

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE SRA	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
YES	NO					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.05	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD
		1 ORDER APPOINTING THE BOARD
		2 APPLICATION FOR REVIEW OF DISCHARGE
		3 LETTER OF NOTIFICATION
HEARING DATE 2 MAY 03	CASE NUMBER FD2002-0484	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
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INDORSEMENT	DATE: 2 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

FD02-0484

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 contends that his discharge was too harsh because it was based on three issues covering over three years of service. The record indicates the applicant received an Article 15 for wrongfully using both a government telephone and government telephone services to make unauthorized personal telephone calls to Korea. He also received a Letter of Reprimand for being disrespectful, unprofessional, and insubordinate in conversation and manner, a Record of Individual Counseling for excessive DSN use for morale calls, and two traffic tickets. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community. 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

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

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 31 Jan 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 15 Aug 79. Enlmt Age: 18 7/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-85, E-34, G-39, M-30. PAFSC: 5R051 - Chaplain Service Support Journeyman. DAS: 27 Nov 98.

b. Prior Sv: (1) AFRes 7 Apr 98 - 11 Aug 98 (4 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 12 Aug 98 for 4 yrs. Svd: 3 Yrs 5 Mos 20 Das, all AMS.

b. Grade Status: SRA - 12 Dec 00

c. Time Lost: None.

d. Art 15's: (1) 21 Dec 99, Columbus AFB, MS - Article 92. You, did, on divers occasions between on or about 1 Sep 99 and on or about 24 Sep 99, fail to obey a lawful regulation, to wit: paragraph 2-100, Joint Ethics Regulation (DoD 5500.7-R), dated Aug 93, 5 C.F.R. Part 2635.704, by wrongfully using both a government telephone and government telephone services to make unauthorized personal telephone calls to Korea. Suspended reduction to Amn, and a reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 17 OCT 01 - Excessive DSN use for morale calls.
LOR, 19 MAR 01 - Disrespectful, unprofessional, and insubordinate in conversation and manner toward a commissioned officer.
Traffic Ticket, 20 Jun 99 - Illegal parking.
Traffic Ticket, 20 Feb 99 - Speeding.

f. CM: None.

g. Record of SV: 12 Aug 98 - 11 Apr 00 Columbus AFB 3 (Initial) REF
12 Apr 00 - 29 Nov 00 Columbus AFB 5 (Cmdr Dir)

(Discharged from Columbus AFB)

h. Awards & Decs: AFTR, AFEM W/1 DEV.

i. Stmt of Sv: TMS: (3) Yrs (9) Mos (25) Das
TAMS: (3) Yrs (5) Mos (20) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 7 Nov 02.
(Change Discharge to Honorable)

Issue 1: I would like to thank the panel for giving me this chance to list my reasons of why my discharge should be upgraded. My discharge was based on 3 issues covering 3 years and a half of service. I do not believe that the voices of my supervisors and leaders where (sic) heard to the proper extent. I respect my commanders decision, but I also respectfully disagree with the actions that were taken. My punishment far outweighed the charges. The 3 incidents in question were those of less caliber each time. I did not progress in punishment, I was regressing in punishment. Its stated in AFI 36-3208 what the basis for discharge must demonstrate in a pattern of misconduct. I do not believe my case fell within those realms in order to justify discharge. Thank you.

ATCH

1. Memorandum For 14 MSS/CC, 8 Jan 02.
2. Three Character References.

12FEB03/ia

FD2002-0484



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

3 Jan 02

MEMORANDUM FOR [REDACTED]

FROM: 14 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, Misconduct, Paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions (UOTHC). I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On divers occasions between on or about 1 Sep 99 and on or about 24 Sep 99, you failed to obey a lawful regulation, to wit: paragraph 2-100, Joint Ethics Regulation (DoD 5500.7-R), dated Aug 93, 5 C.F.R. Part 2635.704, by wrongfully using both a government telephone and government telephone services to make unauthorized personal telephone calls to Korea. For your actions, nonjudicial punishment proceedings were initiated against you. As a result of the nonjudicial punishment, you received a suspended reduction to the grade of Airman and a Reprimand. An Unfavorable Information File (UIF) was also established. (Atch 1)

b. On or about 6 Mar 01, you were disrespectful, unprofessional, and insubordinate towards [REDACTED], a commissioned officer. As a result, you received a Letter of Reprimand, dated 19 Mar 01. The Letter of Reprimand was filed in your UIF. (Atch 2)

c. On or about 6 Oct 01, it was discovered that you had abused your government telephone privileges by engaging in excessive usage of the government's DSN system. For your actions, you were given a Record of Individual Counseling, dated 17 Oct 01. The Record of Individual Counseling was filed in your UIF. (Atch 3)

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 discharge 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. Please consult the Area Defense Counsel at Keesler AFB at DSN 597-2429 or (228) 377-2429. 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 by COB 8 Jan 02 (three workdays from your 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 have been scheduled for a medical examination. You must report to the Columbus AFB Clinic, Physical Exam Section at 0930 hrs on 10 Jan 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 unit orderly room.
9. Execute the attached acknowledgment and return it to me immediately.

Attachments:

1. AF Form 3070, dated 21 Dec 99
2. Letter of Reprimand w/Rebuttal, dated 19 Mar 01
3. Record of Individual Counseling, dated 17 Oct 01 w/UIF Action (AF Form 1058)
4. Other Derogatory Data
 - a. DD Form 1408, dtd 20 Jun 99
 - b. DD Form 1408, dtd 20 Feb 99
5. Airman's Receipt of Notification Memorandum