






AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE AMN	AFSN/SSAN 
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="padding: 2px;">COUNSEL</th> <th rowspan="2" style="padding: 2px;">NAME OF COUNSEL AND OR ORGANIZATION</th> </tr> <tr> <th style="padding: 2px;">YES</th> <th style="padding: 2px;">NO</th> </tr> <tr> <td style="text-align: center; padding: 2px;"> </td> <td style="text-align: center; padding: 2px;">X</td> <td style="padding: 2px;"> </td> </tr> </table>	COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	YES	NO		X		ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION								
YES	NO									
	X									

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A93.01, A93.19	INDEX NUMBER A67.50	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 28 MAR 03	CASE NUMBER FD2002-0450	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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER 	SIGNATURE OF BOARD PRESIDENT 
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INDORSEMENT	DATE: 28 MAR 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

FD02-0450

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

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

FINDINGS: Upgrade of discharge, change in Reason and Authority, and change to the RE Code is denied.

The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

ISSUE: The applicant states the record is in error or unjust because his ability to serve was impaired by his youth and immaturity. He states that he had problems coping with social acceptability. The record indicates the applicant received an Article 15 for willfully violating curfew and was smoking in an unauthorized area and therefore, failed to adhere to the phase program. In addition, he also received three Letters of Reprimand for violation of curfew restrictions, walking with his hands in his pockets and displaying a bad attitude, and for having a physical altercation with another airman and being drunk and disorderly. And, he received 10 AETC Forms 341 and one Letter of Counseling for failing his dorm room inspection (8 times), needed a haircut, and violated security standards. The applicant contends that he should not be penalized for a mistake he made when young. The DRB recognized the applicant was 22 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The board concluded the misconduct was a significant departure from conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge and that the characterization of the discharge received by the applicant was found to be appropriate.

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 AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 AUG 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, and to Change the Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 27 Apr 78. Enlmt Age: 21 2/12. Disch Age: 22 3/12. Educ: HS DIPL. AFQT: N/A. A-37, E-50, G-48, M-20. PAFSC: 3E711 - Student. DAS: 22 Nov 99.

b. Prior Sv: (1) AFRes 14 Jul 99 - 5 Oct 99 (2 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Oct 99 for 4 yrs. Svd: 0 Yrs 10 Mos 0 Das, all AMS.

b. Grade Status: AMN - 6 MAY 00

c. Time Lost: None.

d. Art 15's: (1) 24 May 00, Goodfellow AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 30 Apr 00, were derelict in the performance of those duties in that you willfully violated curfew and were smoking in an unauthorized area and therefore, failed to adhere to the phase program, as it was your duty to do. Forfeiture of \$300 pay and 20 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 23 MAY 00 - Violation of curfew restrictions.
AETC 341, 20 MAR 00 - Failed room inspection.
AETC 341, 17 MAR 00 - Failed room inspection.
LOR, 07 MAR 00 - Physical altercation with another airman; drunk and disorderly conduct.
AETC 341, 17 FEB 00 - Failure to have flashlight after darkness.
AETC 341, 17 FEB 00 - Violation of security standards
AETC 341, 27 JAN 00 - Failed dorm room inspection.
LOC, 27 JAN 00 - Failed dorm room inspection.
LOR, 24 JAN 00 - Walking with hands in pockets and displaying a bad attitude.
AETC 341, 14 JAN 00 - Failed dorm room inspection.
AETC 341, 06 JAN 00 - Failed dorm room inspection.
AETC 341, 04 JAN 00 - Need of haircut and broken button during an open ranks inspection.

AETC 341, 03 DEC 00 - Failed dorm room inspection.
AETC 341, 23 NOV 99 - Failed dorm room inspection.

f. CM: None.

g. Record of SV: None.

(Discharged from Goodfellow AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (0) Mos (22) Das
TAMS: (0) Yrs (10) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Oct 02.

(Change Discharge to Honorable, Change the RE Code, and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Criminal History Report.
4. Two Letters of Support.

27JAN03/ia

[REDACTED] - #8 continued

SS# [REDACTED]

5. Personal problems impaired my ability to serve. When I entered the military, it was the first time in my life I had to deal with so many different personalities on a 24 hour basis. I turned to alcohol and smoking cigarettes to cope which only made things worse.

6. My use of alcohol impaired my ability to serve. Clearly, I had an addictive personality when it came to alcohol. I spent a lot of my money at the bar. I have learned to overcome this and smoking cigarettes by a strict regimen of workout and meditation.

7. I tried to serve and wanted to, but just couldn't at the time. I truly had my heart into serving. I wanted to be there. When I received an Article 15, I was asked to respond. I went to the Base Legal Aid office and they recommended I write a letter to ask to be discharged. At the time, I was still drinking too much and in an unclear state of mind; I decided to sacrifice my career and life. Now that I have been out for two years, I realize how grave a mistake I have made. I have let down myself and my country, and if given the opportunity to correct it, I will not fail.

