

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]			
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	NO					
	X					
MEMBERS SITTING [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.53, A93.05, A92.21		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 03-03-07		CASE NUMBER FD2002-0414		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 [REDACTED]		SIGNATURE OF BOARD PRESIDENT [REDACTED]				
INDORSEMENT				DATE: 03-03-07		
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

FD2002-0414

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 two Articles 15, a Letter of Reprimand, five Letters of Counseling, and an Unfavorable Information File (UIF). His misconduct included five instances of failure to go or being late to work, three instances of dress and appearance violations, two instances of failure to follow instructions or training guidelines, two instances of dereliction of duty, and having an unauthorized, unescorted civilian guest in his dorm room overnight. At the time of the discharge, member consulted counsel and submitted a statement requesting retention, or in the alternative an honorable 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 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.

Applicant submitted a character reference from his grandfather, a retired Air Force Senior Master Sergeant, which reflected on applicant's post-service conduct and accomplishments, and noting that applicant came from a sheltered background. While the latter may have had some bearing on applicant's ability to adjust to the military, this information failed to demonstrate how the characterization of discharge was affected by it, or how applicant's youth and immaturity distinguished him from his peers. And while the Board commends applicant on the post-service improvements he has made, they are not relevant to the period of service under review, and therefore do not provide a basis for upgrade.

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

[REDACTED]

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 6 Nov 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 10 Feb 82. Enlmt Age: 17 3/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-35, E-62, G-52, M-34. PAFSC: 1C331 - Command Post Apprentice. DAS: 8 Nov 00.

b. Prior Sv: (1) AFRes 25 May 99 - 31 Jul 00 (1 Yr 2 Mos 7 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 1 Aug 00 for 6 yrs. Svd: 1 Yr 3 Mos 6 Das, all AMS.

b. Grade Status: AB - 3 Oct 01 (Article 15, 3 Oct 01)
AMN - 24 May 01 (Article 15, 24 May 01)

c. Time Lost: None.

d. Art 15's: (1) 3 Oct 01, Robins AFB, GA - Article 92. You, who knew of your duties, on or about 14 Sep 01, were derelict in the performance of those duties in that you willfully failed to obey dormitory rules by having Mr. ----- in your room overnight and unescorted, as it was your duty to do. Reduction to the grade of AB, and 15 days extra duty. (No appeal) (No mitigation)

(2) 24 May 01, Robins AFB, GA - Article 86. You, did, on or about 6 May 01 and on or about 7 May 01, without authority fail to go at the time prescribed to your appointed place of duty. Reduction to the grade of AMN, restriction for 45 days, 45 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 14 AUG 01 - Dereliction to duty.
LOC, 25 MAR 01 - Late for duty.
LOC, 25 MAR 01 - Violation of dress and appearance standards (unshaven)
LOC, 24 MAR 01 - Dereliction to duty.
LOC, 20 DEC 00 - Late for duty and failure to follow training guidelines.
LOC, 12 DEC 00 - Failure to follow instructions.

f. CM: None.

g. Record of SV: None.

(Discharged from Robins AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (13) Das
TAMS: (1) Yr (3) Mos (6) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Sep 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
None.

27Dec02/cr



FD 2002-0414

DEPARTMENT OF THE AIR FORCE
Headquarters Warner Robins Air Logistics Center (AFMC)
Robins Air Force Base Georgia

MEMORANDUM FOR 78 ABW/CC

OCT 31 2001

FROM: JA

SUBJECT: Legal Review, AFI 36-3208 Administrative Discharge Action
[REDACTED]

1. **Action:** The proposed discharge of [REDACTED] under the provisions of AFI 36-3208, paragraph 5.49, for Minor Disciplinary Infractions has been reviewed and is legally sufficient, subject to the inclusion of the discharge physical examination. There is an adequate basis in the current enlistment to support discharge. I concur with the commander's recommendation that [REDACTED] be separated with a general discharge.

2. **Background:** AFI 36-3208, paragraph 5.49, provides for administrative discharge of an enlisted member who has engaged in a pattern of misconduct consisting solely of minor disciplinary infractions during the current enlistment. [REDACTED] misconduct fits the criteria of AFI 36-3208, paragraph 5.49. He has repeatedly refused to comply with military standards and regulations. [REDACTED] received his first Letter of Counseling (LOC), dated 12 Dec 00, for failing to give his supervisor his training certificate from technical school. An item which was requested on several occasions. On 20 Dec 00, he received his second LOC for failure to go to his appointed place of duty on several occasions. On 24 Mar 01, he received his third LOC for failure to inform flight personnel about their flight cancellation. On 25 Mar 01, [REDACTED] received his fourth LOC for reporting to work with an unshaven face. On 25 Mar 01, he received his fifth LOC for failure to go to his appointed place of duty. On 24 May 01, he received his first Article 15, Nonjudicial Punishment (NJP), for failure to go to his appointed place of duty. This act established his Unfavorable Information File (UIF). On 14 Aug 01, he received his first Letter of Reprimand (LOR), for failure to inform [REDACTED] visit to the 93rd ACW had been cancelled. This was placed in his existing UIF. On 3 Oct 01, [REDACTED] received his second Article 15, NJP, for failing to obey dormitory rules by having an unauthorized guest stay in his room overnight and for not escorting that guest at all times. This was placed in his existing UIF.

