

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> AMN	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b> [REDACTED]	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b> Texas Veterans Commission
<b>YES</b>	No	
<b>X</b>		

MEMBER SITTING	NOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b>	A94.05	<b>INDEX NUMBER</b>	A67.90		
				<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
				<b>1</b>	ORDER APPOINTING THE BOARD
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE
				<b>3</b>	LETTER OF NOTIFICATION
				<b>4</b>	BRIEF OF PERSONNEL FILE
					COUNSEL'S RELEASE TO THE BOARD
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE

<b>HEARING DATE</b>	05 Dec 2003	<b>CASE NUMBER</b>	FD-2002-0505
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Randolph AFB, TX.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>INDORSEMENT</b>		<b>DATE</b> 12/5/2003
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0505

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable and change in reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel [REDACTED], Texas Veterans Commission at Randolph AFB on December 5, 2003. The following additional exhibits were submitted at the hearing:

Exhibit 5: Applicant's contentions.

Exhibit 6: DD Form 370, dated 6/10/03

Exhibit 7: Character letter from Sgt. [REDACTED]

Exhibit 8: Character letter from [REDACTED] 3 Dec 03

Exhibit 9: Character letter from Deputy [REDACTED]

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

**FINDINGS:** The change in reenlistment code and upgrade of discharge to Honorable is denied.

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

**ISSUE:** Applicant contends discharge was inequitable because "it was too harsh". The information provided by the applicant and contained in his records was carefully reviewed by the DRB. The records indicated the applicant received one Article 15, three Letters of Reprimand, and four Letters of Counseling. The misconduct included failure to go, incapacitated for proper performance of duty due to overindulgence in alcohol, speeding, failure to have required equipment, insubordination, multiple violations of a no contact order, and leaving place of duty without proper authorization. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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.

**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, 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 26 Jan 01 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 5 Sep 78. Enlmt Age: 20 0/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-32, E-45, G-44, M-34. PAFSC: 3P031 - Security Forces Apprentice. DAS: 2 Sep 99.

b. Prior Sv: (1) AFRes 17 Sep 98 - 9 Feb 99 (4 months 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Feb 99 for 6 yrs. Svd: 1 Yr 11 Mos 17 Das, all AMS.

b. Grade Status: AMN - 5 Jan 01 (Article 15, 5 Jan 01)  
A1C - 26 Mar 99

c. Time Lost: None.

d. Art 15's: (1) 5 Jan 01, Mountain Home AFB, ID - Article 86. You, did, on or about 21 Dec 00, without authority, fail to go at the time prescribed to your appointed place of duty. Article 134. You, were, on or about 20 Dec 00, as a result of wrongful previous overindulgence in intoxicating liquor or drugs incapacitated for the proper performance of your duties. Reduction to Amn, forfeiture of \$200.00 pay per month for 2 months, 15 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOC, 05 DEC 00 - Speeding.  
LOR, 31 OCT 00 - Failed to have required equipment for duty.  
LOR, 19 OCT 00 - Insubordination.  
LOC, 03 OCT 00 - Leaving work early without authority.  
LOR, 16 MAR 00 - Violated no contact order.  
LOC, 01 MAR 00 - Violated no contact order.  
LOC, 17 DEC 99 - Failure to go.

f. CM: None.

g. Record of SV: 10 Feb 99 - 9 Oct 00 Mountain Home AFB 4 (Initial)

(Discharged from Mountain Home AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (10) Das  
TAMS: (1) Yrs (11) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jan 01.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. DD Form 214.
2. Applicant's Issues.
3. Training Report.
4. Page Two of Enlisted Performance Report.
5. Copy of Discharge Correspondence.

21FEB03/ia

## To the Review Board:

The purpose of this letter is to request upgrading my discharge from General Discharge to Honorable Discharge. Enclosed you will find a copy of Major [REDACTED] recommendation for my discharge. This letter will serve to refute paragraph two.

2a. On or about 20 December 2000, the alcohol was consumed with SSgt [REDACTED] while we were off duty, and we were drinking as a group. On 21 December 2000, I called MSgt. [REDACTED] to advise her that I would be late; she did not answer her telephone.

2b. On or about 05 December 2000, the SP who reported that I was speeding, was off duty and without proper radar equipment to monitor my speed.

2c. On or about 24 October 2000, my A2 bag with field equipment was next to another Airman's identical bag, I picked up the wrong bag by mistake.

2d. On or about 12 October 2000, SMSgt. [REDACTED] coerced me into signing an LOR that I had been insubordinate to another master sergeant. I later offered a verbal apology to that master sergeant; his response was that he had no recollection of my insubordination.

2e. On or about 02 October 2000, an on duty Sergeant informed me that my work was complete, and dismissed me for the day. I was following the orders of the Sergeant in Charge, which is proper military conduct, when I left work that day.

2f. Between 01 March 2000 and 16 March 2000, I was area supervisor for the flight line Security 4 area, my job duties at that time were to patrol that area, ensuring that all personnel were wearing their "restricted area" badges. I conducted my assigned patrol; I made no verbal or bodily contact with anyone, other than the AIC in the vehicle with me.

2g. On or about 26 February 2000, I did not come into physical or telephone contact with the individual who allegedly was involved with my spouse.

2h. On or about 17 December 1999, I was scheduled to go to a HAZMAT class @ 0800 hrs. Because of limited visibility, caused by heavy fog that morning, my vehicle got stuck in a ditch, along with several other vehicles. I did arrive for the HAZMAT class at 0801 hrs, but was not admitted in, and was given an LOR.

