

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
		AMN				
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	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A92.01, A93.09, A92.21		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 22 OCT 03		CASE NUMBER FD2002-0499		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						
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 the Air Reserve Personnel Center, Denver, CO. Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.						
INDORSEMENT				DATE: 22 OCT 03		
TO: SAP/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

FD2002-0499

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change of reason and authority for discharge, and change of reenlistment eligibility (RE) code.

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB), without counsel at Air Reserve Personnel Center, Denver, CO, on October 22, 2003. After acknowledging intent to appear, he failed to do so without requesting a postponement. (NOTE: Applicant was scheduled to appear at 0730; as of 1130 he had failed to arrive at the hearing location. After several cellular telephone conversations with applicant and his father during the elapsed time period, applicant was unable to adequately explain why he had not yet arrived at the hearing location.)

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of/changes of reason for discharge and change of RE code are denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issue 1. Applicant was discharged for minor disciplinary infractions from Andersen AFB, Guam. The records indicated while there, applicant received two Articles 15, a vacation of suspended punishment, three Letters of Reprimand, and a Letter of Counseling. His misconduct included three instances of failure to go, four instances of intentionally and seriously failing to maintain his dormitory room to satisfactory standards, and failure to perform required physical training. Applicant also received an Enlisted Performance Report rated an overall referral "2." It stated he displayed an unwillingness to comply with simple directions, and failed his standard Entry Controller / Use of Force evaluation. At the time of the discharge, member submitted matters in his own behalf in which he stated he accepted the discharge, and requested his duty performance at basic training and in Korea be considered in mitigation. The DRB concluded member's behavior reflected an unacceptable pattern of misconduct, and opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior. The Board also concluded applicant's failure to follow instructions regarding his DRB hearing and failure to appear was further indicative of this pattern of negative behavior. The Board concluded the misconduct while in military service 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.

Issue 2. Applicant infers that his discharge did not take into account the good things he did while in the service, particularly while stationed in Korea. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons that were the basis for this case.

Issue 3. Applicant cites personal and family problems that affected his life and ability to perform his duties after he arrived at Andersen AFB, although he fails to explain the nature of the claimed problems. While it is understandable that a member experiencing such things has additional stress, there was no evidence submitted that applicant's problems were unique, or that he sought help from available base agencies such as the chaplain, Mental Health clinic, or Family Support Center, to deal with them. Because member was apparently unable to separate his personal problems from his duties, he became a burden to his unit and a disruptive influence on morale and discipline. He was either unable or unwilling to adjust his behavior, and the Board could not find sufficient mitigation to warrant a discharge upgrade.

Issue 4 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and is enrolled in College. However, this activity does not pertain to the period of service under review and gives no basis for an inequity or impropriety that warrant an upgrade. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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/change of reason for discharge and change of RE code, 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]
[REDACTED]
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 AUG 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, and Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 9 Dec 80. Enlmt Age: 18 10/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-20, E-57, G-46, M-32. PAFSC: 3P031 - Security Forces Apprentice. DAS: 30 Apr 01.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Oct 99 for 6 yrs. Svd: 2 Yrs 10 Mo 12 Das, all AMS.

b. Grade Status: AMN - 21 Jun 02 (Article 15, 23 Jul 02)
A1C - 26 Nov 99

c. Time Lost: None.

d. Art 15's: (1) 1 Aug 02, Andersen AFB, Guam - Article 86. You did, on or about 6 Jul 02, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to AB, and 30 days extra duty. (No appeal) (No mitigation)

(2) 23 Jul 02, Vacation, Andersen AFB, Guam - Article 92. You, who knew or should have known of your duties, on or about 1 Jul 02, were derelict in the performance of those duties in that you negligently failed to maintain good housekeeping in your dormitory room according to standards as outlined in 36 Air Base Wing Instruction 32-6001, Unaccompanied Personnel Housing, paragraphs 2.7.10, 2.7.11.2, 2.7.11.3, and 2.7.11.4. Reduction to Amn. (No appeal) (No mitigation)

(3) 21 Jun 02, Andersen AFB, Guam - Article 92. You, who knew or should have known of your duties, on or about 5 Jun 02, were derelict in the performance of those duties in that you negligently failed to maintain good housekeeping in your dormitory room according to standards as outlined in 36 Air Base Wing Instruction 32-6001, Unaccompanied Personnel Housing, paragraphs 2.7.10, 2.7.11.2, 2.7.11.3 and 2.7.11.4. Suspended

reduction to Amn, and 30 days extra duty. (No appeal)
(No mitigation)

