

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE <b>AB</b>	AFSN/SSAN [REDACTED]
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TYPE GEN	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	RECORD REVIEW
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COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	<input checked="" type="checkbox"/>		

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

ISSUES <b>A92.21</b>	INDEX NUMBER <b>A67.10</b>	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 <b>07 Dec 2003</b>	CASE NUMBER <b>FD-2002-0405</b>
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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 and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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ENDORSEMENT 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**

CASE NUMBER

FD2002-0405

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

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

**FINDINGS:** Upgrade of discharge to Honorable is denied.

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

**ISSUE:** 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 that would justify a change of discharge. The records indicated the applicant received three Articles 15, nine Letters of Reprimand, and six Letters of Counseling. The misconduct included driving under the influence, sleeping on post, late for duty, failure to go, financial irresponsibility, failure to obey, unauthorized charges on government travel card, late for an appointment, and malingering. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

**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, 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 5 Apr 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Nov 80. Enlmt Age: 17 6/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-63, E-48, G-44, M-41. PAFSC: 3P031 - Security Forces Apprentice. DAS: 9 Jan 99.

b. Prior Sv: (1) AFRes 22 May 98 - 25 Aug 98 (3 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 26 Aug 98 for 6 yrs. Svd: 2 Yrs 7 Mo 11 Das, all AMS.

b. Grade Status: AB - 2 Mar 01 (Article 15, 2 Mar 01)  
Amn - 12 Feb 01 (Article 15, 12 Feb 01)  
A1C - 10 Oct 98

c. Time Lost: None.

d. Art 15's: (1) 2 Mar 01, Barksdale AFB, LA - Article 111. You did, on or about 3 Feb 01, near the ----- Club, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was 0.10 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. Reduction to AB. Suspended forfeiture of \$500.00 pay. (No appeal) (No mitigation)

(2) 12 Feb 01, Barksdale AFB, LA - Article 86. You did, on or about 1 Feb 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. (No appeal) (No mitigation)

(3) 22 Apr 99, Barksdale AFB, LA - Article 113. You, on or about 26 Mar 99, being posted as Venom 7, were found sleeping upon your post. Suspended reduction to Amn, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 09 JAN 01 - Late for duty.  
LOR, 31 DEC 00 - Failure to go.  
LOC, 30 DEC 00 - Late for duty.  
LOC, 23 NOV 00 - Failure to go.  
LOR, 03 NOV 00 - Financial irresponsibility.

LOR, 03 OCT 00 - Failure to go.  
LOR, 24 SEP 00 - Failure to obey a lawful general order or regulation.  
LOR, 31 MAY 00 - Unauthorized charges on government credit card.  
LOR, 14 FEB 00 - Late for duty.  
LOR, 04 FEB 00 - Late for duty.  
LOR, 31 MAR 99 - Failure to go.  
LOC, 25 MAR 99 - Failure to go.  
LOC, 25 MAR 99 - Late for appointment.  
LOC, 01 MAR 99 - Malingering on duty.  
LOC, 01 MAR 99 - Failure to go.

f. CM: None.

g. Record of SV: 26 Aug 98 - 25 Apr 00 Barksdale AFB 3 (Initial)

(Discharged from Barksdale AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (10) Mos (15) Das  
TAMS: (2) Yrs (7) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Sep 02.  
(Change Discharge to Honorable)

Issue 1: Documents will be presented at hearing. I plan to have documents pertaining to my conduct and mode of living since discharge to show that I am a productive, law abiding, contributing member of society.

**ATCH**

1. DD Form 214.

20DEC02/ia

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DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 2D BOMB WING (ACC)  
BARKSDALE AIR FORCE BASE, LOUISIANA

30 March 2001

MEMORANDUM FOR 2 BW/CC

FROM: 2 BW/JA (AIC [REDACTED])

SUBJECT: Review of Recommendation to Involuntarily Discharge  
AB [REDACTED], 2 SFS

