

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED] | | GRADE AMN | AFSN/SSAN [REDACTED] | | | |
| TYPE PERSONAL APPEARANCE | | X RECORD REVIEW | | | | |
| COUNSEL YES NO <input type="checkbox"/> <input checked="" type="checkbox"/> | | NAME OF COUNSEL AND OR ORGANIZATION | | | | |
| | | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | | |
| MEMBERS SITTING <div style="border: 1px dashed black; height: 100px;"></div> | | VOTE OF THE BOARD | | | | |
| | | HON | GEN | UOTHC | OTHER | DENY |
| | | | | | | X |
| | | | | | | X |
| | | | | | | X |
| | | | | | | X |
| ISSUES A93.01 | | INDEX NUMBER A67.10 | | EXHIBITS SUBMITTED TO THE BOARD | | |
| HEARING DATE 03 09 25 | | CASE NUMBER FD2002-0528 | | 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 Washington, D.C. Advise the applicant of the decision of the Board, the right to a personal appearance with or without counsel, and the right to submit an application to the AFBCMR. | | | | | | |
| INDORSEMENT | | | | DATE: 03 09 25 | | |
| 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

FD2002-0528

GENERAL: The applicant appeals for upgrade of his discharge from General to Honorable, to change the reason for the discharge, and to change his reenlistment code. The Board considered his request on September 25, 2003.

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

FINDINGS: The applicant's request is **DENIED**.

Issues: The applicant contends that his general discharge was inequitable because he was too immature to understand the ramifications of the conduct that lead to his discharge. The applicant also contends that he has a "need to rejoin the military" and that he has no "feelings of anger or dislike." The record indicates that the applicant was discharged for minor disciplinary infractions after receiving a letter of counseling, eight letters of reprimand, an Article 15, and a vacation of Article 15 punishment within the 12 month period that he was on active duty. After a thorough and complete consideration of the information submitted by the applicant and the information contained in the record, the Board concluded that the applicant's discharge with a general (under honorable conditions) discharge for misconduct (minor disciplinary infractions) was appropriate and warranted.

CONCLUSIONS: The Discharge Review Board concludes that the applicant's 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 a general (under honorable conditions) discharge accurately reflects the overall quality of the applicant's service.

Attachment:

Examiner's Brief
Case File

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 Jul 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 8 Nov 82. Enlmt Age: 18 0/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-39, E-41, G-37, M-37. PAFSC: 3P031 - Security Forces Apprentice. DAS: 12 Dec 01.

b. Prior Sv: (1) AFRes 1 Dec 00 - 26 Mar 01 (3 Mos 26 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 27 Mar 01 for 6 yrs. Svd: 1 Yr 4 Mos 0 Das, all AMS.

b. Grade Status: AMN - 4 Jun 02 (Article 15, 4 Jun 02)
A1C - 9 Jun 01

c. Time Lost: None.

d. Art 15's: (1) 8 Jul 02, Vacation, Minot AFB, ND - Article 92. You, who knew of your duties at or near Minot AFB, ND, on or about 13 Jun 02, were derelict in the performance of those duties in that you negligently failed to refrain from sleeping on duty, as it was your duty to do. Forfeiture of \$200.00 pay per month for two months. (No appeal) (No mitigation)

(2) 4 Jun 02, Minot AFB, ND - Article 113. You, on or about 23 May 02, being posted as a sentinel during a convoy line were found sleeping upon your post. Reduction to AMN, suspended forfeiture of \$200.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 26 JUN 02 - Alcohol in dorm room, possession of an illegal weapon, violation of dress and appearance standards, and failure to return to duty after lunch.
LOR, 17 JUN 02 - Returning from lunch late.
LOR, 21 MAY 02 - Dorm room in gross violation of Air Force standards, failure to go, and failure to obey orders.
LOR, 17 MAY 02 - Late for work.

- LOC, 03 MAY 02 - Failure to complete CDCs as directed.
- LOR, 23 JAN 02 - Failure to go.
- LOR, 27 AUG 01 - Lying to training instructor.
- LOR, 13 AUG 01 - Failure to complete class assignment and sleeping in class.
- LOR, 18 JUL 01 - Failure to complete class assignment, lack of integrity, dirty uniforms, lying to instructors, and sleeping in class.

f. CM: None.

g. Record of SV: None.

(Discharged from Minor AFB)

h. Awards & Decs: AFTR, NDSM, FPB.

i. Stmt of Sv: TMS: (1) Yrs (7) Mos (26) Das
 TAMS: (1) Yrs (4) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Dec 02.
 (Upgrade Discharge to Honorable, and Change to Reentry Code, Reason and Authority.)

Issues: As of July 26 2002 I ----- recived (sic) an (sic) discharge for misconduct do (sic) to repeated offences of being late or uniform to shaving as a result my commander had to release me from active duty. Today November 6th 2002 almost six months later I have a need to join the military I have no feelings of anger or dislike at the time I was to (sic) immature to see what I was doing to my self (sic) so I ask that my reentry code 2B is (sic) changed so I may reenlist in today's Army my dream is to serve in the U.S. Armed forces please help.

ATCH

None.

27Feb03/cr



DEPARTMENT OF THE AIR FORCE

91ST SPACE WING (AFSPC)

FD 2002-00528

JUL 10 2002

MEMORANDUM FOR AMN [REDACTED] 91 SFS

FROM: 91 SFS/CC

SUBJECT: Letter of Notification - AFI 36-3208, Paragraph 5.49.