There were instances of what appeared to be personal attacks towards myself, by Staff Sergeant [REDACTED]. In one instance she struck me on the head with a pole, and made demeaning remarks such as "you're not going to cry are you?" while we were on a TDY. Staff Sergeant [REDACTED] wrote up several false disciplinary actions

on me. After I was discharged, it was brought to my attention that a Staff Sergeant was bragging that he had gotten me discharged from the Air Force. I later found out that this individual was involved with my ex-wife.

While I admit to my personal life bleeding over into my career, it was not my doing. A relationship that developed between my superior officer and my spouse appears to be the starting point of the animosity and deliberate sabotage of my position in the Air Force.

In addition, I would like to point out that at the time of my Article 15, I was advised by First Sergeant Master Sergeant [REDACTED] that if I signed the papers admitting guilt, that they would be lenient with me, leading me to believe that while I would be disciplined, I would not be discharged. Based on my sincere desire to remain with the Air Force, (and believing I would), I gave my signature.

Many letters of recommendation were written by my supervisors in order for me to stay in the Air Force, and I was complimented on being one of the best in my field. I was always the first to volunteer for training or deployment. I gave 100% at all times, wearing my uniform with pride and honor. My life's dream has always been to serve in the military for my country. I did not join the military for money or education, like most enlistees these days, but out of deep patriotism, and the desire to serve my country. Since my discharge, I believe in and have maintained Uniformed Code of Military Justice standards in my civilian life, and strived to prove that I am, above all else, a valuable member of the UNITED STATES AIR FORCE, with pride and dignity. Thank you for taking the time to read this letter.

Sincerely,

[REDACTED]



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 366TH WING (ACC)  
366 GUNFIGHTER AVE, STE 432  
MOUNTAIN HOME AFB, IDAHO 83648-5299

MEMORANDUM FOR AMN [REDACTED] 366 SFS 16 Jan 01

FROM: 366 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, specifically, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32, *Military Retirements and Separation* and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.50.2. If my recommendation is approved, your service can be characterized as honorable, general, or under other than honorable conditions (UOTHC). I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 21 Dec 00, you failed to go to your appointed place of duty at your scheduled time. On or about 20 Dec 00, you wrongfully overindulged in intoxicating liquor or drugs incapacitating you for the performance of your duties. As a result, you received an Article 15, UCMJ, on 2 Jan 01. (Tab 1, Atch 1).

b. On or about 5 Dec 00, you were witnessed speeding in base housing. As a result, you received a Letter of Counseling (LOC), on 5 Dec 00. (Tab 1, Atch 2).

c. On or about 24 Oct 00, you failed to have your required equipment for duty. As a result, you received a Letter of Reprimand (LOR) on 31 Oct 00. (Tab 1, Atch 3).

d. On or about 12 Oct 00, you were insubordinate towards a noncommissioned officer. As a result, you received a LOR on 19 Oct 00. (Tab 1, Atch 4).

e. On or about 2 Oct 00, you failed to get permission from the proper supervisor to leave work early. As a result, you received a LOC on 3 Oct 00.

f. Between on or about 1 Mar 00 and on or about 16 Mar 00, you violated a no contact order while posted as an on-duty Security Forces member when you drove into Security 4 area looking for the individual you claimed was involved with your spouse. As a result, you received a LOR on 16 Mar 00. (Tab 1, Atch 5).

g. On or about 26 Feb 00, you violated a no contact order with the individual you claimed was involved with your spouse that was issued by your first sergeant. As a result, you received a LOC on 1 Mar 00. (Tab 1, Atch 6).

h. On or about 17 Dec 99, you failed to go to your scheduled appointment. As a result, you received a LOC on 17 Dec 99. (Tab 1, 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 Jurisdiction or higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, he will also determine how your service will be characterized. If 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.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I made an appointment for you to consult with the Area Defense Counsel on 17 Jan 01 at 1330 hours in building 512. The number is 828-2675. 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 within three workdays of the date of this memorandum unless you request and receive an extension for good cause shown. I will forward 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 the Physical Examination Section at the hospital on Mountain Home AFB. Your scheduled medical examination is on 17 Jan 01 at 1100 hours. The number is 828-~~7430~~ 7432. You must be in uniform. If you wear glasses, wear them to the scheduled examination.

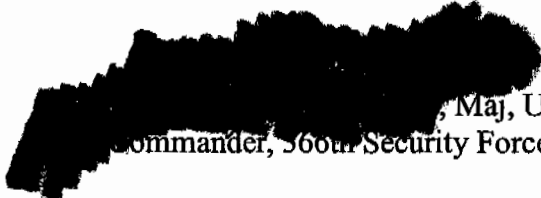
8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available at the Area Defense Counsel's office or your squadron orderly room.

9. You will surrender your ID card to me immediately. Proceed with a copy this letter to the Military Personnel Flight, Customer Service, Building 512, Mountain Home AFB no later than 17 Jan 01 where you will be issued a temporary ID card valid for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.

10. A copy of this letter also authorizes you to proceed to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than 17 Jan 01 where you will turn in your Mountain Home AFB vehicle sticker and your USAF vehicle decal. They will issue a temporary permit good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle decal will be issued to you until the case is finalized.



11. Finally, proceed with a copy of this letter to the Traffic Management Office (TMO), in Building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.

 Maj, USAF  
Commander, 360th Security Forces Squadron

13 Attachments:

1. Art 15, 2 Jan 01
2. LOC, 5 Dec 00
3. LOR, 31 Oct 00
4. LOR, 19 Oct 00
5. LOC, 3 Oct 00
6. LOr, 16 Mar 00
7. LOC, 1 Mar 00
8. LOC, 17 Dec 99