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:
Police Clearance

b. DOCUMENT 2:
Letter from [REDACTED]

c. DOCUMENT 3:
Letter from [REDACTED]

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board also will 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 believe the record to be in error or unjust in the following particulars:

- I received letters of recommendation. I received letters from several people including my [REDACTED], for whom I have the highest respect. He is a retired Judge for the Supreme Court of the State of New York. Attached is another letter from him stating my character and my willingness to serve. My [REDACTED], who served as an Army Aviator, has also written a letter on my behalf which is attached.
- I have been a good citizen since discharge. I have continuously held a job, paying all my bills and staying out of trouble. Please see the attached police clearance.
- My record of NJPs/Article 15s indicates only minor or isolated offenses.
- My ability to serve was impaired by my youth and immaturity. I had problems coping with social acceptability. This was a direct sign of immaturity. I sacrificed my life and career to be socially accepted and would like another chance to do things differently. Thinking about the events of the past year has made me realize that if I was still in the military I could be doing my part to guard and protect my family and my country.

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) b. SIGNATURE

20021017 [REDACTED]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200	Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 901 M Street, S.E. Washington, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (WPM-60) U.S. Coast Guard Headquarters Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0450

16 JUN 2000

MEMORANDUM FOR [REDACTED]

FROM: 312 TRS/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 general and you will be ineligible for reenlistment in the Air Force. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 23 Nov 99, you failed a dorm room inspection. This is a violation of the Phase Program. For this, you received an AETC Form 341.

b. On 3 Dec 99, you failed a dorm room inspection. For this, you received an AETC Form 341.

c. On 4 Jan 00, you were found in need of a haircut and a broken button during an open ranks inspection. For this, you received an AETC Form 341.

d. On 6 Jan 00, you failed a dorm room inspection. This is a violation of the Phase Program. For this, you received an AETC Form 341.

e. On 14 Jan 00, you failed a dorm room inspection. This is a violation of the Phase Program. For this, you received an AETC Form 341.

f. On 24 Jan 00, you were observed walking with your hands in your pocket and displaying a bad attitude. This is in violation of Article 92 of the UCMJ and AETCI 36-2216, Administration of Military Standards and Discipline. For this, you received a Letter of Reprimand on 24 Jan 00.

g. On 27 Jan 00, you failed a dorm room inspection. For this you received a letter of counseling on 27 Jan 00.

h. On 8 Feb 00, you were found in violation of security standard by leaving your door insecure. For this, you received an AETC Form 341.

i. On 17 Feb 00, you failed to have a flashlight during the hours of darkness. For this, you received an AETC Form 341.

j. On 25 Feb 00, you were involved in a physical altercation with another airman, while displaying drunk and disorderly conduct, which resulted in physical injury to yourself. For this you received a Letter of Reprimand on 7 Mar 00.

l. On 17 Mar 00, you failed a dorm room inspection. This is a violation of the Phase Program. For this, you received an AETC Form 341.

m. On 20 Mar 00, you failed a dorm room inspection. This is a violation of the Phase Program. For this you received an AETC Form 341.

n. On 30 Apr 00, you were found to be in violation of curfew and were smoking in an unauthorized area. These are violations of the Phase Program. For these infractions you received an AF Form 3070, (Article 15) on 17 May 00.

o. On 21 May 00, you were found to be in violation of curfew. You were in violation of the Phase Program. For this you received a Letter of Reprimand on 23 May 00.

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.

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 with [REDACTED] Tinker Air Force Base, OK, Area Defense Counsel on 19 Jun 00 at 1400 hours in Bldg 308. 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 21 Jun at 0900 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 Physical Exams Section of the clinic on 20 Jun 00 at 1500 hours 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 Unit Orderly Room.

[REDACTED]
[REDACTED] Lt Col, USAF
Commander

Attachments:

1. Airman's receipt of notification memorandum
2. AETC Form 341, dated 23 Nov 99
3. AETC Form 341, dated 3 Dec 99
2. AETC Form 341, dated 4 Jan 00
3. AETC Form 341, dated 6 Jan 00
4. AETC Form 341, dated 14 Jan 00
5. Letter of Reprimand, dated 24 Jan 00
6. Letter of Counseling, dated 27 Jan 00
7. AETC Form 341, dated 8 Feb 00
8. AETC Form 341, dated 17 Feb 00
9. Letter of Reprimand, dated 7 Mar 00
10. AETC Form 341, dated 17 Mar 00
11. AETC Form 341, dated 20 Mar 00
12. AETC Form 3070 (Article 15), dated 17 May 00
13. Letter of Reprimand, dated 23 May 00