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A93.01	A67.90		ORDER APPOINTING THE BOARD							
				2 APPLICATION FOR REVIEW OF DISCHARGE						
			3 LETTER OF NOTIFICATION							
ILEARING DATE CASE NUMBER 22 MAY 03 FD2002-0470			BRIEF OF PERSONNEL FILE COUNSEL'S RELEASE TO THE BOARD							
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF					
			PERSONAL APPEARANCE							
			TAPE RECORDING OF PERSONAL APPERANCE HEARING CHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.							
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REMARKS Case heard at Washington,	D.C.									
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	INDORSEMENT			<u></u>			DATE: 22	MAY 03		
TO: SAF/MIBR		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						
550 C STREET WEST, SU RANDOLPH AFB, TX 781			1535							
AFHQ FORM 0-2077, JAN 00(EF-V2)Previous edition will be used.							sed.			

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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0470

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 his youth and immaturity caused him to ruin a chance of a lifetime. The record indicates the applicant received two Article 15s for unlawfully possessing alcoholic beverages while under the age of twenty-one and for being drunk and disorderly and damaging a wall and a mirror in the dormitory. In addition, he received three Letters of Reprimand and six Letters of Counseling for failing his dormitory room inspection, dereliction of duty, assault, illegal parking, failure to perform duties in the designated area, being late for duty, failure to go and failure to obey an order concerning personal appearance. 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 then 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 characterization of the discharge received by the applicant was found to be appropriate. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the 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

FD2002-0470

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

MISSING MEDICAL RECORDS

(Former AB) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 18 Nov 99 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 13 Oct 78. Enlmt Age: 17 2/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-58, E-51, G-59, M-47. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 17 Jun 97.

b. Prior Sv: (1) AFRes 3 Jan 96 - 25 Nov 96 (10 Months 23 days)(Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 26 Nov 96 for 4 yrs. Svd: 2 Yrs 11 Mos 24 Das, all AMS.

b. Grade Status: AB - 20 Oct 99 (Article 15, 20 Oct 99) AMN - 6 Nov 98 (Article 15, 6 Nov 99) A1C - 26 Mar 98 AMN - 26 May 97

- c. Time Lost: None.
- d. Art 15's: (1) 20 Oct 99, Shaw AFB, SC Article 134. You did, at or near Sumter, South Carolina, on or about 11 Oct 99, unlawfully possess alcoholic beverages while under the age of twenty-one years, in violation of South Carolina Code Annotated Section 20-7-8925. Reduction to AB, and 30 days extra duty. (No appeal) (No mitigation)
 - (2) 6 Nov 98, Shaw AFB, SC Article 108. You did, on or about 24 Oct 98, without proper authority, willfully damage by punching a wall and a mirror in dormitory 427, room 213 on Shaw Air Force Base, SC, military property of the United States, the amount of said damage being in the sum of less than \$100,00. Article 134. You were, on or about 24 Oct 98, drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. Reduction to Amn, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)
- e. Additional: LOC, 29 SEP 99 Failed dormitory room inspection. LOR, 23 JUN 99 - Dereliction of duty.

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LOC, 21 JUN 99 - Traffic ticket for illegal parking. LOR, 05 MAY 99 - Assault. LOC, 26 FEB 99 - Failure to perform duties in the designated area. LOC, 26 FEB 99 - Late for duty. LOR, 04 FEB 99 - Failure to obtain color vision test as directed, failure to go, and failure to obtain flightline driver's license as directed. LOC, 21 JAN 99 - Illegal parking. LOC, 02 DEC 98 - Personal appearance failure, and failure to obey an order.

f. CM: None.

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g. Record of SV: 26 Nov 96 - 25 Jul 98 Shaw AFB 3 (Initial)REF 26 Jul 98 - 25 Jul 99 Shaw AFB 2 (Annual)REF

(Discharged from Shaw AFB)

h. Awards & Decs: AFTR, AFOUA, AFGCM.

- i. Stmt of Sv: TMS: (3) Yrs (10) Mos (16) Das TAMS: (2) Yrs (11) Mos (24) Das
- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 12 Aug 02. (Change Discharge to Honorable)

Issue 1: I present myself to you respectfully, and ask that you allow me to obtain curtain goals I've set for myself. The U.S. Air Force was a grande experience for me, and although I was discharged I loved every minute of it. Regretfully speaking my youth and immaturity caused me to ruin a chance of a lifetime, but the upcomming years of my life are being hindered by the type of dischare (sic) I received. So I'm asking that you grant me the opportunity to benifit (sic) from some of the things I gave to the military my hard earned money and time. It's safe to say I learned my lesson, and would now like to have a chance, and maybe a new beginning to the rest of my life. I've given country 3 years of my life and have yet to recive (sic) anything in return. 3 (sic) years that I can't ever get back, and time that I cannot rewind. As a veteran I am allotted certain things from my country, but these are things I can't request unless you grant me a change; a change that is extremely needed. A change of my discharge to Honorable. My family needs this as well as I do.

