

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ████████████████
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<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>NAME OF COUNSEL AND OR ORGANIZATION</b>		
<b>YES</b>	<b>NO</b>	
	X	

<b>MEMBERS SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	HOTH	OTHER	DENY
					X
					X
					X
					X

<b>ISSUES</b> A95.00	<b>INDEX NUMBER</b> A67.10, A49.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
<b>HEARING DATE</b> 30APR 03	<b>CASE NUMBER</b> FD2002-0489	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.

<b>SIGNATURE OF RECORDER</b>	<b>SIGNATURE OF BOARD PRESIDENT</b>
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<b>INDORSEMENT</b>		<b>DATE: 30APR 03</b>
<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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

FD02-0489

**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 received an Article 15 for willfully failing to pay his government issued credit card in the amount of \$1,377.84. In addition, he received a Letter of Reprimand and five Letters of Counseling for failure to perform assigned tasks properly, financial irresponsibility twice, failure of his End of Course Exam twice and failure to return DVD movies at the end of the rental period. 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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 26 Mar 02 UP AFI 36-3208, para 5.49 & 5.26.3 (Misconduct - Minor Disciplinary Infractions & Failure to Progress in On-The-Job Training). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 23 Jun 80. Enlmt Age: 18 9/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-34, E-60, G-50, M-61. PAFSC: 2A333B - Tactical Aircraft Maintenance Apprentice. DAS: 25 Apr 00.

b. Prior Sv: (1) AFRes 22 Apr 99 - 25 May 99 (1 month 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 May 99 for 6 yrs. Svd: 2 Yrs 10 Mos 1 Day, all AMS.

b. Grade Status: A1C - 9 Jul 99

c. Time Lost: None.

d. Art 15's: (1) 23 Oct 01, Aviano AB, Italy - Article 92. You, who should have known of your duties, between on or about 28 May 01 and on or about 10 Oct 01, were derelict in the performance of those duties in that you willfully failed to pay your government issued ----- credit card in the amount of \$1,377.84, more or less, for purchase and/or cash withdrawals, as it was your duty to do. Suspended reduction to Amn, suspended forfeiture of \$167.00 pay, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 06 FEB 02 - Failure to return DVD movies at the end of the rental period.

LOR, 28 JAN 02 - Financial irresponsibility.

EOC, 13 DEC 01 - Failure of End of Course Exam.

LOC, 23 AUG 01 - Failure of End of Course Exam.

LOC, 18 JUL 01 - Financial irresponsibility.

RIC, 17 AUG 00 - Failure to perform assigned task properly.

f. CM: None.

g. Record of SV: 26 May 99 - 20 Jan 01 Aviano AB 5 (HAF Dir)  
21 Jan 01 - 20 Jan 02 Aviano AB 2 (Annual) REF

(Discharged from Columbus AFB)

h. Awards & Decs: AFTR, NATOM.

i. Stmt of Sv: TMS: (2) Yrs (11) Mos (5) Das  
TAMS: (2) Yrs (10) Mos (1) Das

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

NO ISSUES SUBMITTED.

**ATCH**

None.

14FEB03/ia



DEPARTMENT OF THE AIR FORCE  
31ST FIGHTER WING (USAF)

22 February 2002

MEMORANDUM FOR A1 [REDACTED]

FROM: 555 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force with two different reasons as the basis of this discharge recommendation in accordance with AFI 36-3208, Administrative Separation of Airmen, paragraph 5.3.5. The first reason is for failure to progress in on-the-job training. The second reason is for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, under the paragraphs of 5.26.3 and 5.49 respectively. If my recommendation is approved, your service will be characterized as under honorable conditions (general).

2. My reasons for this action are as follows:

a. On 26 July 2001, you failed to earn a passing score on your end-of-course Career Development Course (CDC) examination. You scored 52 points, 13 points below the minimum passing score of 65 points;

b. On 13 December 2001, you again failed to earn a passing score on your end-of-course CDC examination. You scored 61 points, 4 points below the minimum passing score of 65 points; and

c. On numerous occasions up to 6 February 2002, you failed to pay a just debt. Specifically, you rented two DVD movies and failed to return them at the end of the rental period. The resulting amount that was due and owing on 6 February 2002 totaled \$60.00. For this offense, you received a Record of Individual Counseling (ROIC) on 6 February 2002;

d. On numerous occasions up to 25 January 2002, you failed to pay a just debt. Specifically, your club card account with the 31 Services Squadron was overdue to the point that the services squadron sent a notice of the overdue debt to this unit. For this offense, you received a Letter of Reprimand (LOR) on 28 January 2002;

e. Between 28 May 2001 and 10 October 2001, you failed to pay a just debt as it was your duty to do. Specifically, you failed to pay the amount of \$1,377.84 to your government travel card. For this offense, you received nonjudicial punishment under Article 15 of the Uniform Code of Military Justice on 23 October 2001 consisting of a suspended reduction to the grade of

airman, suspended forfeiture of \$167.00, the suspension being conditioned upon attendance of financial counseling, 14 days extra duty, and a reprimand;

f. For the 26 July 2001 CDC failure you received a Letter of Counseling (LOC) on 23 August 2001;

g. On 18 July 2001, you failed to pay a just debt. Specifically, your government travel card was 60 days overdue with a balance of \$ 1,361.70. For this offense, you received an LOC on 18 July 2001;

h. On 16 August 2000, you were derelict in the performance of your duties. Specifically, you failed to perform a step-by-step check on an F-16 aircraft that you were responsible for performing a pre-flight inspection on. The next day a component on that aircraft was found out of place, an occurrence which would not have happened had you followed the specified Work Cards. For this offense, you received an ROIC on 17 August 2000.

3. I have attached copies of the documents that will be forwarded to the separation authority. One primary basis for discharge will be selected by the separation authority if an administrative discharge is found to be in the best interest of the Air Force. 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. For discharge under AFI 36-3208, paragraph 5.261.3, failure to progress in on-the-job training, an honorable discharge characterization or a general discharge characterization are the types of separation authorized. An administrative discharge under 36-3208, paragraph 5.49, minor disciplinary infractions, could result in your separation with an honorable discharge characterization or a general discharge characterization. If either basis is chosen, I am recommending that you receive an under honorable conditions (general) discharge. If you are discharged, you will be ineligible for reenlistment in the Air Force. In addition, any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] Area 2, at Building 224, on 22 February 2002, at 1400 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements that you want the separation authority to consider must reach me by 1700 hours on 26 Feb 2002, 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 two medical examinations. You must report to 31MDG/SGOAF (Physical Exams) on 25 February 2002, at 1400 hours. Your second appointment is with Flight Medicine at 1445 on 25 February 2002. You will need to report *15 minutes prior* to your appointments and pick up your medical records.

**"Return With Honor"**

8. Any personal information that 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 unit orderly room as well as in the Area Defense Counsel's office.

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

Date: 21 FEB 02

Attachments:

1. Supporting Documentation
  - a. 26 July 2001 CDC Examination Results
  - b. Student History Query w/ 13 December 2001 CDC Examination Results
  - c. AF Form 623A, 4 pages
  - d. ROIC, 6 February 2002
  - e. LOR, 28 January 2002
  - f. Article 15, 23 October 2002
  - g. LOC, 23 August 2001
  - h. LOC, 18 July 2001
  - i. ROIC, 17 August 2000
2. Member's Acknowledgment of Receipt of Notification Memorandum
3. Enlisted Performance Report
4. Member's Response