

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	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES		
NO		
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	U0THC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A95.00	INDEX NUMBER A67.10	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	

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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 30 JUL 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

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 an Article 15 for assault. He also received three Letters of Reprimand for altering a military identification card, violating the dress and appearance standards and for dereliction of duty. Additionally, he received a Letter of Counseling for damaging government property. 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 A1C) (HGH SRA)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 18 May 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Mar 79. Enlmt Age: 17 4/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-44, E-28, G-64, M-42. PAFSC: 1N031 - Intelligence Operator Apprentice. DAS: 17 Jan 98.

b. Prior Sv: (1) AFRes 26 Jul 96 - 17 Jun 97 (10 Months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 18 Jun 97 for 4 yrs. Svd: 2 Yrs 11 Mos 1 Das, all AMS.

b. Grade Status: A1C - 21 Apr 00 (Article 15, 21 Apr 00)
SRA - 18 Oct 99

c. Time Lost: None.

d. Art 15's: (1) 21 Apr 00, Ellsworth AFB, SC - Article 128. You did, on or about 13 Mar 00, unlawfully strike A1C -----, repeatedly on his face and body with your fists and repeatedly on his head with your head. Reduction to A1C, suspended forfeiture of \$300 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 24 MAR 00 - Dereliction of duty.
LOR, 02 MAR 00 - Violation of dress and appearance standards by reporting to duty with a goatee.
LOR, 13 AUG 99 - Altering a military identification card.
LOC, 15 AUG 98 - Damaged government property.

f. CM: None.

g. Record of SV: 18 Jun 97 - 17 Feb 99 Ellsworth AFB 3 (Initial)

(Discharged from Ellsworth AFB)

h. Awards & Decs: AFTR, AFOUA.

TAMS: (2) Yrs (11) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Nov 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

20FEB03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 28TH BOMB WING (ACC)
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

11 May 00

MEMORANDUM FOR A1C [REDACTED]

FROM: 77 BS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct involving minor disciplinary infractions. The authority for this action is AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this discharge action are the following:

a. On 29 Jun 98, you damaged government property. For this, you received a Letter of Counseling (LOC) on 15 Aug 98.

b. On or about 29 Jul 99, at or near Rapid City, South Dakota, you altered a military identification card in violation of Article 134 of the Uniform Code of Military Justice. For this, you received a Letter of Reprimand (LOR) on 13 Aug 99.

c. On 2 Mar 00, you reported in uniform to the retraining section of Military Personnel Flight with small goatee facial hair. For this, you received an LOR on 2 Mar 00.

d. On 2 Mar 00, you reported to the retraining section of the Military Personnel Flight. At that time, SSgt [REDACTED] gave you paperwork for your retraining and instructed you to go to the physical exams section of the clinic with the paperwork to have them do their portion of the retraining paperwork. On 22 Mar 00, SSgt [REDACTED] contacted the Orderly Room stating you had not returned the paperwork to his office. The first sergeant contacted you about this and you stated to her that you had not taken the paperwork to the clinic. For this, you received an LOR on 24 Mar 00.

e. You did, at or near Ellsworth AFB, South Dakota, on or about 13 Mar 00, unlawfully strike A1C [REDACTED] repeatedly on his face and body with your fists and repeatedly on his head with your head. For this, you received nonjudicial punishment on 21 Apr 00.

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 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.

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4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain [REDACTED], Area Defense Counsel, 5-2158, 1000 Ellsworth Street, Suite 1700 on 11 May 2000 at 1500 hours. 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 0800, 16 May 2000 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 matters 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 Physical Exams Section of the Base Clinic at 1020 hours on 12 May 2000 for the examination. This is a mandatory appointment and you must be in uniform.

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 orderly room.

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

[REDACTED]

[REDACTED] Lt Col, USAF
Commander

Attachments:

- 1. Supporting documents
 - a. LOC- 15 Aug 98
 - b. LOR - 13 Aug 99
 - c. LOR - 2 Mar 00
 - d. LOR - 24 Mar 00
 - e. Article 15 - 21 Apr 00
- 2. Airman's Acknowledgment