

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AMN</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">COUNSEL</td> <td rowspan="3" style="padding: 5px;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td rowspan="3" style="padding: 5px;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td style="padding: 5px;">YES</td> <td style="padding: 5px;">NO</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px; text-align: center;">X</td> </tr> </table>	COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	NO		X		
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YES	NO									
	X									

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

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.30</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; padding: 5px; text-align: center;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	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
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HEARING DATE <b>22 MAY 03</b>	CASE NUMBER <b>FD2002-0506</b>																	

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 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: <b>22 MAY 03</b>
<b>TO:</b> SAF/MIBR 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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0506

**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 states his discharge was inequitable because it was based on one isolated incident in 30 months of service. The record indicates the applicant received a Special Court Martial for being drunk and disorderly and willfully damage military property. He also received two Letters of Reprimand for being late for work and for failure to maintain his dormitory room with standards. In addition, he received a Verbal Counseling for failure to pay just debts. The applicant states that his discharge was based on one incident. This is without merit as evidenced by the Court Martial, two LORs and Verbal Counseling. 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 A1C)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 14 Feb 02 UP AFI 36-3208, para 5.52 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 Oct 80. Enlmt Age: 17 11/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-85, E-92, G-92, M-80. PAFSC: 3P031 - Security Forces Apprentice. DAS: 15 Dec 99.

b. Prior Sv: (1) AFRes 29 Sep 98 - 13 Jul 99 (9 months 15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Jul 99 for 4 yrs. Svd: 2 Yrs 7 Mos 0 Das, of which AMS is 2 yrs 4 mos 0 Das (excludes 2 months 14 days lost time).

b. Grade Status: AMN - 3 Sep 01 (SPCMO No.5, 27 Sep 01)  
A1C - 14 Nov 00  
AMN - 14 Jan 00

c. Time Lost: 3 Sep 01 to 16 Nov 01 (2 months 14 days).

d. Art 15's: None.

e. Additional: LOR, 28 NOV 01 - Late for work.  
LOR, 15 MAR 01 - Failure to maintain dormitory residence to minimum Air Force standards, and failing to comply with the orders of noncommissioned officers.

VBC, 20 OCT 00 - Failure to pay debt.

f. CM: Special Court Martial Order No.5 - 27 Sep 01

CHARGE I: Article 108. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at Yokota AB, Japan, on or about 9 Jul 01, without proper authority, willfully damage by pounding and striking the floor, military property of the United States, the amount of said damage being in the sum of under \$100.00. Plea: Guilty. Finding: Guilty.

Specification 2: Did, at Yokota AB, Japan, on or about 9 July 01, without proper authority, willfully damage by pounding on,

breaking off, and striking a government vehicle, military property of the United States, the amount of said damage being in the sum of about \$279.43. Plea: Guilty. Finding: Guilty.

CHARGE II: Article 134. Plea: Guilty. Finding: Guilty.

Specification: Was, at Yokota AB, Japan, on or about 9 Jul 01, drunk and disorderly. Sentence adjudged on 3 Sep 01: Confinement for 90 days, forfeiture of \$300.00 pay per month for 3 months and reduction to the grade of airman.

g. Record of SV: (Examiner's Note: EPR 14 Jul 99-13 Mar 01 is missing from file).

14 Mar 01 - 11 Jan 02 Yokota AB 1 (Cmder Dir)REF

14 Jul 99 - 13 Mar 01 Yokota AB 3 (Initial)

(Discharged from Grand Forks AFB)

h. Awards & Decs: AFTR, SAEMR, AFOUA, AFLSAR.

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (0) Das  
TAMS: (2) Yrs (4) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Nov 02.  
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on one isolated incident in 30 months of service. The judge in this case recommended that I be retained in active duty.

I am a proud citizen and was a proud member of the U.S. military. I had no greater wish than to serve my country.

**ATCH**  
None.

24FEB03/ia

DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

U.S. AIR FORCE

12 DEC 01


MEMORANDUM FOR [REDACTED]

FROM: 374 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for commission of serious offense. The authority for this action is AFPD 36-32 and AFI 36-3208, section H, paragraph 5.52. If my recommendation is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending your service be characterized as general.
2. My reasons for this action are:
  - a. On 20 Oct 00, you were verbally counseled for failing to pay your AAFES Exchange Credit Account. This is evidenced by a memorandum, dated, 5 Oct 00.
  - b. On 14 Mar 01, you failed to maintain your dormitory residence to minimum Air Force standards, as evidenced by the Letter of Reprimand (LOR), dated, 15 Mar 01.
  - c. On 9 Jul 01, you violated Article 108, UCMJ, in that you willfully damaged military property of the United States. This is evidenced by Special Court-Martial Order No. 5, dated, 27 Sep 01.
  - d. On 9 Jul 01, you violated Article 134, UCMJ, in that you were drunk and disorderly. This is evidenced by Special Court-Martial Order No. 5, dated, 27 Sep 01.
  - e. On 28 Nov 01, you were late for work. This is evidenced by the LOR, dated, 28 Nov 01.
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.
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 [REDACTED] at the Area Defense Counsel's office, Building 708, on 13 Dec 01 at 1400. The Area Defense Counsel can be reached at 225-8114. You may consult civilian counsel at your own expense.

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 17 Dec 01 (allow 3 workdays) 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 statements in your own behalf, your failure will constitute a waiver of your right to do so.
7. You are scheduled for a medical examination. You must report to the Yokota Medical Facility, Physical Exams Section by 14 Dec 01 hours on 1440 for the examination. If you wear eyeglasses or contact lenses, bring them to the exam with you. If you wear contact lenses, bring a container to place them in during the exam.
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 on-line at Air Force Pubs.
9. Execute the attached acknowledgment and return it to me immediately.



USAF  
Commander  
374<sup>th</sup> Security Forces Squadron

Attachments

1. Memo, dated, 5 Oct 00
2. LOR, dated, 14 Mar 01
3. AF Form 1359, dated, 3 Sep 01
4. LOR, dated, 28 Nov 01