

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1em;"></div>		GRADE A1C	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1em;"></div>	
TYPE GEN	<input checked="" type="checkbox"/> PERSONAL APPEARANCE		RECORD REVIEW	
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	NO			
	X			
MEMBERS SITTING		VOTE OF THE BOARD		
		HON	GEN	UOTHC
				OTHER
				DENY
				X
				X
				X
				X
				X
ISSUES A93.15, A93.33, A94.05, A94.11		INDEX NUMBER A67.10		
HEARING DATE 13 MAY 03		CASE NUMBER FD2002-0436		
		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 RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE				
REMARKS Case heard at Andrews AFB, MD. Advise applicant of the decision of the Board and his right to appeal to the Board for Correction of Military Records.				
SIGNATURE OF APPLICANT <div style="background-color: black; width: 100%; height: 40px;"></div>		SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 40px;"></div>		
INDORSEMENT			DATE: 30 MAY 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

FD2002-0436

GENERAL: The applicant appeals for upgrade of discharge to Honorable and for a change in the RE Code and the Reason and Authority for discharge.

The applicant's case was considered by the Discharge Review Board (DRB), at Andrews AFB, MD, on May 13, 2003. The applicant appeared before the DRB without counsel. The following additional exhibits were submitted at the hearing: Exhibit 5: Applicant's Contentions; Exhibit 6: Physical Profile Serial Report

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

FINDINGS: The DRB denies the requested relief. The DRB finds that the evidence of record and that provided by the applicant does not substantiate an inequity or an impropriety justifying an upgrade of the discharge, a change to the RE Code, or a change in the Reason and Authority for the discharge.

ISSUES: The applicant was discharged with a General service characterization from the Air Force for misconduct or, more specifically, minor disciplinary infractions. He had three letters of reprimand: one for dereliction of duty related to his failure to perform duties he had been directed to perform; one for assault and harassment concerning his attempt to force another airman to give him \$20 and then pushing him to the ground when the airman refused; and one for failing his dormitory room inspection despite being given an opportunity to clean the room to avoid failing the inspection. He has one letter of counseling for failure to follow orders to bring his identification to the unit sweep urinalysis as he was required to do. He also has one Article 15 for dereliction of duty in connection with his failure to perform his bay orderly duties and for sleeping while on duty. The applicant raised three issues. He complained that the discharge action was too harsh, that he had been singled out for unfair treatment and received improper training, and that he was the victim of racial discrimination.

CONCLUSIONS: The Discharge Review Board (DRB) concluded that none of the issues have merit.

At the outset, it should be noted that the DRB found absolutely no evidence of racial discrimination by any member of the Air Force. The applicant provided no evidence of discrimination and could not provide an explanation concerning his perception in this regard. While there may have been animosity on the part of the applicant's command, that appears to have been the product of factors other than racial discrimination—for example, repeated behavioral problems. There is also no indication the applicant was singled out for unfair treatment, subject to overly harsh punishment, or improperly trained regarding the standards expected of him. According to the record, the command took repeated disciplinary action against him only because he repeatedly engaged in misconduct. The actions taken were proportional responses to the misconduct in which the applicant engaged. The applicant attempted to minimize his misconduct by providing descriptions of the various events that made the applicant's actions appear to be significantly less serious (and in some cases, completely different) than the records indicate. The DRB was not convinced by the applicant's testimony, finding it to be inherently improbable, internally inconsistent, and contradictory. For example, the applicant testified that rather than attempting to force the airmen to give him \$20, he asked the airman—a person he barely knew—if he could "hold" \$20. Crediting the facts as set forth in the record, the DRB found no inequity or impropriety in the disciplinary actions taken or in the discharge action.

Having found no inequity or impropriety, the DRB declines to upgrade the discharge or change any other aspect of the applicant's record. The requested relief is denied.