- e. Additional: LOR, 13 DEC 01 - Failed dorm room inspection.
LOR, 30 OCT 01 - Failed dorm room inspection and failure to report.
LOR, 24 SEP 01 - Failing to be on time for guardmount on two occasions.
LOC, 10 JUL 01 - Missed appointment.
- f. CM: None.
- g. Record of SV: 13 Oct 99 - 13 Sep 01 Andersen AFB 2 (Initial)REF
(Discharged from Andersen AFB)
- h. Awards & Decs: AFAM, AFTR, NDSM, AFOSSTR 2/1 DEV, FPB.
- i. Stmt of Sv: TMS: (2) Yrs (10) Mos (12) Das
TAMS: (2) Yrs (10) Mos (12) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Nov 02.
(Change Discharge to Honorable, Change RE Code, and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

- 1. Applicant's Issues.
- 2. Air Force Achievement Medal.
- 3. Three Training Certificates.
- 4. Letter of Appreciation.
- 5. Certificate of Participation.
- 6. Letter of Appreciation.
- 7. Training Certificate.
- 8. Letter of Appreciation.
- 9. Training Certificate.
- 10. Performance Feedback Worksheet.
- 11. Letter of Appreciation.
- 12. Medal Nomination.
- 13. Letter of Appreciation.
- 14. Evaluation Sheet.

19FEB03/ia

12 NOV 02

From: [REDACTED]

To: Whom It May Concern

For: Consideration of Discharge Upgrade to Honorable

1. Sir/Ma'am I like to address the fact that I am well aware of the circumstances of my discharge. I am in no way trying to downplay any events that led up to this misfortunate outcome. I am simply asking you to review this statement as well as the other attachments before making your decision on my behalf.
2. My career may be diminutive when compared to others. Yet, during that time I was able to see and experience things that will stay with me for the rest of my life. My particular career field was given to me. I originally came in open general. Regardless of that circumstance I was not able to personally pick my career choice.
3. It was told to me by many active duty members as well as civilians that the Security Forces was the strenuous career field to be in. Yet, even with that I was to give it my best. I blocked out all the negative about the career field and wanted to prove to myself and my superiors that I was truly an productive airmen.
4. My first duty station was Kunsan, Korea. To many active duty members, the mere mention of this base would bring upon ill thoughts. It was known to be a harsh base. It was known to be a place of hard work. Yet, I saw it as an opportunity to prove that regardless of what people said about my career field and my first base, that I would make the best of it.
5. While in Kunsan AB, Korean, I proved to be a extremely proficient airmen. At my first duty station I was to be in charge of my own fire team. I was voted by the supervisors of my flight to be the airmen flight trainer. I was to set the standards for other airmen to follow. I also volunteered numerous off duty time. I also finished my CDC's on time as well as went to college to attempt to finish my degree. Never once did any of this conflict. I was a security forces member first, and everything else was second.
6. When I went to Anderson AFB, things began to change. I was no longer able to perform as I once did. I went out to seek help. I spoke to everyone from my direct supervisor, up my chain of command, and lastly to the Chaplain. Yet, there was no resolve. Numerous things began to happen in my personal life as well as my family life. Many things happened to my family that I felt I had no control over.
7. If It wasn't for [REDACTED] and my co-worker SRA [REDACTED] I don't even know if I would be here today. They spoke to me and helped me get through all this. It had been expressed by Major [REDACTED] that he felt that a persons career performance and life is two different things.
8. Well I am here to say that is not true for me. I gave everything I had to security forces. It is proven by my past record. There is no question that I am a person who is dedicated to his GOD, family, and country. It was just being in these circumstances whether it is due to work compounded by self educed stress. It simply led myself to no longer be able to perform duties as I once did.

9. Now I ask you today, to see passed my faults. I know what I did was against the rules set before me. Yet, I am not a defiant individual. I tried and did the best I could throughout my career. I am pleading now for a consideration of this upgrade to honorable discharge. I am now enrolling this winter term in Nazarene Bible College. I want to become a chaplain for the armed forces. I know for certain that there may be a person who are in a similar circumstance such as I was. I would like to play a role in helping that individual. I care about the welfare of this Nation as well as the people who have sworn to protect it. I am not here to persuade you to do anything. I am simply explaining what I feel and know in my heart. I just want to thank you for taking your time out to consider my upgrade.



