

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		AMN	[REDACTED]			
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO	[REDACTED]				
X		[REDACTED]				
		ADDRESS AND OR ORGANIZATION OF COUNSEL				
		1722 I Street NW, Room 243, Washington, DC 20421				
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES A95.00		INDEX NUMBER A67.50, A67.90		EXHIBITS SUBMITTED TO THE BOARD		
				1	ORDER APPOINTING THE BOARD	
HEARING DATE 25 Mar 03		CASE NUMBER FD2002-0462		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 RATIONAL 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			
[REDACTED]			[REDACTED]			
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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0462

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable. The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

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

**FINDINGS:** Upgrade of discharge is denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

**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 indicate applicant received an Article 15, nine Letters of Reprimand (LOR), and three Letters of Counseling for being unreachable for Augmentation Force duty, failure to obey a lawful order, and late for training. Additionally, applicant received three Memorandums for Record for crumpling an LOR, dereliction of duty, and late for duty. 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.

**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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 22 Mar 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 4 May 80. Enlmt Age: 18 10/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-68, E-30, G-44, M-32. PAFSC: 3P031 - Security Forces Apprentice. DAS: 13 Dec 99.

b. Prior Sv: (1) AFRes 16 Mar 99 - 20 Jul 99 (4 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Jul 99 for 4 yrs. Svd: 2 Yrs 8 Mo 2 Das, all AMS.

b. Grade Status: AMN - 19 Dec 01 (Article 15, 19 Dec 01)  
A1C - 21 Nov 00  
AMN - 21 Jan 00

c. Time Lost: None.

d. Art 15's: (1) 19 Dec 01, F.E. Warren AFB, WY - Article 86. You did, on or about 1 Dec 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn, and 45 days extra duty.  
(No appeal) (No mitigation)

e. Additional: LOC, 18 NOV 01 - Unreachable for Augmentation Force duty.  
LOR, 18 NOV 01 - Failure to pay debt.  
MFR, 15 NOV 01 - Failure to shave.  
LOR, 13 MAR 01 - Financial irresponsibility.  
MFR, 05 Jan 01 - Crumpling a LOR.  
LOR, 30 DEC 00 - Dereliction of duty.  
LOR, 28 DEC 00 - Failure to go.  
LOR, 28 DEC 00 - Dress & Appearance failure and failure to obey orders.  
LOR, 03 NOV 00 - Failure to maintain government housing and financial irresponsibility.  
LOR, 26 SEP 00 - Failure to obey a lawful order.  
LOR, 19 JUL 00 - Dereliction of duty.  
MFR, 18 JUL 00 - Late for duty.  
LOR, 10 JUL 00 - Failure to go and failure to obey.  
LOC, 30 MAY 00 - Failure to obey a lawful order.  
LOC, 07 MAY 00 - Late for flight training.

f. CM: None.

g. Record of SV: 21 Jul 99 - 20 Mar 01 F.E. Warren AFB 3 (Initial)REF  
 20 Mar 01 - 24 Jan 02 F.E. Warren AFB 1 (Cmdr Dir)REF

(Discharged from F.E. Warren AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (7) Das  
 TAMS: (2) Yrs (8) Mos (2) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 8 Oct 02.  
 (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH  
 None.

3FEB03/ia

FD 2002-0462



DEPARTMENT OF THE AIR FORCE  
90TH SPACE WING (AFSPC)

21 Feb 02

MEMORANDUM FOR Amn [REDACTED]

FROM: 321 MS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. 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. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 1 Dec 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 341, The Firing Range on Francis E. Warren Air Force Base. For this offense, you were punished under Article 15, UCMJ, on 19 Dec 01. Punishment consisted of reduction to the grade of airman and forty-five days extra duty. This Article 15 action was placed in your existing Unfavorable Information File (UIF).

b. You, at or near Francis E. Warren Air Force Base, Wyoming, between on or about 14 Nov 01 and on or about 17 Nov 01, were unreachable at your home and cellular phones. During this time period, you held a position as a member of the Augmentation Force. In the event of a recall of the augmentation force was initiated, your team leader would be unable to contact you. For this misconduct, you received a Letter of Counseling (LOC), dated 18 Nov 01.

c. You did, at or near Francis E. Warren Air Force Base, Wyoming, between on or about 12 Nov 01 and on or about 14 Nov 01, fail to pay a debt in the amount of \$300.00 owed to the Child Development Center. For this misconduct, you received a Letter of Reprimand (LOR), dated 18 Nov 01.

