

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AIC	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			VOTE OF THE BOARD	
			HON	GEN
			U0THC	OTHER
				DENY
[REDACTED]				X
[REDACTED]				X
[REDACTED]				X
[REDACTED]				X
[REDACTED]				X
ISSUES A93.11, A93.09, A92.21		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD
				1
				2
				3
				4
HEARING DATE 03-03-25		CASE NUMBER FD2002-0417		ORDER APPOINTING THE BOARD
				APPLICATION FOR REVIEW OF DISCHARGE
				LETTER OF NOTIFICATION
				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 [REDACTED]		SIGNATURE OF BOARD PRESIDENT [REDACTED]		
ENDORSEMENT			DATE: 03-03-27	
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

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 inequity or impropriety that would justify a change of the discharge.

Issues. Applicant was discharged for minor disciplinary infractions. He had at least five Letters of Reprimand, five Records of Individual Counseling, two traffic tickets, an Unfavorable Information File, and was placed on the Control Roster. Of two Enlisted Performance Reports, the last was a referral rated an overall "2." Member's misconduct included several instances of writing bad checks and failing to pay just debts, failure to go, and various offenses of failing to follow instructions, and dereliction of duty. The records further disclose member was driving on base under revocation, and found by local law enforcement authorities driving on suspension at least three times in civilian jurisdictions, and speeding twice. On one occasion he failed to appear in court. At the time of the discharge, member consulted counsel and waived his right to 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 20 Jul 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 31 Jan 80. Enlmt Age: 17 10/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-82, E-72, G-59, M-69. PAFSC: 3E051 - Electrical Systems Journeyman. DAS: 18 Mar 99.

b. Prior Sv: (1) AFRes 20 Dec 97 - 16 Jun 98 (5 Mos 28 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 17 Jun 98 for 4 yrs. Svd: 3 Yrs 1 Mo 4 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MFR, 12 JUL 01 - Failure to comply with instructions.
 RIC, 12 JUN 01 - Failure to follow leave procedures.
 RIC, 17 JAN 01 - Failure to comply with mandatory CDC study schedule.
 LOR, 28 NOV 00 - Failure to respond to emergency standby call.
 LOR, 03 OCT 00 - Financial irresponsibility.
 LOR, 13 JUL 00 - Driving without insurance, no registration and suspended drivers license.
 LOR, 13 JUL 00 - Failure to go.
 LOR, 07 JUL 00 - Financial irresponsibility.
 TRAFFIC TICKET, 21 JUN 00 - Illegal parking.
 RIC, 12 JUN 00 - Financial irresponsibility.
 RIC, 12 JUN 00 - Failure to comply with instructions.
 RIC, 04 APR 00 - Financial irresponsibility.
 TRAFFIC TICKET, 18 MAY 99 - Illegal parking.

f. CM: None.

g. Record of SV: 17 Jan 98 - 15 Jan 00 Little Rock AFB 4 (Dir by HAF)
 16 Jan 00 - 15 Jan 01 Little Rock AFB 2 (Annual) REF

(Discharged from Little Rock AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (7) Mos (1) Das
TAMS: (3) Yrs (1) Mo (4) Das

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

Issue: There are a few reasons I believe I'm eligible for honorable discharge: I had debt problems while I was in. I wrote a few bad check(sic) and missed a couple of bills. At the time I had to take care of my mother and brother; reasons I don't care to mention (too personal). I learned a hard lesson; given Letters of Counseling and Letters of reprimand. While I was getting my debts under control, the supervisors in the shop basically took control of my bank account. I didn't and still think that this wasn't right. I was given a LOR for not putting money in my account when I went to New Mexico with a very close friend, which few months later we were married. At this time I couldn't handle it. I asked to get out of the Air Force. A decision I regret! The 314 CES commander gave me a choice at the time of discharge. I didn't think I would last another year with the shop I was in. I couldn't go TDY or even PCS and being stationed at my home was a big mistake. I really regret my decision I made. But today, I am married, learned to take my responsibilities (sic), and all I want to do is further my education. I am eligible for the MGI Bill except for one thing and that is that I didn't have a honorable discharge.