Attachment:

Examiner's Brief

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

[REDACTED]
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 28 FEB 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 29 Nov 81. Enlmt Age: 18 4/12. Disch Age: 20 2/12. Educ: HS DIPL. AFQT: N/A. A-40, E-31, G-48, M-28. PAFSC: 4P031 - Pharmacy Apprentice. DAS: 3 Jan 01.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Mar 00 for 6 yrs. Svd: 1 Yrs 11 Mo 0 Das, all AMS.

b. Grade Status: A1C - 12 May 00

c. Time Lost: None.

d. Art 15's: (1) 27 Jun 01, Wright-Patterson AFB, OH - Article 92. You, who knew of your duties, on or about 12 Jun 01, were derelict in the performance of those duties in that you negligently failed to complete your bay orderly duties in the correct manner, as it was your duty to do, and instead were found asleep in your dorm room. Forfeiture of \$161.96 pay, 7 days extra duty, and a reprimand.
(No appeal) (No mitigation)

e. Additional: LOR, 13 DEC 01 - Dereliction of duty.
LOR, 10 DEC 01 - Assault and harassment.
LOR, 01 JUN 01 - Failed dormitory room inspection.
LOC, 10 MAY 01 - Failure to follow orders.
DD1408, 16 MAR 01 - Traffic ticket for speeding.
DD1408, 10 MAR 01 - Traffic ticket for speeding.

f. CM: None.

g. Record of SV: None.

(Discharged from Wright-Patterson AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (0) Das

TAMS: (1) Yrs (11) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Oct 02.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Physical Profile Serial Report.

21JAN03/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)
☐ WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

☒ ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)
a. DOCUMENT 1:

My medical waiver stating why I couldn't perform a duty

b. DOCUMENT 2:**c. DOCUMENT 3:****8. ISSUES**

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I think my discharge was basically based upon my appearance or color or both. I also think it was based upon dislike of another person which is me. I was at WPAFB for 5 months without any paper work. Soon as we get a new commander we have a surprise drug sweep soon as I get in I was sent to the place of the drug test it turns out I left my badge and ID in the car the commander was down there then jumped right on me screaming why don't you have your ID and badge I told him it was in the car so he had someone escort me as if I was going to go away. The next day he gave me an ID. A few days later it seems like he just went to my room for an inspection I had other officers look at my room they agreed that I shouldn't have been a failure I was written up for that. Next the commander had agreed to try to have me - court martial for something that was taken over board. I supposedly punched and try to take money from a fellow prisoner. I had at least 5 witnesses that knew that's not what happened because me and that fellow always plays around but he was jealous of a girl that I was dealing with. Had people tell my lawyer that the girl was trying to get as many people as he could to testify against me telling them what to say I did to him my lawyer used that against them but unit still try to find a way to give me an ID. I do think the paper work I received while on my orderly was necessary but to severe.

☒ I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

☐ I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date)
AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

☐ THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.
9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

2002-10-09

b. SIGNATURE


UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY
Army Review Boards Agency
Support Division, St. Louis
ATTN: SFMR-RBR-SL
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY & MARINE CORPS
Naval Council of Personnel Boards
720 Kennon Street, S.E.
Rm. 309 (NDRB)
Washington Navy Yard, DC
20374-5023

AIR FORCE
SAF/MIBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD
Commandant (G-WPM)
2100 Second Street, S.W.
Washington, DC 20593-0001

from block 8

FD2002-0436

I was given a Article 15 for being in my room something that everybody on bay orderly does during the course of the day. I was just taking a break I might have strayed away for too long probably about 15 minutes I was accused of sleeping on duty. They punished me with 7 extra duty days plus took almost \$180.00 out of my pay. I was supposed to be able to appeal but my first sergeant gave me the wrong date. When I told him he was the one who gave me the date he said sorry theres nothing he can do when he really could do something. I think all I should have got for that was an LDC.

Now to the last Draw unfortunately I fractured my foot and was in a lot of pain. The doctor gave me prescriptions for Tylenol 3 an controlled substance which makes you drowsy, and other side effects as well, and he also gave me Motrin. I walked on my crutches to my job I worked in the pharmacy so I didn't have to go two places. I was supposed to go home for the rest of the day But Chief Druzback came in and used some language that was uncalled for, and made me stay at work. Everbody I talked to that knew the situation agreed that I should have been home just for that day. And that if I was a certain color things would have been different.