3. **Personal Data:** [REDACTED] is nineteen years old with one year and two months active service. He has been awarded the Air Force Training Ribbon. He has no EPR's.

4. **Evidence For The Respondent:** [REDACTED] was notified on 18 Oct 01 of the proposed discharge. He consulted the Area Defense Counsel and submitted a statement on his behalf. In his statement [REDACTED] requests he not be separated. However, if he is separated he requests

that he be given an honorable discharge. [REDACTED] is not entitled to an administrative discharge board hearing.

5. **Legal Issues:** Past attempts at changing [REDACTED] behavior have not been effective. The member was given every opportunity to meet Air Force standards and abide by Air Force regulations. He is unwilling to meet the minimum standards required of a military member. Based upon the rehabilitative measures taken by the commander in this case and [REDACTED] continued, conscious violations of acceptable conduct, I do not recommend [REDACTED] as a candidate for probation and rehabilitation.

6. **Options for 78 ABW/CC:** As the separation authority in this case, you may:

- a. Retain the respondent if you determine that discharge is not warranted; or
- b. Discharge the respondent with a general discharge, with or without probation and rehabilitation; or,
- c. Recommend to WR-ALC/CC that the respondent be discharged with an honorable discharge with or without probation and rehabilitation; or,
- d. Direct that notification of discharge be withdrawn and the respondent be served with notice of proposed discharge under other than honorable conditions. This option would entitle the member to have an additional seven days to respond to the discharge action and would entitle him to present his case to an administrative discharge board.

7. **Recommendation:** An administrative discharge is warranted and is supported by the evidence. Discharge based on Minor Disciplinary Infractions is ordinarily characterized as general. In addition, given this member's short time in service, grade, and nature of his offenses, a general discharge without probation and rehabilitation would be appropriate. If you concur, you may so indicate by signing the letter at Tab 1.

[REDACTED]



DEPARTMENT OF THE AIR FORCE
93RD LOGISTICS SUPPORT SQUADRON (ACC)
ROBINS AIR FORCE BASE, GEORGIA

FD2002-0414

18 Oct 01

MEMORANDUM FOR [REDACTED]

FROM: 93 LSS/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, General or Under Other Than Honorable conditions. I am recommending that your service be characterized as General.
2. My reasons for this action are:
 - a. You failed to give your supervisor your training certificate from technical school, which was requested on several occasions. For this you received a Letter of Counseling (LOC), dated 12 Dec 00.
 - b. You failed on several occasions, to report at the time prescribed to your appointed place of duty. For this you received your second LOC, dated 20 Dec 00.
 - c. You failed, on 4 Mar 01, to inform the flight personnel about the flight cancellation, which was a waste of manpower and resources. For this you received your third LOC, dated 24 Mar 01.
 - d. You did, on 22 Mar 01, report to work with an unshaven face. For this you received your fourth LOC, dated 25 Mar 01.
 - e. You failed, on 24 Mar 01, to go at the time prescribed to your appointed place of duty. For this you received you fifth LOC, dated 25 Mar 01.
 - f. You failed on 6 May 01 and on 7 May 01, to report at the time prescribed to your appointed place of duty. For this you received an Article 15, Nonjudicial Punishment (NJP), dated 24 May 01. This act established your Unfavorable Information File (UIF).
 - g. You failed on 10 Aug 01, to inform [REDACTED] visit to the 93rd ACW had been cancelled. For this you received a Letter of Reprimand (LOR), dated 14 Aug 01. This was placed in your existing UIF.

- h. You failed, on 14 Sep 01, to obey dormitory rules by having someone stay in your room overnight and not being escorted at all times. For this your second Article 15, NJP, dated 3 Oct 01. This was placed in your existing UIF.
- 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 the **Area Defense Counsel, ph. 926-5852, at building 368, on 18 Oct 01 at 1400 hours.** You may consult civilian counsel at your own expense.
 - 5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me **within three duty days of the date of this letter** unless you request and receive an extension for good cause. 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 physical examination on 18 Oct 01.** You must report to Physical Exam Section in building 700A at **0845 hours** to fill out paperwork. **Your follow-up appointment will be at Family Practice, building 700A, at 0900 hours.** *You must be in uniform and on time in order to keep the scheduled appointment.*
 - 8. You have been scheduled for an *initial briefing* at separations with [REDACTED] Bldg 905, 7-7348, on 19 Oct 01 at 0900 hours. *Please bring an escort from your unit for assistance.*

9. 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 at the Area Defense Counsel or your unit orderly room.



Attachments:

1. Supporting documents
 - a. AF Form 174, dtd 12 Dec 00
 - b. AF Form 174, dtd 20 Dec 00
 - c. AF Form 174, dtd 24 Mar 01
 - d. AF Form 174, dtd 25 Mar 01
 - e. AF Form 174, dtd 25 Mar 01
 - f. AF Form 3070, dtd 24 May 01
 - g. LOR, dtd 14 Aug 01
 - h. AF Form 1058, dtd 27 Sep 01
 - i. AF Form 3070, dtd 3 Oct 01
2. Airman's Receipt of Notification Memorandum