ATCH

None.

31Dec02/cr



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 314TH AIRLIFT WING (AETC)
LITTLE ROCK AIR FORCE BASE, ARKANSAS

FD2002-0417

16 July 2001

MEMORANDUM FOR 314 AW/CC
314 SPTG/CC *BW*

FROM: 314 AW/JA

SUBJECT: Administrative Discharge: [REDACTED]
314th Civil Engineering Squadron, Little Rock Air Force Base, AR

1. LEGAL SUFFICIENCY: I have reviewed the attached case file of [REDACTED] and pending proper medical clearance pursuant to AFI 36-3208, para 5.49, find it legally sufficient to support separating Amn Hardwick for *Minor Disciplinary Infractions* with an Under Honorable Conditions (General) discharge without probation and rehabilitation.
2. PROCEDURAL REQUIREMENTS: On 28 June 2001, [REDACTED] 314 CES/CC, initiated action under AFPD 36-32 and AFI 36-3208 to involuntarily separate [REDACTED] for *Minor Disciplinary Infractions*. [REDACTED] was properly notified of his rights associated with a notification discharge IAW AFPD 36-32 and AFI 36-3208. (Tabs 1 and 2.) [REDACTED] consulted with legal counsel and waived his right to submit matters on his behalf. (Tab 3.) Lt Col [REDACTED] recommends separation of [REDACTED] with an Under Honorable Conditions (General) discharge without P&R. [REDACTED] is eligible for P&R according to AFI 36-3208, Chapter 7. As the Special Court-Martial Convening Authority for the installation, you are the discharge authority for the case. AFI 36-3208, para 5.56.1.1; Special Order G-012, dated 23 September 1998, HQ USAF.
3. PERSONAL DATA: [REDACTED] is 21 years old. He enlisted on 17 June 1998 for a term of 4 years and was assigned to 314 CES on 18 March 1999. He is entitled to wear the Air Force Outstanding Unit Award and the Air Force Training Ribbon. Member had two Enlisted Performance Reports with the following close-out dates and ratings: 15 January 2001 - 2 (Referral Report); 15 January 2000 - 4. In accordance with AFI 36-3208, Section 6.4.1, no final report is required. AFI 36-3208, para 5.49 (*Minor Disciplinary Infractions*). (Tab 5)
4. BASIS FOR ACTION: The basis for action in the case is AFPD 36-32 and AFI 36-3208, para 5.49, and involves the following misconduct:
 - a. In April 2001, [REDACTED] was questioned about a GOV accident he had that month. During that discussion it was revealed that [REDACTED] was driving on a suspended drivers license. [REDACTED] was advised to fix the problem and get his license reinstated. In May, 2001, [REDACTED] had not taken care of the actions that would reinstate his license and was taken to the Sherwood police department by the First Sergeant. While processing his license suspension, it was revealed that Sherwood was holding two bad checks. [REDACTED] had

written. (Atch 1-11). On 18 November 2000, [REDACTED] failed to respond to an emergency standby call because he failed to make provisions to be contacted as required. For his actions, he received a Letter of Reprimand (LOR). (Atch 1-1)

b. On 13 November 2000, [REDACTED] failed his Career Development Course (CDC) end-of-course exam. He was rescheduled to retest on 29 January 2001, until it was discovered he only completed 2 of 4 volumes of his CDC's and was not prepared to take his second retest. For his actions, he received a Letter of Counseling (LOC). (Atch 1-2)

c. On 22 September 2000, [REDACTED] was charged and arrested for writing a hot check in the amount of \$8.28. For his actions, he received an LOR and placement on the Control Roster. (Atch 1-3)

d. On 7 July 2000, [REDACTED] failed to show for a financial counseling briefing scheduled by his first sergeant. For his actions, he received an LOR. (Atch 1-4)

e. On 30 June 2000, [REDACTED] failed to pay his debts. [REDACTED] provided documentation where she co-signed a \$2,500.00 loan for him out of good faith. She reported that she had received notices of non-payments for the last 2 months (May & June 2000). She also said her efforts to contact him to pay these bills were being ignored. For his actions, he received an LOR. (Atch 1-5)