12 Nov 02

From: [REDACTED]

To: Whom it may concern

Subject: Set attachments for possible discharge upgrade

1. I am requesting for my general discharge from the United States Air Force be upgraded to honorable discharge.
2. My attachments are:
 - a. The Air Force Achievement Medal, dtd 30 July 01
 - b. Certificate of Training: Basic Training, dtd 29 Nov 99
 - c. Certificate of Training: Security Forces Apprentice Course, dtd 10 Mar 00
 - d. Certificate of Training: SF Apprentice Distance Ed Course, dtd 24 Apr 00
 - c. Letter of Appreciation
 - d. Certificate of Participation: Commando Warrior, dtd 06 Jun 00
 - e. Letter of Appreciation, 15 Sep 02
 - f. PACAF Regional Training Center, dtd 27 Sep 00
 - g. Letter of Appreciation, dtd 10 Oct 00
 - h. Department of Army: Certificate of Training, dtd 15 Nov 01
 - i. Performance Feedback Worksheet, dtd 30 Dec 01
 - j. Letter of Appreciation, dtd 27 Feb 01
 - k. Nomination for Military Outstanding Volunteer Service Medal, dtd 14 Mar 01
 - l. Letter of Appreciation, dtd 04 May 01
 - m. Evaluation Sheet, dtd 10 Mar 01

[REDACTED]



FD2002-0971

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 36TH AIR BASE WING (PACAF)
UNIT 14003, APO AP 96543-4003

12 Aug 02

MEMORANDUM FOR AMN [REDACTED]

FROM: 36 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct - Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49, Misconduct - Minor Disciplinary Infractions. If my recommendation is approved your discharge will be characterized as general (under honorable conditions).
2. My reasons for this action are:
 - a. On 10 July 2001 you received a letter of counseling for failure to perform physical training as ordered. (atch 1)
 - b. On 24 September 2001 you received a letter of reprimand for failing to show up on time to guardmount. (atch 2)
 - c. On 30 October 2001 you received a letter of reprimand for maintaining your dormitory room in unsatisfactory condition and for failing to report to a meeting with SMSgt [REDACTED] and Captain [REDACTED] (atch 3)
 - d. On 13 December 2001 you again received a letter of reprimand for making an unsatisfactory on a dormitory inspection. (atch 4)
 - e. On 21 June 2002 you received an Article 15 for violation of the UCMJ, Article 92. The Article 15 was for dereliction of duty in that you negligently failed to maintain good housekeeping in your dormitory room. Your punishment consisted of reduction to the grade of airman, suspended until 20 December 2002, and 30 days extra duty. (atch 5)
 - f. On 23 July 2002 your suspended reduction to the grade of airman was vacated. This action was taken due to your dereliction of duty to maintain good housekeeping in your dormitory room. (atch 6)
 - g. On 1 August 2002 you received an Article 15 for violation of the UCMJ, Article 86. The Article 15 was for failure to go at the time prescribed to your appointed place of duty. Your punishment consisted of reduction to the grade of airman basic, suspended until 27 January 2003, and 30 days extra duty. (atch 7)

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 convening authority or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. Military legal counsel, Captain [REDACTED] has been obtained to assist you. An appointment has been scheduled for you to consult him on 18 Aug 02 at 1130 hours. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

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 15 Aug 02, no later than 1130 hours, unless you request and receive an extension.** I will forward your submissions 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 will go to the 36th Medical Operations Squadron, Physical Exams Section, with your medical records on hand, for a review of these records **immediately**. You do not need an appointment. They will decide whether you need a complete physical exam or a family practice appointment. If an examination is required, tell the doctor you need a "separation" physical examination. The doctor does not know why you are there, therefore, you must tell him or her.

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 Unit Orderly Room.

9. Execute the attached receipt of notification and statement of understanding found in Tabs 2 and 3 respectively and return them to me immediately.

[REDACTED]
Maj, USAF
Commander

Attachments:

1. Letter of Counseling, dtd 10 Jul 01
2. Letter of Reprimand, dtd 24 Sep 01
3. Letter of Reprimand, dtd 30 Oct 01
4. Letter of Reprimand, dtd 13 Dec 01
5. Article 15, dtd 21 Jun 02
6. Vacation of Article 15 Punishment, dtd 23 Jul 02
7. Article 15, dtd 1 Aug 02