORANDUM FOR [REDACTED]

23 JAN 2002

FROM: 325 SFS/CC

SUBJECT: Notification Memorandum—Administrative Discharge

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions. The authority for this action is Air Force Policy Directive 36-32 and Air Force Instruction 36-3208, Chapter 5, Section H, para 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. As evidenced by a LOR dated 17 January 2002:

1) You, having knowledge of a lawful order to remain in your quarters issued by a 325th Medical Group physician, at or near Tyndall Air Force Base, Florida, on or about 8 January 2002, failed to obey the same.

2) You made a false official statement, to wit: that you were not off base in a green Ford Explorer, which statement was totally false and then known by you to be false, to [REDACTED] at or near Tyndall Air Force Base, Florida, on or about 8 January 2002.

b. You did, at or near Tyndall Air Force Base, Florida, on or about 29 December 2001, without authority, fail to go at the time prescribed to your appointed place of duty, as evidenced by a LOR dated 30 December 2001. (Atch 1b)

c. You did, at or near Tyndall Air Force Base, Florida, on or about 27 November 2001, fail to maintain your dormitory room within acceptable standards of cleanliness, in violation of TAFBI 32-6002, as evidenced by a LOR dated 30 November 2001. (Atch 1c)

d. You, having knowledge of a lawful order issued to you by [REDACTED] and [REDACTED] to wit: be at [REDACTED] office at 0800 hours on 19 November 2001, did, on or about 19 November 2001, at or near Tyndall Air Force Base, Florida, fail to obey the same, as evidenced by a LOR dated 30 November 2001. (Atch 1d)

e. You did, at or near Tyndall Air Force Base, Florida, on or about 16 November 2001, without authority, fail to go at the time prescribed to your appointed place of duty, as evidenced by a LOR dated 16 November 2001. (Atch 1e)

FOR OFFICIAL USE ONLY

f. As evidenced by a LOR dated 4 November 2001:

1) You did, at or near Tyndall Air Force Base, Florida, on or about 4 November 2001, without authority, fail to go at the time prescribed to your appointed place of duty.

2) You did, at or near Tyndall Air Force Base, Florida, on or about 4 November 2001, fail to maintain your dress and appearance within acceptable standards, in violation of AFI 36-2903.

3) You did, at or near Tyndall Air Force Base, Florida, on or about 4 November 2001, fail to maintain your dormitory room within acceptable standards of cleanliness, in violation of TAFBI 32-6002.

4) You made a false official statement, to wit: that you had a pair of acceptably shined combat boots drying in your dormitory room, which statement was totally false and then known by you to be false, to [REDACTED] and [REDACTED] at or near Tyndall Air Force Base, Florida, on or about 4 November 2001. (Atch 1f)

g. You, were, at or near Tyndall Air Force Base, Florida, on or about 18 October 2001, being posted as a sentinel, found sleeping upon your post, as evidenced by a LOR dated 31 October 2001. (Atch 1g)

h. As evidenced by Article 15 finalized 26 January 2001:

You, were, at or near Tyndall Air Force Base, Florida, on or about 11 January 2001, being posted as a sentinel, found sleeping upon you post. (Atch 1h)

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. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult [REDACTED] Area Defense Counsel, Bldg. 1005 (3-2911) at 1500 on 23 JAN 02. You may consult civilian legal 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 three (3) workdays unless you request and receive an extension, in writing, for showing good cause. I will send them to the separation authority.

6. If you fail to consult counsel or 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 records check as part of this discharge process. You must report to the NCOIC, Physical Examinations, Building 1465, Monday, Tuesday, Thursday or Friday between 1330 and 1500 to complete this medical records check.
8. You have been scheduled for a separations briefing. You must report to 325 MSS/DPMAR (Separations) section at \_\_\_\_\_ on \_\_\_\_\_.
9. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in the unit personnel office.
10. Execute the attached acknowledgment and return it to me immediately.

 , USAF  
Commander, 325 SFS

**Attachments:**

- 1a. LOR, dated 17 Jan 02
- 1b. LOR, dated 30 Dec 01
- 1c. LOR, dated 30 Nov 01
- 1d. LOR, dated 30 Nov 01
- 1e. LOR, dated 16 Nov 01
- 1f. LOR, dated 4 Nov 01
- 1g. LOR, dated 31 Oct 01
- 1h. Article 15, dated 26 Jan 01
2. Airman's Receipt of Notification Memorandum