f. On 21 June 2000, [REDACTED] operated a motor vehicle with no insurance and no registration. Further investigation revealed he had his license suspended from an earlier off-base incident. For his actions, he received an LOR and entry in his Unfavorable Information File (UIF). (Atch 1-6)

g. On 5 June 2000, [REDACTED] failed to have all the proper items in his mobility personal bag even though on 22 May 2000, he was briefed to have all his items ready for the 4 - 9 June 2000 ROCKEX. For his actions, he received an LOC. (Atch 1-7)

h. On 1 June 2000, [REDACTED] wrote two hot checks to the LRAFB lodging office. For his actions, he received an LOC. (Atch 1-8)

i. On 4 April 2000, 7 June 2000, [REDACTED] failed to pay his DPP account, which was \$36.00 past due. For his actions, he received an LOR. (Atch 1-9)

j. On 18 May 1999, [REDACTED] was cited by the Little Rock AFB Security Forces for parking his POV in a motorcycle-parking slot. For his actions, he was verbally counseled by the first sergeant. (Atch 1-10)

5. SUMMARY OF MATTERS SUBMITTED BY [REDACTED] None. (Tab 3)

6. SHOULD AMN: [REDACTED] BE DISCHARGED? Yes. [REDACTED] should be discharged IAW AFI 36-3208, Paragraph 5.49, for *Minor Disciplinary Infractions*. His misconduct includes conduct of a nature that tends to disrupt order, discipline, and morale within

the military community and usually involves causing dissent, disruption, and degradation of mission effectiveness. Based on [REDACTED] misconduct, administrative separation is warranted.

7. CHARACTERIZATION: [REDACTED] recommends separation of [REDACTED] with an Under Honorable Conditions (General) discharge. Under AFI 36-3208, para 1.18.2, if an airman's service has been honest and faithful, an Under Honorable Conditions (General) service characterization is warranted whenever significant negative aspects of the airman's conduct or duty performance outweigh the positive aspects of the airman's military record. A General discharge is appropriate in this case because of [REDACTED] misconduct.

8. PROBATION AND REHABILITATION (P&R): [REDACTED] is eligible for P&R under AFI 36-3208, Chapter 7. However, P&R should be offered only in cases where "there seems to be a reasonable expectation of rehabilitation." (Para 7.2.7.) In this case, [REDACTED] unit attempted to rehabilitate him by using the stepped approach to discipline. He was given five Letters of Reprimand, four Letters of Counseling, establishment of an Unfavorable Information File, and placement on the Control Roster. Despite unit efforts, [REDACTED] has continued to exhibit behavior inconsistent with military service. [REDACTED] has failed to demonstrate a capacity to be rehabilitated and his retention would be inconsistent with good order and discipline. See AFI 36-3208, para 7.3. Therefore, as recommended by [REDACTED] [REDACTED] discharge should not be suspended for P&R.

9. OPTIONS: As Separation Authority, you must determine whether the allegations are supported in fact. If you find that the allegations are not supported in fact, then you must retain [REDACTED]. If you find that the allegations are supported in fact, you may:

- a. Direct his retention;
- b. Direct his separation with an Under Honorable Conditions (General) discharge with or without P&R;
- c. Recommend his separation with an Honorable discharge with or without P&R to 19 AF/CC; or,
- d. Direct reinitiating and processing the case according to AFI 36-3208, Chapter 6, Section C, if you believe that an Under Other Than Honorable Conditions (UOTHC) discharge is appropriate.

10. RECOMMENDATION: Approve [REDACTED] recommendation to separate A1C Hardwick with an Under Honorable Conditions (General) discharge without P&R.

[REDACTED]

I concur.

