

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]				
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	DENY
							X
							X
							X
							X
ISSUES A95.00		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD			
HEARING DATE 9 MAY 03		CASE NUMBER FD2002-0461		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 [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]				
INDORSEMENT				DATE: 9 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

FD02-0461

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 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.

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 had two Article 15's, one for being derelict in the performance of his duties in that he willfully failed to refrain from drinking alcoholic beverages while he was assigned stand-by duties. The other was for failure to go and derelict in the performance of his duties. He also received a Vacation action under the UCMJ and a Letter of Reprimand and a Memorandum for Record for being disorderly and providing a false statement. 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.

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

[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 29 Mar 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 6 Jun 79. Enlmt Age: 19 2/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-83, E-64, G-57, M-54. PAFSC: 2W051 - Munitions System Journeyman. DAS: 15 Jan 99.

b. Prior Sv: (1) AFRes 28 Aug 98 - 8 Sep 98 (12 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 9 Sep 98 for 4 yrs. Svd: 2 Yrs 6 Mos 21 Das, all AMS.

b. Grade Status: AB - 2 Mar 01 (Article 15, 2 Mar 01)
AMN - 24 Jul 00 (Vacation, Article 15, 29 Sep 00)

c. Time Lost: None.

d. Art 15's: (1) 2 Mar 01, Cannon AFB, NM - Article 86. You did, on or about 27 Jan 01, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, who knew of your duties on or about 2 Feb 00, were derelict in the performance of those duties in that you willfully failed to follow safety directives prohibiting the movement of a universal ammunition loader system with loose rounds in the toolbox and rounds in the interface unit, as it was your duty to do. Reduction to AB, and 14 days extra duty. (No appeal) No mitigation)

(2) 29 Sep 00, Vacation, Cannon AFB, NM - Article 134. You did, on or about 11 Sep 00, wrongfully communicate to A1C ----- a threat to kill him. Reduction to AMN. (No appeal) (No mitigation)

(3) 24 Jul 00, Cannon AFB, NM - Article 92. You, who knew of your duties, between on or about 30 Jun 00 and on or about 6 Jul 00, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while you were assigned stand-by duties for the Line Delivery Element, as it was your duty to do. Suspended reduction to AMN,

14 days restriction, and 14 days extra duty.
(No appeal) (No mitigation)

e. Additional: LOR, 13 DEC 99 - Disorderly conduct and providing a false statement.

MFR, 14 JUL 99 - Disorderly conduct.

f. CM: None.

g. Record of SV: 9 Sep 98 - 15 Apr 00 Cannon AFB 5 (Dir by HAF)
16 Apr 00 - 26 Jan 01 Cannon AFB 3 (Initial)

(Discharged from Cannon AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (7) Mos (2) Das
TAMS: (2) Yrs (6) Mos (21) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Oct 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

3Feb03/cr



FD2002-0461
DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 27th FIGHTER WING (ACC)
CANNON AIR FORCE BASE NEW MEXICO

MEMORANDUM FOR AB [REDACTED]

FROM: 27 EMS/CC

MAR 12 2001

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, 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 general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 2 Feb 01, you failed to follow safety directives prohibiting the movement of a universal ammunition loader system with loose rounds in the toolbox and rounds in the interface unit, as evidenced by an Article 15 action, dated 2 Mar 01. (Atch 1a)

b. On or about 27 Jan 01, you failed to go at the time prescribed to your appointed place of duty, as evidenced by an Article 15 action, dated 2 Mar 01. (Atch 1a)

c. On 12 Sep 00, you were found banging on doors at dormitory 1155 and demanding "rent money", thereafter stating that you were going to kill someone. You were also seen violently shaking the guardrail and screaming. Because of these events, you were counseled, as evidenced by an ADAPT Program Referral, dated 18 Sep 00. (Atch 1b)

d. On or about 11 Sep 00, you communicated to Airman First Class [REDACTED] a threat to kill him, as evidenced by a Vacation of Suspended Nonjudicial Punishments action, dated 29 Sep 00. (Atch 1c)

e. Between on or about 30 Jun 00 and on or about 6 Jul 00, you consumed alcoholic beverages while you were assigned standby duties, as evidenced by an Article 15 action, dated 24 Jul 00. (Atch 1d)

f. On or about 5 Nov 99, you did throw milk cartons and yogurt at building 1159, as evidenced by a Letter of Reprimand, dated 13 Dec 99. (Atch 1e)

g. On 13 Jul 99, you were found throwing water balloons at unsuspecting residents of dormitory 1155, as evidenced by a Memorandum for Record, dated 14 Jul 99. (Atch 1f)

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. Special pay, bonuses, 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 building 600, ext. 2915, on 15 Mar 01 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 duty days** from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You completed a medical examination at the 27th Medical Group on 14 Mar 01 at 1130 hours.

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 your unit orderly room, or you may download a copy from <http://afpubs.hq.af.mil/>.

[REDACTED]

Attachments:

1. Supporting Documents