d. You, at or near Francis E. Warren Air Force Base, Wyoming, were derelict in the performance of your duties in that you failed to pay several of your creditors. Your financial mismanagement and irresponsibility resulted in your bank account being frozen for a thirty-day period leading to your inability to pay other established debts for that period and to adequately

provide for your wife and infant son. For this misconduct, you received a LOR, dated 13 Mar 01. This LOR was placed in your existing UIF.

e. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 28 Dec 00, fail to use proper procedures while conducting a Launch Facility check. You also failed to comply with 20 AF checklist #36 by not accomplishing all the required steps. For this misconduct, you received a LOR, dated 30 Dec 00.

d. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 6 Dec 00, fail to go to a mandatory appointment to get your gas mask fitted and tested. For this misconduct, you received a LOR, dated 28 Dec 00.

e. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 30 Nov 00, wear an unauthorized undershirt while in uniform. You were told to change your undershirt and report back to [REDACTED] to advise him that you had rectified the problem. You failed to do this until you were told to accomplish this task by [REDACTED]. For this misconduct, you received a LOR, dated 28 Dec 00.

f. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 13 Oct 00, fail to maintain your government housing. On or about, 21 Oct 00, your First Sergeant received notification from the Law Enforcement Desk, that a Laramie County Sheriff wished to serve you a warrant for your failure to appear in court and pay an \$18.00 check to Kentucky Fried Chicken. On 1 Nov 00, your First Sergeant was contacted by [REDACTED] for your failure to pay \$420.00 of the \$2,051.33 which you owed for encyclopedias, children's books, and CD ROMs to Metropolitan Educational Enterprises Inc. For these misconducts, you received a LOR, dated 3 Nov 00. You also had a UIF established.

g. You, having knowledge or a lawful order given to you by [REDACTED] Flight Security Controller, SFO8, 321st Missile Squadron, to take some documents to the First Sergeant letting him know that you had paid the entire balance of \$250.00 to your god sister, did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 15 Sep 00, fail to obey the same by not providing the First Sergeant with the proper documents. For this misconduct, you received a LOR, dated 26 Sep 00.

h. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 19 Jul 00, were derelict in the performance of your duties, to wit: you failed to have your service dress uniform prepared for duty and you failed to shave. For this misconduct, you received a LOR, dated 19 Jul 00. For this misconduct, you received a LOR, dated 19 Jul 00.

i. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 5 Jul 00 through on or about 9 Jul 00, fail to go to your appointed place of duty. For this misconduct, you received a LOR, dated 10 Jul 00.

j. You, having knowledge of a lawful order given to you by SSgt [REDACTED] Supervisor, 321st Missile Squadron, Flight 8, to go to supply for a reissue of a canteen and

flashlight, did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 25 May 00, fail to obey the same by not getting these items reissued. For this misconduct, you received a LOC, dated 30 May 00.

k. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 1 May 00, fail to go at the time prescribed to your appointed place of duty. For this misconduct, you received a LOC, dated 7 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 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 with an attorney at the Area Defense Counsel's Office at Building 292, extension 3248, on 22 FEB 02 at 1045. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays after receipt of the notification memorandum, that date being 27 Feb 02, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.

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 have been scheduled for a medical examination. You must report to Physical Exams at 0700 hours, on FEB 25 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 your Command Support Staff office.

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



Attachments:

1. Article 15, dated 19 Dec 01

2. LOC, dated 18 Nov 01
3. LOR, dated 18 Nov 01
4. AF Form 1058 w/Atch: LOR, dated 13 Mar 01
5. LOR, dated 30 Dec 00
6. LOR, dated 28 Dec 00
7. LOR, dated 28 Dec 00
8. AF Form 1058 w/Atch: LOR, dated 3 Nov 00
9. LOR, dated 26 Sep 00
10. LOR, dated 19 Jul 00
11. LOR, dated 10 Jul 00
12. LOC, dated 30 May 00
13. LOC, dated 7 May 00
14. Other derogatory data not listed in the Notification Memorandum: three Memoranda for Record, dated 15 Nov 01, 5 Jan 01, and 18 Jul 00; and two Denials of Air Force Good Conduct Medal Memoranda, dated 29 Mar 01 and 7 Nov 00.