A few days later some tried to get me to fill a prescription inside the vault the controlled medications I was at the computer officially off duty waiting for a ride. [REDACTED] kept trying to get me to do it yelling raising her voice I showed my waiver she ignored

So I called downstairs to speak with someone in charge. [redacted] answered the phone I told him that [redacted] was trying to get me to do something were I had to stand up. He asked me did I have a waiver I told him yes. He said dont worry about it you wont get in trouble. But a few days later the Chief called me downstairs gave me an LOR and remove d from the pharmacy, and later discharge me. I want to know why was I removed so fast right before my 2 year mark they did it purposely so I couldn't use my benefits. On any other airmen before they were discharged they would have had more punishment for example reduction in rank having stripes taking. All I was given was an LOR so I couldn't defend against so they said they had a reason to throw me out the last incident the occurred should have got me court martialled but they knew they didn't have a case. But the way they explained it in the statement was all wrong they didn't put but airmen [redacted] was on crutches, and was directed by doctor not to bear weight on cast. People you can contact on my behalf:

[redacted]



DEPARTMENT OF THE AIR FORCE

74TH MEDICAL GROUP
WRIGHT-PATTERSON AIR FORCE BASE, OHIO

13 FEB 02

MEMORANDUM FOR [REDACTED]

FROM: 74 MDSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct - Minor Disciplinary Infractions. The authority for this action is AFD 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 10 May 2001, you were notified to report to the medical center auditorium with your Military ID card for a flight drug sweep. You failed to bring your Military ID or your medical center badge, which are violations of Article 92, UCMJ and 74 MDGI 36-102 respectively. You were also told to have your AFMC Command patch on your BDU uniform, a requirement of AFI 36-2903. For this incident you received a letter of counseling dated 10 May 2001.

b. On 31 May 2001, [REDACTED] found your dormitory room to be unacceptable during a random dormitory inspection. You were counseled regarding this incident and told that your room would be re-inspected. Upon re-inspection, your room was still found to be unacceptable. For this incident you received a letter of reprimand dated 1 June 2001.

c. On or about 12 June 2001, you were derelict in performing your bay orderly duties and instead were found asleep in your dormitory room. For this incident you received Article 15 punishment on 27 June 2001, with forfeiture of \$161.96 and 7 days extra duty. This Article 15 was entered into an Unfavorable Information File.

d. On or about 7 September 2001, you physically assaulted and harassed a fellow member of the United States Air Force. For this incident you received a letter of reprimand dated 10 December 2001. This letter was added to your existing Unfavorable Information File.

e. On 7 December 2001, you were derelict in performing your duties at the outpatient pharmacy by refusing to accomplish tasks involving the filling of controlled prescriptions when told to do so by [REDACTED]. You also failed to obey the orders of [REDACTED] regarding the performance of your pharmacy duties. For this incident you received a letter of reprimand dated 13 December 2001. This letter was added to your existing Unfavorable Information File.

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, and any special pay, bonus, or education assistance funds may be subject to recoupment.

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] at the Area Defense Counsel's office, Building 199, Kittyhawk Area, Wright-Patterson AFB, OH, (937) 257-7841, on 14 Feb 02 at 0930 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 3 working days of your receipt of this letter, unless you request and receive an extension for good cause shown. I will send your statements 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 74th Medical Group, Aerospace Medicine, Building 830, Wright-Patterson AFB, OH, at 1315 on 20 Feb 02 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.

[REDACTED]
[REDACTED] USAF, MSC, CHE
Commander, 74th Medical Support Sq

Attachments:

1. Traffic Ticket
2. Letter of Counseling, 10 May 01
3. Letter of Reprimand, 1 Jun 01
4. Article 15, 27 Jun 01
5. Letter of Reprimand/UIF w/atch, 10 Dec 01
6. Letter of Reprimand/UIF w/atch, 13 Dec 01
7. UIF Summary