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None.

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DEPARTMENT OF THE AIR FORCE 20TH FIGHTER WING (ACC) SHAW AIR FORCE BASE, SOUTH CAROLINA

2 Nov 99

MEMORANDUM FOR

FROM: 20 EMS/CC 612 Lance Avenue Shaw AFB SC 29152-5043

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct – conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as either 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 24 Oct 98, without proper authority, willfully damage military property, of a value of less than \$100.00, by punching a wall and a mirror in dormitory 427, room 213. For this misconduct, you received an Article 15 nonjudicial punishment, dated 6 Nov 98. Punishment consisted of reduction to the grade of airman, 30 days extra duty and a reprimand. An unfavorable information file was also established.

b. On or about 23 Nov 98, you failed to wear your Munitions Maintenance Badge on your uniform during an inspection. In addition, on or about 25 Nov 98, you failed to properly position the badge after being told to do so by an noncommissioned officer. For this misconduct, you received a letter of counseling (LOC), dated 2 Dec 98.

c. On or about 20 Jan 99, you parked your vehicle in a reserved parking slot. For this misconduct, you received a LOC, dated 21 Jan 99.

d. On or about 20 Jan 99, you failed to obtain a color vision test as directed in order to secure a flightline driver's license. In addition, on or about 22 Jan 99, you failed to report back to your duty section after obtaining the color vision test. Furthermore, as of 4 Feb 99, you had still failed to obtain your flightline drivers license as directed. For these acts of misconduct, you received a letter of reprimand (LOR), dated 4 Feb 99.

e. From 23 Feb 99 to 25 Feb 99, you failed to report to duty at the time prescribed. In addition, on or about 24 Feb and 25 Feb 99, you failed to properly dress for the given MOPP levels. For this misconduct, you received a LOC, dated 26 Feb 99.

f. On or about 26 Feb 99, you failed to clean the Stores Suspension and Release Unit parts in the maintenance bay. Instead you cleaned them in the breakroom while watching television. For this misconduct, you received a LOC, dated 26 Feb 99.

Global Power For America

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g. On or about 24 April 99, at Aviano AB, Italy, you assaulted another military member by grabbing his throat. For this misconduct, you received a LOR, dated 5 May 99.

h. On or about 18 May 99, you were ticketed by the Security Police, for parking in a designated area. For this misconduct, you received a LOC, dated 21 Jun 99.

i. On or about 21 Jun 99, you were derelict in the performance of your duties in that you failed to properly perform an inspection on a Mau 12 Bomb rack. For this misconduct, you received a LOR, dated 23 Jun 99.

j. On or about 28 Sep 99, you failed to keep your dormitory room within Air Force standards. In addition, you were entrusted to look after another airman's room and you failed to keep it in inspection order. For this misconduct, you received a LOC, dated 29 Sep 99.

k. You did, on or about 11 Oct 99, unlawfully possess alcoholic beverages while under the age of twenty-one years, in violation of South Carolina Code Annotated Section 20-7-8925. For this misconduct, you received an Article 15 nonjudicial punishment, dated 20 Oct 99. Punishment consisted of reduction to the grade of airman basic and 30 days extra duty.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial 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.

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 and the second secon

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 three duty days after receipt of this notification memorandum, 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 must report, in uniform, to the Shaw AFB Hospital, Physical Examinations Section, on _____ Nov 99 at _____ hours, for a medical 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 orderly room.

9. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge, if the reason is not homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If

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you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

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

USAF

Commander

Attachments:

- 1. AF Form 3070, 6 Nov 98
- 2. LOC, 2 Dec 98
- 3. LOC, 21 Jan 99
- 4. LOR, 4 Feb 99
- 5. LOC, 26 Feb 99
- 6. LOC, 26 Feb 99
- 7. LOR, 5 May 99
- 8. LOC, 21 Jun 99
- 9. LOR, 23 Jun 99
- 10. LOC, 29 Sep 99
- 11. AF Form 3070, 20 Oct 99
- 12. Airman's Acknowledgment of Receipt