



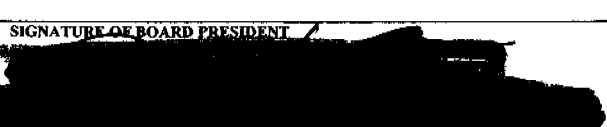


AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE A1C	AFSN/SSAN 			
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBERS SITTING 		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A01.01, A01.43, A01.55		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 03-03-07		CASE NUMBER FD2002-0409		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 RATIONALE 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 RECORDING OFFICER 		SIGNATURE OF BOARD PRESIDENT 				
INDORSEMENT			DATE: 03-03-11			
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

FD2002-0409

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 that neither the evidence of record nor that provided by the applicant substantiates an impropriety or inequity that would justify an upgrade of the discharge to honorable.

Issues. Applicant was discharged for minor disciplinary infractions. He had a verbal counseling, four Letters of Reprimand, and an Unfavorable Information File (UIF). His misconduct included failure to go, failure to pay an overdue bill, failure to renew his British vehicle road tax and driving on base without it, two civilian convictions for driving while intoxicated, and thrice failing to provide a breath test when requested to by law enforcement authorities. Member was referred to the base alcohol rehabilitation program, but denied he had a problem with alcohol, thus it was deemed he could not be rehabilitated. At the time of the discharge, member consulted counsel and waived his right to submit a statement in his own behalf. Applicant now contends his discharge should be upgraded because of a clerical error in the notification and recommendation documents. In reviewing the record, the Board noted that the letter of notification member received stated he could be given either a general (under honorable conditions) discharge, or an honorable discharge, and that the commander was recommending an honorable discharge. Additionally, the receipt of notification that member signed acknowledges that member realized he could receive either a general or honorable discharge. However, the letter of recommendation to the convening authority who would decide member's characterization of service, from the unit commander, recommends member receive a general discharge (contrary to the notification letter which said the commander was recommending an honorable discharge). Likewise, the legal review provided the convening authority notes the unit commander recommended a general discharge. In a letter written "To Whom It May Concern" three days before member's general discharge was executed, provided to the discharge review board by the applicant, the unit commander states the recommendation letter was in error in that he intended to recommend an honorable discharge, and the orderly room staff that had prepared the letter had made a serious administrative error. He further states neither the base personnel office nor the base legal office supported re-accomplishing member's package due to the imminence of member's departure port call, but would support a subsequent discharge upgrade or correction to records. The Board noted the absence of similar supporting letters from personnel office or legal office staff members, and opined that although the recommendation letter may have been in error, it was not a harmful error in that member was notified and acknowledged he could receive either a general or honorable characterization of service, and it was the convening authority's decision as to which characterization was appropriate based on member's record and incidents of misconduct. After review of all of the documents, including the letter of notification wherein the commander stated he intended to recommend an honorable discharge, the convening authority had the grounds on which to determine member should receive a general discharge. 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. The board did not find sufficient mitigation to warrant an upgrade at this time, and no clear inequity or impropriety was found in this discharge in the course of the records review.

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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 18 Dec 89 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 4 Sep 63. Enlmt Age: 22 5/12. Disch Age: 26 3/12. Educ: HS DIPL. AFQT: N/A. A-72, E-78, G-84, M-93. PAFSC: 45254C - Repair and Reclamation Specialist. DAS: 9 Dec 86.

b. Prior Sv: (1) AFRes 18 Feb 86 - 28 May 86 (3 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 May 86 for 4 yrs. Svd: 3 Yrs 6 Mo 20 Das, all AMS.

b. Grade Status: A1C - 29 Mar 88
 Amn - (APR Indicates): 29 May 86-28 May 87

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 8 SEP 89 - Conviction for driving under the influence of alcohol.
 LOR, 3 FEB 89 - Failure to renew road tax.
 LOR, 7 Dec 87 - Failure to provide a breath specimen via the intoximeter.
 MFR, 4 JUN 87 - Financial irresponsibility.
 LOR, 26 FEB 87 - Failure to go.

f. CM: None.

g. Record of SV: 29 May 86 - 28 May 87 RAF Upper Heyford 9 (Annual)
 29 May 87 - 28 May 88 RAF Upper Heyford 9 (Annual)
 29 May 88 - 28 May 89 RAF Upper Heyford 4 (Annual)
 29 May 89 - 14 Nov 89 RAF Upper Heyford 2 (HAF Dir)

(Discharged from McGuire AFB)

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

i. Stmt of Sv: TMS: (3) Yrs (10) Mos (1) Das
 TAMS: (3) Yrs (6) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Sep 02.
(Change Discharge to Honorable)

Issue 1: Clerical error.

ATCH

1. Character Reference.
2. DD Form 214.

20DEC02/ia

FD2002-0409



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 20TH TACTICAL FIGHTER WING (USAFE)
APO NEW YORK 09194-5000



REPLY TO
ATTN OF: JA [REDACTED] /4845)

27 November 1989

SUBJECT: Review of AFR 39-10 Administrative Discharge, Letter of Notification -
[REDACTED]

TO: CC

1. Basis of Action: [REDACTED] the respondent's squadron section commander, initiated discharge action under the provisions of paragraph 5-46, Section H, Chapter 5, AFR 39-10, for minor disciplinary infractions. He has recommended that [REDACTED] receive a general discharge without suspension for probation and rehabilitation due to [REDACTED] inability to adapt to military life. You may elect the following:

- a. Retain [REDACTED] and discontinue the action, or
- b. Direct that [REDACTED] be separated with a general discharge, with or without suspension for probation and rehabilitation, or
- c. Forward the case file to the 3AF/CC with a recommendation for an honorable discharge with or without suspension for probation and rehabilitation, or
- d. If you feel an Under Other Than Honorable Conditions discharge is warranted, refer the case to an administrative discharge board.

