

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
		AB				
TYPE	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
						X
						X
						X
						X
						X
ISSUES A95.00		INDEX NUMBER A67.90		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 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			
INDORSEMENT				DATE: 10 APR 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 FD02-0456
<p>GENERAL: The applicant appeals for upgrade of discharge to Honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>The board finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.</p> <p>ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received two Article 15's. The first one for unlawfully assaulting his wife and the second one for driving while intoxicated. In addition, he also received a Letter of Reprimand for missing multiple appointments, a Letter of Counseling for missing an appointment, and a Record of Individual Counseling for being late for work. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the 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.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

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

[REDACTED]
(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Nov 99 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 27 Apr 76. Enlmt Age: 20 10/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-54, E-72, G-62, M-87. PAFSC: 2A333A - F-15 Tactical Aircraft Maintenance Apprentice. DAS: 30 May 98.

b. Prior Sv: (1) AFRes 11 Mar 97 - 9 Sep 97 (6 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Sep 97 for 4 yrs. Svd: 2 Yrs 1 Mo 25 Das, all AMS.

b. Grade Status: AB - 16 Aug 99 (Article 15, 16 Aug 99)
AMN - 10 Mar 98

c. Time Lost: None.

d. Art 15's: (1) 16 Aug 99, Kadena AB, Japan - Article 111. You did, on or about 11 Jul 99, on Shreiber Boulevard, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was 0.14 grams per 210 liters of breath or greater as shown by chemical analysis. Reduction to AB, suspended forfeiture of \$250.00 pay per month for 2 months, and 45 days extra duty. (No appeal) (No mitigation)

(2) 5 Feb 99, Kadena AB, Japan - Article 128. You did, on or about 21 Dec 98, unlawfully assault your wife, -----, by slapping her on the arms, back, and head, and kicking her in the legs. Forty five days extra duty.
(No appeal) (No mitigation)

e. Additional: RIC, 06 JAN 99 - Late for work.
LOC, 13 OCT 98 - Missed appointment.
LOR, 29 SEP 98 - Missing multiple appointments.

f. CM: None.

g. Record of SV: 10 Sep 97 - 9 May 99 Kadena AB 3 (Initial)REF

(Discharged from Scott AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (7) Mos (24) Das
TAMS: (2) Yrs (1) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Oct 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

30JAN03/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

5 OCT 99

MEMORANDUM FOR AMN [REDACTED]

FROM: 12 FS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, then your service may be characterized as either honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general). If your discharge is approved, then I am further recommending that you not receive probation and rehabilitation.

2. My specific reasons for this action are:

a. Between on or about 30 Jun 98 and on or about 18 Sep 98, you failed to report to the 18th Medical Group on four occasions in order to receive a medical evaluation to ascertain whether you should be placed on the weight management program. As a result, you received a Letter of Reprimand on 29 Sep 98 (Tab 1-1).

b. On or about 10 Aug 99, you did, inter alia, fail to report for a hospital appointment, fail to inform your flight chief about your appointments, and fail to inform your supervisors about your status in the weight management program. As a result, you received a Letter of Counseling on 13 Oct 98 (Tab 1-2).

c. On or about 21 Dec 98, you unlawfully assaulted your wife, [REDACTED] by slapping her arms, back, and head, and kicking her legs. As a result, you received nonjudicial punishment under Article 15, UCMJ, on 5 Feb 99. Punishment consisted of 45 days extra duty and an Unfavorable Information File (UIF) was established on 5 Feb 99 (Tab 1-3).

d. On or about 6 Jan 99, you failed to report to your appointed place of duty at the prescribed time. As a result, you received a Record of Individual Counseling on 6 Jan 99 (Tab 1-4).

e. On or about 11 Jul 99, you physically controlled a passenger vehicle while the alcohol concentration in your breath was, as shown by chemical analysis, 0.14 grams per 210 liters of breath or greater. As a result, you received nonjudicial punishment under Article 15, UCMJ, on 16 Aug 99. Punishment consisted of a reduction to the grade of airman basic, with a new date of rank of 16 Aug 99; a six-month suspended forfeiture of \$250 pay per month for 2 months; and 45 days extra duty. A copy of the Article 15 was placed in your existing UIF on 20 Aug 99 (Tab 1-5).

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 United States Air Force and, if you are discharged, how your service will be characterized. If you are discharged, then 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] at the Area Defense Counsel at

Building 1460 on 5 OCT 99 at 1000 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements that you want the separation authority to consider must reach me by 8 OCT 99 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, then 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 Examination Section, 18th Medical Group, Kadena AB, Japan at 0800 on 6 OCT 99 for the examination.

8. The Privacy Act Statement of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use at the Area Defense Counsel's office.

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



AF
ron

Attachments:

1. LOR, 29 Sep 98
2. LOC, 13 Oct 98
3. AF Form 3070; AF Form 1137
4. RIC, 6 Jan 99
6. AF Form 3070, AF Form 1137
7. Airman's Receipt of
Notification Memorandum