

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
						X
ISSUES A93.09	INDEX NUMBER A67.10, A49.00	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	
HEARING DATE 22 MAY 03		CASE NUMBER FD2002-0504		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			
INDORSEMENT				DATE: 22 MAY 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				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0504

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

ISSUE: Applicant does not contest his discharge. He states that he has grown as a person and realizes how terribly wrong he was. He deeply regrets his previous attitude and behavior. The record indicates the applicant received an Article 15 for willfully failing to refrain from wearing a stud through his tongue and making a false official statement. In addition, he received two Letters of Reprimand for failure to obey an order and lying to the First Sergeant and for missing a mandatory formation on three occasions and smoking in a non-smoking area. This misconduct was in addition to the four failures in Block I as evidence by the four AETC Form 173s. The Board concluded the misconduct 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. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the 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 AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 27 Dec 01 UP AFI 36-3208, para 5.26.1 & 5.49 (Unsatisfactory Performance and Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 14 Sep 82. Enlmt Age: 18 7/12. Disch Age: 19 3/12. Educ: HS DIPL. AFQT: N/A. A-69, E-67, G-42, M-47. PAFSC: 2A713 - Aircraft Structural Maintenance Helper. DAS: 16 Oct 01.

b. Prior Sv: (1) AFRes 27 Apr 01 - 4 Jun 01 (1 month 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 5 Jun 01 for 4 yrs. Svd: 0 Yrs 6 Mos 23 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 19 Nov 01, NAS Pensacola, FL - Article 92. You, who knew or should have known of your duties, on or about 26 Oct 01, were derelict in the performance of those duties in that you willfully failed to refrain from wearing a stud through your tongue, as it was your duty to do. Article 107. You did, on or about 26 Oct 01, with intent to deceive, make to TSgt ----- an official statement, to wit: replying "no" when he asked you if you had a stud in your tongue, which statement was totally false, and was then known by you to be so false. Forfeiture of \$250.00 pay per month for two months, and restriction for 30 days. (No appeal) (No mitigation)

e. Additional: AETC 173, 20 DEC 01 - Failed Block I test.
LOR, 29 NOV 01 - Missed mandatory formation on three occasions, smoking in a non-smoking area while in Phase I, and violating restriction.
AETC 173, 02 NOV 01 - Failed written measurement for Block I.
AETC 173, 30 OCT 01 - Failed to complete Block I objectives.
AETC 173, 29 OCT 01 - Failed objective 105a.
LOR, 26 OCT 01 - Failure to obey an order and lying to First Sergeant.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (0) Yrs (8) Mos (1) Das
TAMS: (0) Yrs (6) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 17 Nov 02.
(Change Discharge to Honorable)

Issue 1: During the extent of my short career in the Air Force, I failed to comply to the core values. Specifically, "service before self." My behavior showed defiance (sic) and disrespect. My attituded (sic) twards (sic) military (sic) standards was unexeptable (sic).

Since my disharge I have grown as a person, and realize how terribly wrong I was. I see the need for order, respect, and discipline. I deeply regret my previous attituded (sic) and behavior, and want nothing more than to serve my country.

This is why I am asking that my discharge and re-entry code be changed so that I can re-enter the U.S. Air Force, and serve my country as I should have the first time.

ATCH
None.

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**DEPARTMENT OF THE AIR FORCE**
AIR EDUCATION AND TRAINING COMMAND

19 Dec 01

MEMORANDUM FOR [REDACTED]

FROM: 361 TRS, DET 2/CC
230 Chevalier Field Avenue, Suite A
NAS Pensacola, FL 32508-5142

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory duty performance and minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.26.1 and 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 action are:

a. You did fail to perform your assigned duties properly. Specifically, you failed to make satisfactory progress in a required training program, as it was your duty to do. You failed block I with a score of 50%—minimum passing score is 70%. In addition, you failed a five question Progress Check three times before you passed on the fourth attempt. An Academic Review Board was convened after the Block I failure which recommended you be eliminated from the course and your separation from the Air Force. As a result, you were disenrolled from your technical training course on 9 Nov 01. Prior to disenrollment you were counseled concerning your academic failure and received one hour of Special Individualized Assistance (SIA), and were washed back on one standardize occasion. Efforts to improve your performance were met with negative results.

b. You did at or near Naval Air Station Pensacola, Pensacola FL, between on or about 24 Nov 01 through 26 Nov 01, failed to go to your appointed place of duty at the prescribed time, to wit: mandatory formation for details at 1930 hours. For this misconduct and subparagraphs, "c" and "d" below, you received a Letter of Reprimand (LOR) on 29 Nov 01.

c. You, who knew or should have known of your duties at Naval Air Station Pensacola, Pensacola FL, on or about 27 Nov 01, were derelict in the performance of those duties in that you failed to refrain from smoking in uniform in a non-smoking area.

d. You, who knew or should have known of your duties at or near Naval Air Station Pensacola, Pensacola FL, on or about 27 Nov 01, were derelict on the performance of those duties by failing to remain within the limits of restriction imposed under nonjudicial proceedings by leaving the third floor of building 3906 without authority to do so.

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e. You, who knew or should have known of your duties at Naval Air Station Pensacola, Pensacola FL, on or about 26 Oct 01, were derelict in the performance of those duties in that you willfully failed to refrain from wearing a stud through your tongue, as it was your duty to do. For this misconduct and subparagraph "f" below, you received an Article 15 on 19 Nov 01.

f. You did, at or near Naval Air Station Pensacola, Pensacola FL, on or about 26 Oct 01, with intent to deceive, make to [REDACTED] an official statement, to wit: replying "no" when he asked you if you had a stud in your tongue, which statement was totally false, and was then known by you to be so false.

g. You, who knew or should have known of your duties at Naval Air Station Pensacola, Pensacola FL, on or about 25 Oct 01, were derelict in the performance of those duties in that you willfully failed to refrain from wearing a stud through your tongue, as it was your duty to do. For this misconduct and subparagraph "h" below, you received a LOR on 26 Oct 01.

h. You did, at or near Naval Air Station Pensacola, Pensacola FL, on or about 25 Oct 01, with intent to deceive, make to [REDACTED] an official statement, to wit: replying "no" when he asked you if you had a stud in your tongue, which statement was totally false, and was then known by you to be so false.

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 will probably be denied enlistment in any component of the armed forces.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You will contact Sheppard Air Force Base Area Defense Counsel at DSN 736-2186 at 1400 on 19 Dec 01 to receive legal counsel assistance. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 26 Dec 01 unless you request an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult counsel or submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You were scheduled for a medical examination. You reported to the NATTC medical clinic at 0745 on 29 Nov 01 for the examination.

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7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use in the Detachment command section, Bldg 3460.

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


Commander

USAF

Attachments:

1. AETC Form 125A, 9 Nov 01
2. AETC Form 156, 011022
3. AETC Form 173, 1 Nov 01 - 2 Nov 01
4. AETC Form 173, 29 Oct 01 - 30 Oct 01
5. LOR, , 29 Nov 01
6. MFR, , 27 Nov 01
7. AF Form 3070, 19 Nov 01
8. MFR, , 13 Nov 01
9. MFR, , 26 Oct 01
10. LOR, 26 Oct 01
11. MFR, , 29 Oct 01
12. Statement, , 31 Oct 01
13. AETC Form 125A, 5 Sep 01
14. Commander's Letter of Evaluation, 332 TRS/CC, 4 Sep 01
15. Student Training Report, 01M14
16. MFR, , 19 Dec 01
17. Airmen's Receipt of Notification Memorandum 