

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53, A92.21	INDEX NUMBER A67.50	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		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	
HEARING DATE 6 AUGUST 03	CASE NUMBER FD2002-0498			

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 and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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ENDORSEMENT

DATE: 6 AUG 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0498

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change his reenlistment code.

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, change of reason and authority for the discharge, and change of reenlistment code are 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.

Issues. Applicant was discharged for a pattern of misconduct. He had one Record of Individual Counseling, two Letters of Counseling, and four Letters of Reprimand (LOR). His misconduct occurred over a 25-month period and included two incidents of failure to go, dereliction of duty by playing cards on duty, a dress and appearance violation, and eight incidents of financial irresponsibility (which were documented together in three of the LORs). Member's medical records disclosed he was enrolled in a Substance Abuse Reorientation Seminar after an incident of being drunk and disorderly at the NCO Club, as well as one-time pre-service marijuana use and a pre-service arrest for public intoxication. At the time of the discharge, member consulted counsel and submitted statements in his own behalf requesting the basis for discharge be changed, and that he be given an honorable discharge. The Board noted that member was age 21 to 23 when his offenses occurred, the same age as other airmen who adhere to standards. He was counseled repeatedly in an effort to help him correct his deficiencies and had several opportunities to improve his behavior. In spite of those rehabilitative efforts, he was unwilling or unable to improve his behavior. The Board concluded applicant knew right from wrong and was responsible for his actions, and therefore was held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.

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 22 Dec 94 UP AFI 36-3208, para 5.50 (Misconduct - A Pattern of Misconduct). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 9 Jul 71. Enlmt Age: 19 5/12. Disch Age: 23 5/12. Educ: HS DIPL. AFQT: N/A. A-85, E-76, G-70, M-82. PAFSC: 3C231 - Communications - Computer Systems Control Apprentice. DAS: 26 Apr 92.

b. Prior Sv: (1) AFRes 11 Dec 90 - 19 Sep 91 (9 Mos 9 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 20 Sep 91 for 4 yrs. Svd: 3 Yrs 3 Mos 3 Das, all AMS.

b. Grade Status: A1C - 21 MAR 93
AMN - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 22 NOV 94 - Financial irresponsibility.
LOR, 23 AUG 94 - Financial irresponsibility.
LOC, 29 JUL 94 - Violation of dress and personal appearance standards.
LOR, UNDATED - Financial irresponsibility.
LOR, 19 APR 93 - Failure to go.
LOC, 07 APR 93 - Failure to go.
RIC, 08 OCT 92 - Playing cards while on duty.

f. CM: None.

g. Record of SV: 20 Sep 91 - 29 Jul 93 Ramstein AB 3 (Initial)
30 Jul 93 - 29 Jul 94 Ramstein AB 4 (Annual)

(Discharged from Lackland AFB)

h. Awards & Decs: AFTR, NDSM, AFGCM, AFOLTR, JMSM.

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (12) Das
TAMS: (3) Yrs (3) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Nov 02.
(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

Issue: I am requesting my discharge be upgraded to Honorable. In addition, I am requesting consideration of having my Reentry Code & Separation Code be changed to allow me to re-enlist (sic) to serve my country. I am a volunteer firefighter as well & have many skills to offer.

ATCH

1. DD Form 149.
2. DD Form 214.
3. Two Letters of References.
4. Applicant's Letter of Explanation.
5. Record of Counseling/Reprimands.
6. Discharge Documents.
7. Evaluation Reports.

19Feb03/cr

FD 2002-0498

20TH DAY: 28 DEC 94

DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCES IN EUROPE

MEMORANDUM FOR A1C [REDACTED], 786 CS

FROM: 786 CS/CC

SUBJECT: Notification Letter

I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

My reasons for this discharge action are as follows:

1. On 27 Oct 94, you were 5 months late paying your German electric bill and you were delinquent on a \$1288 loan with Omni Financial Corp. Furthermore, you failed to make an agreed upon payment of \$50 to your baby-sitter. Lastly, you failed to properly cancel your furniture order with Shetty-Mobel Furniture Co. For these acts of misconduct you received a Letter of Reprimand, dated 22 Nov 94.

2. On 1 Aug 94, you were 2 months overdue on your AAFES DPP account. For this act of misconduct you received a Letter of Reprimand, dated 23 Aug 94.

3. On 26 Jul 94, you violated AFR 35-10 by being outside without your uniform shirt or hat on. For this act of misconduct you received a Letter of Counseling, dated 29 Jul 94.

4. On 7 Sep 93, you owed \$390 to the American Video Center for a missing tape and late fees. On 16 Sep 93, you owed your landlord 3000DM. On 23 Sep 94, you left the Hacienda Mexican Restaurant without paying a bill of 148.20DM. For this act of misconduct you received a Letter of Reprimand, undated.

5. On 18 Apr 93, you failed to report to work on time. For this act of misconduct you received a Letter of Reprimand, dated 19 Apr 93.

6. On 1 Apr 93, you failed to attend Chemical Warfare training. For this act of misconduct you received a Letter of Counseling, dated 7 Apr 93.

7. On 7 Oct 92, you were derelict in your duties by playing cards while on duty. For this act of misconduct, you received a Letter of Counseling, dated 8 Oct 92.

Note: 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 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).

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 with Capt. [REDACTED] at Bldg 2111 on 2 Dec 94 at 1000 hours. You may consult civilian counsel at your own expense.

You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by NLT (3 duty days) _____ at _____ hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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.

You have been scheduled for a medical examination. You will report in uniform with your escort to the USAF Ramstein Clinic (Physical Exams), at 0800 hours on 5 Dec 94 for the examination. If you wear glasses, you must bring them with you; if you wear contacts, you must be able to remove them. If you have a family history of diabetes, you must fast for 12 hours prior to your appointment.

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.

Execute the attached acknowledgment and return it to me immediately.

[REDACTED] Lt Col, USAF
Commander

Attachment:
Supporting Documents for the Reason
for Discharge

1. LOR, dtd 22 Nov 94
2. LOR, dtd 23 Aug 94
3. LOC, dtd 29 Jul 94
4. LOR, undated
5. LOR, dtd 19 Apr 93
6. LOC, dtd 7 Apr 93
7. LOC, dtd 8 Oct 92