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, minor disciplinary infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, 14 Jul 93, and AFI 36-3208, *Administrative Separation of Airmen*, 10 Mar 00, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your discharge will be characterized as general or honorable. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. Between on or about 21 Jun 02 and on or about 25 Jun 02, you engaged in the following misconduct:

(1) On or about 19 Jun 02, during a dorm inspection a bottle of E&J Brandy was found in your dorm room, even though you were under the age of twenty-one.

(2) On or about 21 Jun 02, during a Random Vehicle Inspection at the South Gate, you were in possession of an illegal category II weapon, i.e. a Survival Knife with an approximate blade length of 16 inches.

(3) On or about 24 Jun 02, you failed to report to the Commander's office in the required uniform. You were wearing the incorrect rank, you were only wearing your tie on your shirt, and you were in need of a shave.

(4) On or about 25 Jun 02, you failed to report back at the prescribed time to your appointed place of duty, to wit: 91 SFS Vehicle Section. You had left for lunch at 1110 hours and you were located at the ball field by the Sub Shop at approximately 1800 that evening.

You were given a Letter of Reprimand (LOR) on 26 Jun 02. (Atch 3)

b. On or about 17 Jun 02, you failed to report back at the prescribed time to your appointed place of duty as required after lunch. You were given an LOR on 17 Jun 02. (Atch 4)

c. You, who knew of your duties, at or near Minot Air Force Base, North Dakota, on or about 13 Jun 02, were derelict in the performance of those duties in that you negligently failed to refrain from sleeping on duty, as it was your duty to do. Your suspended nonjudicial punishment was vacated on 3 Jul Jun 02. (Atch 5)

d. You, at or near Minot Air Force Base, North Dakota, on or about 23 May 02, being posted as a sentinel during a convoy line were found sleeping upon your post. You were punished under Article 15 of the UCMJ on 4 Jun 02 and this was added to your existing Unfavorable Information File (UIF). (Atch 6)

e. Between on or about 10 May 02 and on or about 21 May 02, you engaged in the following misconduct:

(1) On or about 10 May 02, during a dormitory inspection, it was noted that your room was in gross violation of Air Force standards.

(2) On or about 20 May 02, you failed to go at the time prescribed to your appointed place of duty, to wit: Security Forces Armory.

(3) On or about 21 May 02, you failed to go at the time prescribed to your appointed place of duty, to wit: Building 547 for training.

You were given a Letter of Reprimand (LOR) on 21 May 02 and you were placed on a Control Roster on 21 May 02. (Atch 7-8)

f. On or about 13 May 02, you failed to go at the time prescribed to your appointed place of duty. You were given an LOR on 17 May 02. (Atch 9)

g. On or about 24 Apr 02, a review of your Career Development Course (CDC) was conducted. It was found that you had not completed your CDCs as directed. You were given a Letter of Counseling on 8 May 02. (Atch 10)

h. On or about 23 Jan 02, you failed to go at the time prescribed to your appointed place of duty, to wit: Mandatory SFO Physical Training. You were given an LOR on 23 Jan 02. (Atch 11)

i. On or about 24 Aug 02, while at Technical Training, you lied to your instructors when you said you needed to go to Building 6612 and instead you went to your dorm room. You were given an LOR on 27 Aug 01. (Atch 12)

j. On or about 13 Aug 02, while at Technical Training, you were derelict in the performance of your duties in that you failed to complete the appraisals in your study guide for the day's lectures. Furthermore, you were found sleeping during class. You were given an LOR on 13 Aug 01. (Atch 13)

k. On or about 18 Jul 01, while at Technical Training, you were derelict in the performance of your duties in that you failed to complete the appraisals in your study guide for the day's lectures. Furthermore, you were found sleeping during class. You were given an LOR on 18 Jul 01. (Atch 14)

3. The Letter of Notification with attachments will be forwarded to the separation authority in support of this recommendation. The commander exercising SPCM jurisdiction (5 BW/CC) 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 Capt [REDACTED] Area Defense Counsel, at 300 Summit Drive, Room 306A, at 1100 hours on 11 July 02 2002. 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 1530 hours on 15 Jul 02 2002, unless you request and receive an extension for good cause shown. I will send any statements you provide to the separation authority.

6. If you fail to consult counsel or to submit statements on 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 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND, at 0700 hours on 14 Jul 2002, for the examination. You must not drink alcoholic beverages 72 hours prior to the exam.

8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the Orderly Room.

9. Sign the attached acknowledgment and the Statement of Understanding and return them to me immediately.



Lt Col, USAF
Commander, 91st Security Forces Squadron

Attachments:

1. Receipt of Letter of Notification
2. Statement of Understanding
3. Letter of Reprimand, 26 Jun 02
4. Letter of Reprimand, 17 Jun 02
5. AF FM 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, 3 Jul 02
6. AF FM 3070, Record of Nonjudicial Punishment Proceedings, 11 Jun 02
7. Letter of Reprimand, 21 May 02
8. AF FM 1058, Unfavorable Information File Action, 21 May 02
9. Letter of Reprimand, 17 May 02
10. Letter of Counseling, 3 May 02
11. Letter of Reprimand, 23 Jan 02
12. Letter of Reprimand, 27 Aug 01
13. Letter of Reprimand, 13 Aug 01
14. Letter of Reprimand, 18 Jul 01