

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
[REDACTED]	AB	[REDACTED]

TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.53, A92.37	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	

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

**REMARKS**

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
[Signature]	[Signature]

ENDORSEMENT	DATE: 03-03-25
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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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

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

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.

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 two Records of Individual Counseling. His misconduct included several instances of underage possession and use of alcohol, multiple incidents of failure to go, and various offenses of failing to follow lawful orders or instructions, and disrespect to both a civilian instructor and to a noncommissioned officer. At the time of the discharge, member waived his rights to consult counsel and submit a statement on his own behalf. 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 AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 20 Dec 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 7 Jul 75. Enlmt Age: 19 7/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-72, E-68, G-76, M-25. PAFSC: 1N211 - Signals & Intelligence Production Helper. DAS: 3 Jul 95.

b. Prior Sv: (1) AFRes 23 Feb 95 - 17 May 95 (2 Mos 25 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 18 May 95 for 4 Yrs. Svd: 0 Yrs 7 Mos 3 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 30 Nov 95, Ft Huachuca, AZ - Article 86. You did, on or about 9 Nov 95, without authority, fail to go to your appointed place of duty, to wit: Mandatory Remedial Training at building 63902, Room 57. Seven days restriction, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 16 NOV 95 - Failure to follow the lawful orders of an NCO.

LOR, 15 NOV 95 - Underage drinking, possession of alcohol, and dormitory room not meeting minimum military standards.

ROC, 09 NOV 95 - Failure to attend mandatory remedial training and to follow lawful directions.

ROC, 09 NOV 95 - Unsatisfactory probation due to lack of effort towards course completion, failure to respond to instructions, failure to attend remedial training, and lack of respect to instructor.

LOR, 21 JUL 95 - Possession and the use of alcohol on several occasions.

f. CM: None.

g. Record of SV: None.

(Discharged from Davis Monthan AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (0) Yrs (9) Mos (28) Das  
TAMS: (0) Yrs (7) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Sep 02.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

**ATCH**  
None.

19Dec02/cr

9 December 1995

## MEMORANDUM FOR 17 TRW/CC

FROM: 17 TRW/JA

SUBJECT: AFI 36-3208 Involuntary Discharge - [REDACTED]  
314 TRS (AETC)

1. We have reviewed the referenced action in accordance with AFI 36-3208, paragraph 5.49, and consider it factually, procedurally, and legally sufficient to sustain a finding that Respondent has engaged in a pattern of minor disciplinary infractions and should be discharged.
2. The factual basis for this action is set out in the initiating commander's Notification of Discharge letter. The commander has made this recommendation after carefully considering the pattern of disciplinary infractions established by Respondent.
3. The unit commander has recommended a general (under honorable conditions) discharge. AFI 36-3208, paragraph 1.16, authorizes either an honorable or a general discharge. A general discharge is appropriate when the airman's service has been honest and faithful but significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's record. An honorable discharge is appropriate when the airman has generally met Air Force standards of acceptable conduct and performance of duty or when a member's service is so meritorious that any other characterization would be inappropriate.
4. Respondent waived his right to consult counsel and his right to submit statements.
5. AFI 36-3208, paragraph 5.56 provides that you are the separation authority. As such, your options are to: (a) order retention; (b) recommend to 2nd AF/CC that respondent receive an honorable discharge; (c) order a general (under honorable conditions) discharge; or (d) order further processing if you believe another type of discharge is appropriate.
6. We recommend that you order a general discharge. Respondent has established a pattern of disciplinary problems. The squadron has responded with numerous administrative actions, culminating with an Article 15 action. Respondent has demonstrated that he is unwilling to correct his behavior in order to conform to military standards. Separation is warranted and is in the best interest of the United States Air Force. Probation and rehabilitation is not appropriate as Respondent has already demonstrated his unwillingness to reform his behavior. A general discharge is appropriate because the positive aspects of Respondent's service are outweighed by the significant negative aspects reflected in the pattern of disciplinary infractions.
7. We note no errors of legal significance.

8. RECOMMENDATION: That Respondent be separated with a general (under honorable conditions) discharge.

[REDACTED]

I concur.

[REDACTED]

Attachment:  
Case file

FD2002-0406

DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND (AETC)

4 DEC 95

MEMORANDUM FOR [REDACTED]

FROM: 314 TRS/CC

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, paragraph 5.49. 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:

a. On 10 Nov 95, you possessed and consumed alcohol in the dormitory, a violation of AETCR 52-7, para 2.1.1. You also admitted to consuming alcohol in the dormitory on numerous occasions prior to 10 Nov 95. Letter of Reprimand dated 15 Nov 95, UIF established.

b. On 9 Nov 95, you failed to attend mandatory remedial training, as directed to by your instructor; Article 15 initiated on 17 Nov 95.

c. On 7 and 8 Nov 95, you failed to attend mandatory remedial training and displayed disrespect towards your instructor; LOR dated 16 Nov 95 and DA form 4856, General Counseling Form, dated 9 Nov 95.

d. Between 3 and 14 Jul 95, you consumed alcohol while in phase 1, a violation of AETCR 52-7; LOR dated 21 Jul 95.

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.

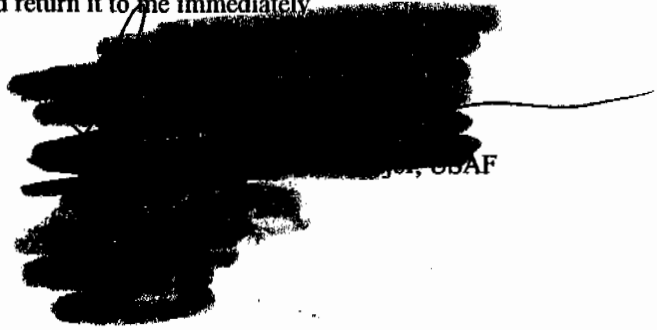
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult CAPT [REDACTED], on 4 DEC 95, at 1530L. You may consult civilian counsel at your own expense.

5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 7 DEC 95 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. Any personnel 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 the Orderly Room.

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



**4 Attachments**

1. Referenced Supporting Documents
2. Receipt of Notification Memorandum
3. Discharge under AFI 36-3208
4. Privacy Act Statement