

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE SRA	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	UOTHC	OTHER	DENY
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
ISSUES A94.05		INDEX NUMBER A49.00		EXHIBITS SUBMITTED TO THE BOARD			
				1	ORDER APPOINTING THE BOARD		
				2	APPLICATION FOR REVIEW OF DISCHARGE		
				3	LETTER OF NOTIFICATION		
HEARING DATE 19 JUN 03		CASE NUMBER FD2002-0420		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							
<p>Case heard at Andrews AFB, MD</p> <p>Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.</p>							
SIGNATURE OF RECORDER [REDACTED]				SIGNATURE OF BOARD PRESIDENT [REDACTED]			
INDORSEMENT						DATE: 19 JUN 03	
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

FD2002-0421

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for his discharge, and to change his reenlistment code.

The applicant was scheduled for a Personal Appearance before the Discharge Review Board at Andrews AFB, MD, on June 19, 2003, but after acknowledging intent to appear, failed to do so without requesting a postponement.

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

FINDINGS: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are 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 received an under honorable conditions (general) discharge for unsatisfactory performance, namely failure to progress in on-the-job training, after he twice failed his end-of-course exam for his Career Development Course. Although not a basis for the discharge, member also had misconduct during the enlistment under review, which was used to characterize his service. That misconduct included a civilian arrest for drunk in public, failure to go to a mandatory appointment that had been rescheduled three times, failure to pay his Army Air Force Exchange System Deferred Payment Program account, misusing his government travel card, and failure to adequately support his dependent son. For these offenses he had received three Letters of Reprimand and a referral Enlisted Performance Report rated an overall "2." The record review also showed member had entries for substance abuse rehabilitation and treatment, as well as family advocacy program entries during the enlistment under review. At the time of the discharge, member consulted counsel and waived his right to submit statements in his own behalf. He had previously indicated to his chain of command an expressed desire to be discharged. The Board noted an error in the processing of the discharge in that five incidents of misconduct from a previous enlistment were used to characterize member's service; this was improper because incidents from a previous enlistment may only be used to determine if a member should be discharged, but not what characterization of service should be given. The Board concluded however that this was a harmless error in that member's misconduct during the enlistment under review was severe enough to warrant the general discharge, and the issuance of same was not an abuse of command discretion. The Board further noted member's breaches of discipline deviated from standards expected of all Air Force members. Such unacceptable conduct warranted the discharge applicant received; it does not warrant an honorable characterization. The Board finds the applicant's discharge to be appropriate and in accordance with Air Force policy.

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

(Discharged from Beale AFB)

h. Awards & Decs: AFAM, AFTR, NDSM, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (3) Yrs (10) Mos (19) Das
TAMS: (3) Yrs (7) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Sep 02.
(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

Issue: I would like for my General Under Honorable to be changed to Honorable so that I may enlist in to (sic) the DC Air National Guard.

ATCH

1. Applicant's Letter.
2. DD Form 214.
3. Reference Letters.

14 Dec 03/cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 9TH LOGISTICS GROUP (ACC)
BEALE AIR FORCE BASE, CALIFORNIA

FD 2002-0421
10 December 1996

MEMORANDUM FOR SrA [REDACTED]

FROM: 9 MUNS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Failure To Progress In On-The-Job Training. The authority for my recommendation is AFI 36-3208, Chapter 5, Section E, paragraph 5.26.3. If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending that your service be characterized as general.
2. My reasons for recommending your discharge are:
 - a. On 3 September 1996 you failed your Career Development Course End-of-Course Examination with a score of 60. The minimum passing score is 65 (atch 1).
 - b. On 15 October 1996 you failed your Career Development Course End-of-Course Examination for the second time with a score of 55, for which you received a Letter of Reprimand (atch 2).
3. My reasons for recommending that your service be characterized as general are:
 - a. On 10 November 1995, you were driving your vehicle while under the influence of alcohol, for which you received a Letter of reprimand (atch 3).
 - b. On or about 29 December 1995, payment on your Air Force Club Card was 60 days overdue, for which you received a Letter of Counseling (atch 4).
 - c. On 13 February 1996 and on 13 May 1996, you dishonorably failed to pay your debts on your AAFES DPP and UCDPP accounts, for which you received a Letter of Reprimand (atch 5).
 - d. On 13 June 1996, you dishonorably failed to pay your debt on your AAFES DPP account, for which you received a Letter of Reprimand (atch 6).
 - e. On 7 August 1996, you failed to go to your mandatory outbound assignment briefing, for which you received a Letter of Reprimand (atch 7).

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f. On 7 September 1996, you were arrested for being drunk in public and on 13 September 1996, you dishonorably failed to pay your debt to your AAFES DPP account, for which you received a Letter of Reprimand (atch 8).

g. On 11 October 1996 you wrongfully used your AMEX Card for other than official purposes, and you failed to provide adequate support for your son, Aaron, for the month of October, for which you received a Letter of Reprimand (atch 9).

Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. 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.

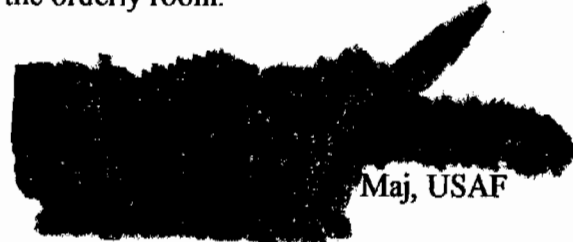
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment with Capt [REDACTED] at the Area Defense Counsel's Office, Building 2179, Room 102, ext 2081, on 11 December 1996, at 1100 hours. You may consult civilian counsel at your own expense.

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 13 December 1996, at 1500 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 the 9th Medical Group, Flight Surgeon's Office with your medical records and glasses (if you wear them), on 12 December 1996, at 0730 hours for this 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.



Maj, USAF

Attachments:

1. CDC Score Card, 3 Sep 96
2. LOR, 1 Nov 96
3. LOR, 13 Nov 96
4. LOC, 29 Dec 95
5. LOR, 29 May 96
6. LOR, 25 Jun 96
7. LOR, 26 Aug 96
8. LOR, 27 Sep 96
9. LOR, 1 Nov 96
10. Airman's Acknowledgment