1. LIEUTENANT COLONEL [REDACTED] recommends that AB [REDACTED] be involuntarily discharged for Minor Disciplinary Infractions pursuant to AFI 36-3208, para 5.49. He recommends an under honorable conditions (general) discharge without Probation and Rehabilitation. Based on AB [REDACTED] limited tenure/rank, he is not entitled to a discharge board. Therefore, his case is being processed pursuant to the notification procedures. We have reviewed the complete file and recommend that AB [REDACTED] be separated with an under honorable conditions (general) discharge and that no Probation and Rehabilitation be offered.
2. Airmen serve in the Regular Air Force for terms specified by Congress, but Congress permits early separation under certain specified conditions. Congress has delegated the authority to specify those conditions to the Secretary of the Air Force. The Secretary has implemented that delegation in AFI 36-3208, the AFI governing this case.
3. We have examined the complete record and find no procedural deficiencies. AIRMAN BASIC [REDACTED] has been informed of his commander's recommendation, his right to consult counsel, and his other procedural rights.
4. LIEUTENANT COLONEL [REDACTED] specified Minor Disciplinary Infractions as the basis for discharge. AIRMAN BASIC [REDACTED] has consistently disregarded Air Force rules and instructions. Specifically, AB [REDACTED] engaged in Minor Disciplinary Infractions when he did the following: drove a vehicle while under the influence, failed to go to his appointed place of duty on twelve (12) different occasions, failed to pay his government travel card on time, made unauthorized charges on his government credit card, was found sleeping on duty, and malingering on duty.
5. AIRMAN BASIC [REDACTED] has not submitted matters for your consideration.
6. If you decide to discharge AB [REDACTED] you must decide the appropriate service characterization. LIEUTENANT COLONEL [REDACTED] recommends an under honorable conditions (general) discharge. According to AFI 36-3208, para 1.18.2., an under honorable conditions (general) is appropriate when significant negative aspects of the airman's conduct or performance of duty outweigh the positive aspects of the airman's military record. In this case, an under honorable conditions (general) is warranted by AB [REDACTED]

██████████ record and will accurately characterize his service. The Letter of Notification and its attachments demonstrate why this characterization is appropriate.

7. Finally, you must also consider whether to suspend discharge for a period of Probation and Rehabilitation. Air Force Instruction 36-3208, Chapter 7, provides that Probation and Rehabilitation should be offered to airmen when it is reasonably possible to do so. For example, Probation and Rehabilitation might be offered to those airmen: (1) who have demonstrated a potential to serve satisfactorily; (2) who have the capacity to be rehabilitated for continued military service or for completion of the current enlistment; and (3) whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline. Based on the unit's failed attempts to rehabilitate AB ██████████, it is evident that he does not have the desire to be rehabilitated. Therefore, the commander recommends against Probation and Rehabilitation and the preponderance of the evidence supports his recommendation.

8. As the Separation Authority, you have the following options:

a. Retain AB ██████████ if you find that discharge is not warranted by the evidence or under the circumstances;

b. Separate AB ██████████ with an under honorable conditions (general) discharge, with or without Probation & Rehabilitation;

c. Recommend to the Commander of the 8th Air Force that AB ██████████ be separated with an honorable discharge, with or without Probation & Rehabilitation; or

d. Direct that AB ██████████ be given the opportunity to present his case before an administrative discharge board, if you find that discharge under other than honorable conditions (UOTHC) is warranted.

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9. RECOMMENDATION: Separate AB [REDACTED] from the United States Air Force with an under honorable conditions (general) discharge without Probation & Rehabilitation.

[REDACTED]

Capt, USAF

Assistant Staff Judge Advocate

I concur.

[REDACTED]

Maj, USAF

Deputy Staff Judge Advocate

ATTORNEY WORK PRODUCT

This is a privileged document. It will not be released in whole or part without the approval of the Staff Judge Advocate.

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DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 2D BOMB WING (ACC)  
BARKSDALE AIR FORCE BASE, LOUISIANA

97 MAR 21

MEMORANDUM FOR AB [REDACTED]

FROM: 2 SFS/CC

SUBJECT: Notification Letter – Administrative Discharge

1. I am recommending that you be discharged from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFI 36-3208, para 5.49. If my recommendation is approved, your service may be characterized as under honorable conditions (general).

