

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AB	AFSN/SSAN ████████████████████
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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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%;">YES</td> <td style="width: 50%;">NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	YES	NO		X		
YES	NO					
	X					

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

ISSUES A95.00	INDEX NUMBER A49.10, A67.50	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 9 MAY 03	CASE NUMBER FD2002-0491	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: 9 MAY 03
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0491

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 15s, one for looking at another student's answer sheet during a test and the other for being AWOL. He also received one Letter of Reprimand, two Letters of Counseling, four AETC Forms 341, and four AF Forms 173 for being out of his dorm room after curfew, failing his appraisals four times, failing his room inspection twice, failing to secure his Standard Operating Instruction, failing to sign in, smoking during the duty day in violation of Phase one, and violation of the Phase program for driving a POV and smoking. 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 24 Oct 01 UP AFI 36-3208, para 5.26 & 5.50 (Unsatisfactory Duty Performance and Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 17 Sep 82. Enlmt Age: 17 9/12. Disch Age: 19 1/12. Educ: HS DIPL. AFQT: N/A. A-55, E-53, G-64, M-38. PAFSC: 9T000 - Basic Airman. DAS: 27 Sep 01.

b. Prior Sv: (1) AFRes 23 Jun 00 - 17 Jan 01 (6 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Jan 01 for 6 yrs. Svd: 0 Yrs 9 Mo 7 Das, all AMS.

b. Grade Status: AB - 5 Oct 01 (Article 15, 5 Oct 01)
A1C - 2 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 5 Oct 01, Keesler AFB, MS - Article 86. You, did, on or about 25 Aug 01, without authority, absent yourself from your place of duty at which you were required to be, and did remain so absent until you were apprehended on or about 27 Sep 01. Reduction to AB, and forfeiture of \$521.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 29 Jun 01, Hurlburt Field, FL - Article 92. You, who knew of your duties, on or about 4 Jun 01, were derelict in the performances of those duties in that you willfully failed to exhibit academic integrity while taking Progress Check 3A, by looking at another student's answer sheet during the test, as it was your duty to do. Thirty days correctional custody, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 17 AUG 01 - Violation of AF Phase program.
AETC 341, 15 AUG 01 - Smoking during duty day in violation of Phase one.
AETC 341, 07 JUN 01 - Failed to sign in.
LOC, 17 MAY 01 - Failed second room inspection.
LOC, 20 APR 01 - Failed to secure your Standard Operating Instruction (OSI).

AF 173, 11 APR 01 - Failed appraisal 2a.
AF 173, 06 APR 01 - Failed Block II(A) test.
AF 341, 28 MAR 01 - Failed room inspection.
AF 173, 27 MAR 01 - Failed appraisal 1a.
AF 173, 22 MAR 01 - Failed appraisal 4b.
AETC 341, 19 MAR 01 - Found out of dorm room after curfew.

f. CM: None.

g. Record of SV: None.

(Discharged from Keesler AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (4) Mos (2) Das
TAMS: (0) Yrs (9) Mos (7) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Oct 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

14FEB03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING
COMMAND

OCT 17 2001

MEMORANDUM FOR AB [REDACTED]

FROM: 334 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force Pattern of misconduct and Unsatisfactory Duty Performance. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Sections H and E, Paragraph 5.50 and 5.26. The primary reason for discharge is paragraph 5.50. If my recommendation is approved, your discharge will be described 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 25 Aug 01, without proper authority, you absented yourself from your place of duty, to wit: 334 Training Squadron, and did remain so absent until you were apprehended on or about 27 Sep 01, for which you received nonjudicial punishment on 5 Oct 01. (Atch 1, Appendix A, w/ atchs)

b. On 15 Aug 01, you violated the 2nd Air Force Phase Program restrictions, by driving a privately owned vehicle (POV) during duty hours. In addition, you were also found smoking, for these infractions, you received a Letter of Reprimand, dated 17 Aug 01. (Atch 1, Appendix B w/atchs)

c. On or about 4 Jun 01, you were derelict in the performance of your duties by failing to exhibit academic integrity by looking at another students answer sheets during progress check 3A, for which you received nonjudicial punishment on 29 Jun 01. (Atch 1, Appendix C w/atchs)

d. On 7 Jun 01, you failed to properly sign-in for which you were counseled by [REDACTED] as noted on AETC Form 341, dated 7 Jun 01. (Atch 1, Appendix D)

e. On 17 May 01, for the second time, you did not have your dormitory room in inspection order, for which you received a Letter of Counseling, dated 17 May 01. (Atch 1, Appendix E w/atchs)

f. On 12 Apr 01, you failed to secure your Standard Operating Instruction (SOI), for which you received a Letter of Counseling, dated 20 Apr 01. (Atch 1, Appendix F w/atchs)

g. On 11 Apr 01, you failed Appraisal 2A, with a score of 60 percent, minimum passing score is 70 percent, for which you were counseled (Atch 1, Appendix G)

h. On 6 Apr 01, you failed the Block II test with a score of 62 percent, minimum passing score is 70 percent, for which you were counseled. (Atch 1, Appendix H)

i. On 28 Mar 01, you did not have your dormitory room in inspection order, for which you received were counseled by [redacted] as noted on AETC Form 341, dated 28 Mar 01. (Atch 1, Appendix I)

j. On 27 Mar 01, you failed Appraisal 1A, with a score of 60 percent, minimum passing score is 70 percent, for which you were counseled (Atch 1, Appendix J)

k. On 22 Mar 01, you failed Appraisal 4B, with a score of 50 percent, minimum passing score is 70 percent, for which you were counseled (Atch 1, Appendix K)

l. On 19 Mar 01, you were found in the hallway out of your dormitory room after the 2200 hours curfew as noted on AETC Form 341 by Amn [redacted] dated 19 Mar 01. (Atch 1, Appendix L)

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 higher 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. Any special pay, bonuses, 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 waived at Bldg 0701, Room 102, on waived at _____ hours. 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 by 22 Oct 01 by 1630 hours 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 81st Medical Group, Adult Ambulatory Care Clinic on 16 Oct 01, 2001 at 1530 hours 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 Bldg 7404, CQ.

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

Attachments:

1. Supporting Documents
 - a. AF Form 3070, dated 5 Oct 01 w/atchs
 - b. Letter of Reprimand, dated 17 Aug 01 w/atch
 - c. AF Form 3070, dated 29 Jun 01 w/atchs
 - d. AETC Form 341, dated 7 Jun 01
 - e. Letter of Counseling, dated 17 May 01 w/atchs
 - f. Letter of Counseling, dated 20 Apr 01 w/atchs
 - g. AETC Form 173, dated 11 Apr 01
 - h. AETC Form 173, dated 6 Apr 01
 - i. AETC Form 341, dated 28 Mar 01
 - j. AETC Form 173, dated 27 Mar 01
 - k. AETC Form 173, dated 22 Mar 01
 - l. AETC Form 341, dated 19 Mar 01
2. Airman's Receipt of Notification Memorandum
3. Airman's Statements