Your decision should be made only after a thorough review of the case file.

2. Evidence in Support of the Discharge:

- a. On 26 Feb 1987, [REDACTED] failed to attend a FTD flight control class for which he received a letter of reprimand.
- b. On 4 June 1987, [REDACTED] was notified that his club bill was 60 days overdue, and he received verbal counselling.
- c. On 8 Oct 1987, [REDACTED] received a court conviction for driving a motor vehicle while unfit through drink or drugs. The court disqualified him from driving for one year and fined him 50 pounds. The squadron established a UIF and did not recommend him for promotion.
- d. On 30 Jan 1989, [REDACTED] failed to renew his road tax for which he received a letter of reprimand and a UIF was established.
- e. On 16 Oct 1989, [REDACTED] received a court conviction for driving a motor vehicle under the influence of alcohol in excess of the prescribed limit. As punishment, he was disqualified for three years, assessed 4 points and fined 360 pounds. A letter of reprimand was placed in his UIF.

3. Rehabilitation Efforts: [redacted] indicated in his recommendation that [redacted] was counselled on numerous occasions by his superiors. He was given letters of counseling and letters of reprimand and a UIF was established. The squadron referred him to Social Actions for alcohol rehabilitation. [redacted] stated at the rehab meeting that he did not have a problem with alcohol, an indication that he cannot be rehabilitated. [redacted] was fully aware of the consequences for his continued substandard conduct and behavior.

4. Evidence on Behalf of the Respondent: [redacted] is a 26 year old Repair and Reclamation Specialist on a 4 year enlistment, with a TAFMSD of 29 May 1986. His assignment to his current unit began on 9 December 1986. He has received four EPRs

- 29 May 89 to 14 Nov 89 = 2
- 29 May 88 to 28 May 89 = 4
- 29 May 87 to 28 May 88 = 9
- 29 May 86 to 28 May 87 = 9

After consultation with military counsel, [redacted] has not submitted any statements.

[redacted] has the Air Force Training Ribbon and the Air Force Outstanding Unit Award.

5. Errors and Irregularities: The evidence sufficiently supports the recommended discharge action. The provisions of paragraphs 5-2, 6-8 and 6-9 of AFR 39-10 have been substantially complied with in this discharge action.

6. Discussion:

a. All of the respondent's substantive and procedural rights have been satisfied. This case is legally sufficient to support a discharge for minor disciplinary infractions.

b. Before recommending this discharge [redacted] exhausted all areas of administrative action. [redacted] has shown through his conduct that he has a problem adapting to the military and the Air Force way of life. Therefore, he is a poor candidate for probation and rehabilitation.

7. Recommendation: I recommend that [REDACTED] be discharged with a general discharge without suspension for probation and rehabilitation.

[REDACTED]

1 Atch
Case file [REDACTED]

Concur
[REDACTED]

FD 2002-0409

DEPARTMENT OF THE AIR FORCE
20TH EQUIPMENT MAINTENANCE SQUADRON (USAFE)
APO NEW YORK 09194-5000



REPLY TO
ATTN OF: CCQ

15 Nov 89

SUBJECT: Letter of Notification

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as honorable.

2. My reasons for this action are:

a. On 16 Oct 89, you received a court conviction for driving a motor vehicle having consumed alcohol in excess of the prescribed limit. You were disqualified for 3 years, assessed 4 points and fined 360 pounds. A letter of reprimand was placed in your UIF.

b. On 30 Jan 89, you had your automobile on base and failed to renew your road tax for which you received a letter of reprimand and a UIF was established.


~~c. On 20 Jan 88, you had your vehicle on base and failed to renew your road tax for which you were counseled.~~

d. On 8 Oct 87, you received a court conviction for driving a motor vehicle while unfit through drink or drugs. You were disqualified from driving for one year and fined 50 pounds. A UIF was established and you were not recommended for promotion

e. On 4 Jun 87, you were notified your club bill was 60 days overdue for which you were verbally counseled. *AS show on the MFR dated 4 JUN 87.*

f. On 26 Feb 87, you failed to attend a FTD flight control class for which you received a letter of reprimand.

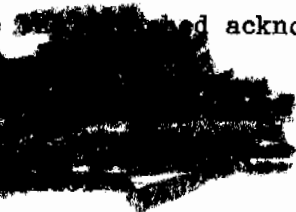
Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged, or retained in the Air Force, and how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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  at the Area Defense Counsel, Bldg 36, on 20 Nov 89 at 0930. You may consult civilian counsel at your own expense.

4. You have the right to submit statements. Any statements you want the separation authority to consider must reach me by 21 Nov 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 USAF Hospital, RAF Upper Heyford, Special Testing Section at 0730 hrs on 19 Nov 89 for the examination.

7. Execute  and acknowledgement and return it to me immediately.

1 Atch
Receipt of Ltr of
Notification