2. My reasons for this action are as follows:

a. On or about 3 Feb 01, you drove while under the influence, as evidenced by an Article 15, dated 9 Mar 01 (TAB A);

b. On or about 1 Feb 01, you failed to go to your appointed place of duty, as evidenced by an Article 15, dated 14 Feb 01 (TAB B);

c. On or about 9 Jan 01, you failed to report to duty on time, as evidenced by a Letter of Reprimand (LOR), dated 9 Jan 01 (TAB C);

d. On or about 22 Nov 00, you failed to show up to M-16 firing practice, as evidenced by an LOR, dated 31 Dec 00 (TAB D);

e. On or about 30 Dec 00, you failed to show up for guardmount on time, as evidenced by a Letter of Counseling (LOC), dated 30 Dec 00 (TAB E);

f. On or about 13 Nov 00, you failed to show up to M-16 firing appointment, as evidenced by an LOC, dated 23 Nov 00 (TAB F);

g. On or about 3 Nov 00, you failed to pay off your government travel card on time, as evidenced by an LOR, dated 3 Nov 00 (TAB G);

h. On or about 3 Oct 00, you failed to show up for a mandatory appointment, as evidenced by an LOR, dated 3 Oct 00 (TAB H);

i. On or about 22 Sep 00, you failed to be on standby, as evidenced by an LOR, dated 24 Sep 00 (TAB I);



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j. Between on or about 11 Mar 00 and 28 Apr 00, you made several unauthorized charges on your Government travel card, as evidenced by an LOR, dated 31 May 00 (TAB J);

k. On or about 12 Feb 00, you were late to duty, as evidenced by an LOR, dated 14 Feb 00 (TAB K);

l. On or about 04 Feb 00, you failed to show up to duty on time, as evidenced by an LOR, dated 04 Feb 01 (TAB L);

m. On or about 12 Mar 99, you failed to go to a mandatory dental appointment, as evidenced by an LOR, dated 31 Mar 99 (TAB M);

n. On or about 22 Mar 99, you failed to show up for guardmount on time, as evidenced by an LOC, dated 25 Mar 99 (TAB N);

o. On or about 24 Mar 99, you failed to show up to M-16 firing appointment on time, as evidenced by an LOC, dated 25 Mar 99 (TAB O);

p. On or about 1 Mar 99, you were found malingering on the job, as evidenced by an LOC, dated 1 Mar 99 (TAB P);

q. On or about 28 Feb 99, you failed to attend a mandatory training session, as evidenced by an LOC, dated 1 Mar 99 (TAB Q) and;

r. On or about 26 Mar 99, you were found sleeping on duty, as evidenced by an Article 15, dated 27 Apr 99 (TAB R).

3. Copies of the document(s) referenced above have been attached and will be forwarded to the separation authority in support of this recommendation. 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. Military legal counsel, Capt [REDACTED] Area Defense Counsel (ADC) for Barksdale AFB, Extension 6-8355, Building 4714 (gym annex building), third floor, has been obtained to assist you. An appointment has been scheduled for you to consult with the ADC on 28 Mar 01 at 0800 hrs. You may consult civilian counsel at your own expense.

5. You have been scheduled for a medical examination. You must report to Flight Medicine **with your medical records** for the appointment. Your appointment is on 28 Mar 01 at 0700 (Physician) hrs. 0920 (Flight Surgeon)

6. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me within three (3) duty days, unless you request and receive an extension for good cause. I will send any statements that you provide to the separation authority.

7. You have been scheduled for a Pre-separation Counseling briefing. You must report to the Family Support Center, Bldg 4713, at 1830 on 29 Mar 01 for the briefing.

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8. If you fail to consult counsel or fail to submit statements on your behalf, you will waive the right to do so.

9. Any personal information that you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 35-3208, the AFI governing this case, is available for your use in your unit Orderly Room.

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



, Lt Col, USAF  
Commander, 7 SFS

Attachment(s):

- a. Article 15, dated 9 Mar 01
- b. Article 15, dated 14 Feb 01
- c. LOR, dated 9 Jan 01
- d. LOR, dated 31 Dec 00
- e. LOC, dated 30 Dec 00
- f. LOC, dated 23 Nov 00
- g. LOR, dated 3 Nov 00
- h. LOR, dated 3 Oct 00
- i. LOR, dated 24 Sep 00
- j. LOR, dated 31 May 00
- k. LOR, dated 14 Feb 00
- l. LOR, dated 4 Feb 00
- m. LOR, dated 31 Mar 99
- n. LOR, dated 25 Mar 99
- o. LOC, dated 25 Mar 99
- p. LOC, dated 1 Mar 99
- q. LOC, dated 1 mar 99
- r. Article 15, dated 27 Apr 99