

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE AMN	AFSN/SSAN ██████████			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.05		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
				1	ORDER APPOINTING THE BOARD	
HEARING DATE 30APR 03		CASE NUMBER FD2002-0459		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: 30APR 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

FD02-0459

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

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 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.

ISSUE: Applicant does not contest his discharge. He states that he was too young, was just married, and in a year and a half, lost both of his wife's parents to liver cancer. Also, his wife had a miscarriage. The record indicates the applicant received two Article's 15 for failure to go on four separate occasions. He also received eight Letter's of Reprimand for financial irresponsibility; being late for work on numerous occasions; making unsatisfactory progress on the weight management program; leaving duty without authority; and unprofessional conduct. In addition, he received five Letter's of Counseling for being late for work on numerous occasions and lying to supervisors twice. The DRB recognized the applicant was 21 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 found no evidence of any inequity or impropriety on which to base a decision to upgrade the discharge. The Board further concluded the misconduct of the applicant appropriately characterized his term of service.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 9 Nov 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 6 May 73. Enlmt Age: 17 9/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-70, E-61, G-50, M-45. PAFSC: 2S051 - Inventory Management Journeyman. DAS: 3 Mar 92.

b. Prior Sv: (1) AFRes 19 Feb 91 - 11 Nov 91 (8 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Nov 91 for 4 yrs. Svd: 2 Yrs 12 Mos 0 Das, all AMS.

b. Grade Status: AMN - 18 Oct 94 (Article 15, 18 Oct 94)
A1C - 06 Mar 94
AMN 06 May 93
AB - 06 Nov 92 (Article 15, 6 Nov 92)
AMN - 12 May 92

c. Time Lost: None.

d. Art 15's: (1) 18 Oct 94, Holloman AFB, NM - Article 86. Preliminary investigation has disclosed that you did, on or about 23 Sep 94, without authority, fail to go to your place of duty at which you were required to be, and did so remain absent until on or about 23 Sep 94. Reduction to Amn. (No appeal) (No mitigation)

(2) 6 Nov 92, Holloman AFB, NM - Article 86. You did, on or about 26 Oct 92, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 27 Oct 92, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 28 Oct 92, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB, and 30 days correctional custody. (Appeal denied) (No mitigation)

e. Additional: LOR, 23 SEP 94 - Failure to go.
RIC, 23 SEP 94 - Late for work.
LOR, 18 AUG 94 - Financial irresponsibility.
LOR, 11 JUL 94 - Late for work.

LOC, 30 JUN 94 - Late for work.
 VBC, 29 JUN 94 - Late for work.
 LOC, 30 MAR 94 - Lying to supervisors.
 LOR, 29 NOV 93 - Unsatisfactory progress on the weight management program.
 LOR, 21 SEP 93 - Leaving duty without authority.
 LOR, 01 FEB 93 - Unprofessional conduct.
 LOR, 21 SEP 92 - Late for work multiple times.
 LOC, 18 SEP 92 - Late for work.
 LOR, 21 MAY 92 - Late for work and making a false official statement on two occasions.
 MEMO, 20 May 92 - Lying to supervisor.

f. CM: None.

g. Record of SV: 12 Nov 91 - 25 Oct 93 Holloman AFB 3 (Initial)

(Discharged from Holloman AFB)

h. Awards & Decs: AFOUA W/1 BOLC, NDSM, AFTR.

i. Stmt of Sv: TMS: (3) Yrs (8) Mos (22) Das
 TAMS: (2) Yrs (12) Mos (0) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 14 Jan 03.
 (Change Discharge to Honorable)

Issue 1: My name is ----- and I respectfully request a review for a possible change in my discharge. I exited in 1994, and since then I utilized all of my education I received from my time in service. Currently I drive trucks for a living but I would like the opportunity to make something more of myself. Therefore, I humbly ask this request.

When I first entered into the Air Force, I was just married and 18 years of age. We were both young and away from home. In a year and a half we lost both of her parents to liver cancer and we had a miscarriage (sic). I went through a tumultuous (sic) time and struggled through daily life.

I went to work late and my job suffered immensely. I tried and tried to get my life back to normal, unfortunately I was never able to turn things around.

Currently, my wife and I just celebrated 11 years of marriage and we found out 6 months ago that we are going to have our first baby. We live in Pueblo, CO and this is where we call home.

