

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	U/OTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A92.01, A92.21, A94.05	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 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: 16APR 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

CASE NUMBER

FD02-0531

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 it was too harsh because he performed adequately and that his conduct since his separation has been exceptional. The record indicates the applicant received two Articles 15 for failure to go and for negligently failing to review the personnel schedule on a daily basis. In addition, he received a Vacation action under the UCMJ for willfully failing to retrieve the exit light battery retaining cap from the aft left lock of a C-130 aircraft cargo ramp. He then received three Letters of Reprimand and a Memorandum For Record for failure to report for work, failure to obey a general order, misuse of a government computer, and dereliction of duty. 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

[REDACTED]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 19 Sep 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 27 Sep 79. Enlmt Age: 18 4/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-34, E-72, G-48, M-72. PAFSC: 2A551J - Aerospace Maintenance Journeyman. DAS: 19 Aug 99.

b. Prior Sv: (1) AFRes 2 Feb 98 - 1 Dec 98 (10 Months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 2 Dec 98 for 6 years. Svd: 2 Yrs 9 Mos 18 Das, all AMS.

b. Grade Status: AB - 31 May 01 (Vacation of Article 15, 2 Aug 01)
A1C - 23 Jan 99

c. Time Lost: None.

- d. Art 15's: (1) 2 Aug 01, Vacation, Ramstein AB, GE - Article 92. You, who knew of your duties, on or about 16 Jul 01, were derelict in the performance of those duties in that you willfully failed to retrieve the exit light battery retaining cap from the aft left lock of the cargo ramp, where you had dropped it, as it was your duty to do. Reduction to AMN. (No appeal) (No mitigation)
- (2) 31 May 01, Ramstein AB, GE - Article 92. You, who knew or should have known of your duties, on or about 28 Apr 01, were derelict in the performance of those duties in that you negligently failed to review the personnel schedule on a daily basis, as it was your duty to do. Suspended reduction to AMN, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)
- (3) 2 Aug 99, Little Rock AFB, AR - Article 86. You did, on or about 8 Jul 99, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to AMN, forfeiture of \$100.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 30 JUL 01 - Dereliction to duty.
MFR, 09 MAY 01 - Failure to report for work.
LOR, 08 JUN 00 - Misuse of a government computer by
forwarding an unauthorized e-mail message.
LOR, 02 AUG 99 - Failure to obey a general order or
regulation.
- f. CM: None
- g. Record of SV: 2 Dec 98 - 1 Aug 00 Ramstein AB 3 (Initial) REF
(Discharged from McChord AFB)
- h. Awards & Decs: AFTR, AFOUA, AFOLTR.
- i. Stmt of Sv: TMS: (3) Yrs (7) Mos (18) Das
TAMS: (2) Yrs (9) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Dec 02.
(Change Discharge to Honorable)

Issue 1: Although, my military career was not exemplary, I feel that my specific job duties, as a C-130 crew chief, were performed adequately (sic). I have attached (sic) a letter of appreciation, (sic) which unfortunately is the only written (sic) proof, of my military conduct during my enlistment, to my knowledge. I hope this LAP will be taken into serious, consideration during the review of my military record. My training and service, on C-130E Hercules Aircraft, during my enlistment was, to my knowledge, exceeding, or up to the standards and qualifications required by the Air Force.

Issue 2: I do understand that a major aspect of this review will be based on the infractions, all thought (sic) minor for the most part in my opinion, documented in my personnel (sic) file(s). Please, be aware that my conduct since my separation has been exceptional. I, however, do not wish (sic) to make excuses for my past infractions as an enlisted member of the US. Air Force. I have made mistakes in my life as has everyone. No one is perfect least of all me.

Issue 3: On another note, coming from a family with an extensive military background, and the fact that I am the only member, of either side, of my family that has not finished a full term in the military, I have felt an enormous amount of stress and shame, brought on by my mistakes. In a more literal way of expressing myself, I have essentially (sic) had a rude awakening, and hope that this review and the opinion of the review board will in fact see that I have "served the time for the crime". Thank you for your time.

FD2002-00531

ATCH

1. Letter of Appreciation.

3Mar03/cr



DEPARTMENT OF THE AIR FORCE
86TH AIRLIFT WING (USAF)

FD2002-00531

13 AUG 2001

MEMORANDUM FOR [REDACTED]

FROM: 37 AS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD-36-32 and AFI 36-3208, paragraph 5.49, *Minor Disciplinary Infractions*. If my recommendation is approved, your service will be characterized General (Under Honorable Conditions).

2. My reason for these actions are:

a. On or about 8 July 1999, you failed to go at the time prescribed to your appointed place of duty. For this incident you received nonjudicial punishment dated 2 August 1999. Punishment consisted of reduction to the grade of Airman suspended until 1 February 2000, forfeiture of \$100.00 pay per month for two months, and a reprimand. Additionally, an Unfavorable Information File (UIF) was established (Atch 1a).

b. On or about 2 August 1999, you failed to obey a lawful general regulation. For this incident you received a letter of reprimand (LOR) dated 2 August 1999. Additionally, this LOR was placed in your existing UIF (Atch 1b).

c. On or about 6 June 2000, you forwarded a chain letter. For this incident you received a LOR dated 8 June 2000 (Atch 1c).

d. On or about 28 April 2001, you were derelict in your duties, in that you negligently failed to review the personnel schedule on a daily basis. For this incident you received nonjudicial punishment dated 31 May 2001. This nonjudicial punishment action was placed in your existing UIF (Atch 1d).

e. On or about 16 July 2001, you failed to retrieve an exit light battery retaining cap from an airplane cargo ramp. For this incident you received a Letter of Reprimand dated 30 July 2001. Additionally, the suspended portion of your nonjudicial punishment was vacated on 2 August 2001. This punishment consisted of a reduction to the grade of Airman, with a new date of rank of 31 May 2001 (Atch 1e).

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 a higher authority, will decide whether you will be discharged or retained in the United States 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 United States Air Force, and any special pay, bonus, or education assistance funds you have received may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You have an appointment with [REDACTED], Area Defense Counsel, Ramstein Air Base, Germany, Bldg 2111, 480-2182/2492 on 14 Aug 01, 0800. You may consult and employ civilian counsel, if readily available, at your own expense. The Area Defense Counsel requests that you stop by their office prior to your appointment to pickup the Administrative Discharge Booklet.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me by (3 duty days) 16 Aug 01 at 0930 hours 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 submit statements in your behalf, your failure will constitute a waiver of your right to do so.

7. You must report in uniform with your medical records and an escort to the Ramstein Air Base Clinic, Physical Exams, Building 2182 on _____ for the evaluation. They will decide whether you need a complete physical exam or a family practice appointment. If an examination is required, tell the doctor you need a "separation" physical examination. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

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 the orderly room.

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

[REDACTED] USAF
Commander

Attachments:

1. Supporting Documents:
 - a. Nonjudicial Punishment/UIF dated 2 Aug 99
 - b. Letter of Reprimand/UIF dated 2 Aug 99
 - c. Letter of Reprimand dated 8 Jun 00
 - d. Nonjudicial Punishment/UIF dated 31 May 01
 - e. Letter of Reprimand dated 30 Jul 01/Vacation action dated 2 Aug 01
2. Other Document: Denial of Air Force Good Conduct Medal, dated 17 Aug 00
3. Airman's Receipt of Notification Memorandum