[REDACTED] USAF

FD2002-047

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 314TH AIRLIFT WING (AETC)
LITTLE ROCK AIR FORCE BASE, ARKANSAS



JUN 28 2000

MEMORANDUM FOR [REDACTED]

FROM: 314 CES/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 under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 18 November 2000, you were derelict in the performance of your duties, in that you failed to make provisions to be contacted and therefore failed to respond to an emergency standby call. For your actions, you received a Letter of Reprimand (LOR). (Atch 1-1)

b. On or about 13 November 2000, you failed your Career Development Course (CDC) end-of-course exam. You were rescheduled to retest on 29 January 2001, until it was discovered you only completed 2 of 4 volumes of your CDC's and were not prepared to take your second retest. For your actions, you received a Letter of Counseling (LOC). (Atch 1-2)

c. On or about 22 September 2000, you were derelict in the performance of your duties, in that you were charged and arrested for writing a hot check in the amount of \$8.28, but ignoring to pay this check you now owe a \$250.48 bond. For your actions, you received an LOR and placement on the Control Roster. (Atch 1-3)

d. On or about 7 July 2000, you failed to pay your debts, you were scheduled for financial counseling by your first sergeant and you failed to show. For your actions, you received an LOR. (Atch 1-4)

e. On or about 30 June 2000, you failed to pay your debts. A [REDACTED] provided documentation where she co-signed a \$2,500.00 loan for you out of good faith. She reported that she has received notices of non-payments for the last 2 months (May & June 2000). She also

said her efforts to contact you to pay these bills were being ignored. For your actions, you received an LOR. (Atch 1-5)

f. On or about 21 June 2000, you did, operate a motor vehicle with no insurance and no registration. Further investigation has shown that your license has been suspended from an earlier off-base incident. For your actions, you received an LOR and entry in your Unfavorable Information File (UIF). (Atch 1-6)

g. On or about 5 June 2000, you were derelict in the performance of your duties, in that you failed to have all the proper items in your mobility personal bag even though on 22 May 2000 you were briefed to have all your items ready for the 4 - 9 June 2000 ROCKEX. For your actions, you received an LOC. (Atch 1-7)

h. On or about 1 June 2000, you were derelict in the performance of your duties, in that you wrote two hot checks to the lodging office on Little Rock Air Force Base. For your actions, you received an LOC. (Atch 1-8)

i. On or about 4 April 2000, 7 June 2000, you failed to pay your DPP account, which was \$36.00 past due. For your actions, you received an LOR. (Atch 1-9)

j. On or about 18 May 1999, you were cited by the Little Rock AFB Security Forces for parking your POV in a motorcycle parking slot. For your actions, you were verbally counseled by the first sergeant. (Atch 1-10)

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 higher authority will decide whether you will be discharged or retained in the Air Force and if 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 [REDACTED] Area Defense Counsel, Bldg 1255, Rm 201, Telephone 7-3260 on **29 June 2001 at 0900** hours. You may consult civilian counsel at your own expense.

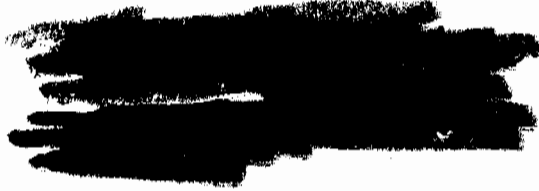
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by **(3)** workdays or **(72)** hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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. You have been scheduled for a medical examination. You must report to Little Rock AFB Hospital at **1145** hours on **29 June 2001** for the examination.

8. 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 in the Orderly Room.

9. Execute the attached acknowledgment and return it to me immediately.



Attachments:

- 1-1 LOR, 28 Nov 00
- 1-2 LOC, 17 Jan 2001
- 1-3 LOR, 3 Oct 00
 - Control Roster, 8 Oct 00
 - UIF Summary Sheet
 - Member's Comments, 4 Oct 00
 - Security Forces Blotter, 22 Sep 00
- 1-4 LOC, 13 Jul 00
- 1-5 LOR, 7 Jul 00
- 1-6 LOR, 13 Jul 00
 - UIF, 13 Jul 00
 - UIF Summary Sheet
- 1-7 LOC, 12 Jun 00
- 1-8 LOC, 12 Jun 00
- 1-9 LOC, 4 Apr 00
- 1-10 DD Form 1408, 18 May 99