In summary, I have made mistakes but am trying to turn my life around. If you would, could you please grant me this request? I would be eternally grateful (sic). Thank you for the opportunity to explain a few things about my discharge.

FD2002-0459

ATCH
None.

03FEB03/ia

FD2002-0459



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 49TH FIGHTER WING (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO

20 October 1994

MEMORANDUM FOR [REDACTED]

FROM: 49 MMSS/CC

SUBJ: Letter of Notification

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, Section H, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. You did, on or about 23 September 1994, at Holloman Air Force Base, New Mexico, without authority, fail to go to your place of duty at which you were required to be, to wit: the 49th Material Maintenance Support Squadron, located at Holloman Air Force Base, New Mexico, Your actions were in violation of Article 86, UCMJ, for which you were counseled and given nonjudicial punishment under Article 15, UCMJ, on 18 October 1994.

b. You did, on or about 21 September, at Holloman Air Force Base, New Mexico, without authority, fail to go to your place of duty at the time prescribed. For your actions you received a letter of reprimand on 23 September 1994.

c. You did, on or about 26 July 1994, at Holloman Air Force Base, New Mexico, make and utter check #1527 made payable to the Holloman Air Force Base Exchange in the amount of \$97.00, drawn upon United New Mexico Bank, which said check was dishonored upon presentment due to insufficient funds. For your actions, you received a letter of reprimand on 18 August 1994.

c. You did, on or about 29 June 1994 and 30 June 1994, at Holloman Air Force Base, New Mexico, fail to go to your place of duty at the time prescribed. For your actions you were verbally counseled on 29 June 1994 about arriving to work on time and you received a letter of counseling on 30 June 1994. Further investigation shows that you were late again, despite previous admonitions, for which you were given a letter of reprimand on 11 July 1994.

e. You did, on or about 22 March 1994, at Holloman Air Force Base, New Mexico, admit lying to your supervisors about some appointments you allegedly had scheduled. For your actions, you were counseled on 30 March 1994.

d. You did, on or about 16 September 1993, at Holloman Air Force Base, New Mexico, without authority, relieve yourself from duty at 1410 hours in order to go to a squadron football practice, but further investigation revealed that the practice started at 1630 hours. For your actions, you received a Letter of Reprimand on 21 September 1993.

e. You did, on or about 29 January 1993, at Holloman Air Force Base, New Mexico, with malicious intent, spit on SrA Forrest's windshield in the NCO Club parking lot. You received a Letter of Reprimand for your unprofessional conduct on 1 February 1993.

f. You did, on or about 26 and 27 October 1992, at Holloman Air Force Base, New Mexico, without authority, fail to go at the time prescribe to your appointed place of duty, to wit: Building 953. Your actions were in violation of Article 86 of the UCMJ, for which you received nonjudicial punishment under Article 15, on 12 November 1992.

h. You did, on or about 18 September 1992, at Holloman Air Force Base, New Mexico, fail to report for work in a timely manner. You were reported late on 14 and 27 August 1992 and 2, 7, 9, 15, and 18 September 1992. For your actions you were counseled on several occasions and given a letter of reprimand on 21 September 1992.

i. You did, on or about 20 May 1992, at Holloman Air Force Base, fail to appear for duty at the appointed time of 0715 and, further, you then made a false statement. You told [REDACTED] and [REDACTED] that you were going to sick call when in fact you never went. These actions were in violation of the UCMJ, Article 86, for which you receive a Letter of Reprimand on 21 May 1992.

3. 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, Building 302, Holloman AFB, phone 3474, at 1530, 20 October 1994. You may request that a different military defense counsel represent you, if that counsel is reasonably available as defined by AFR 111-1. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. I will forward your statements to the separation authority. Any statements you want me to forward must reach the Separations Processing Center, Room 1940, Building 29, Holloman AFB, by 25 October 1994 unless you request and receive an extension for good cause shown. You must submit your request for extension to the Separation Processing Center in a timely manner.

5. 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.

6. You are scheduled for a medical examination at the 49th Medical Group, Physical Exams section at 0700 on 24 October 1994.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the office of the Area Defense Counsel.

8. You must execute the attached acknowledgment and return to me immediately. The acknowledgment does not admit or deny any of the allegations against you, nor does it mean that you agree with the discharge action. It is simply an acknowledgment that you have received this Letter of Notification.



Attachments:

1. Supporting Documents
2. Other Derogatory
3. Airman's Acknowledgment