

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

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

ISSUES A94.53, A92.37	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 and the right to a personal appearance with/without counsel.

DD Fm 149 submitted. The case will be forwarded to the AFBCMR for further processing.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 26 JUN 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

FD2002-0540

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

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

FINDINGS: Upgrade of discharge is denied.

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

Issues. Applicant was discharged for minor disciplinary infractions. He had an Article 15, a vacation of suspended punishment, seven Records of Individual Counseling, a traffic ticket, four Letters of Reprimand, an Unfavorable Information File, and one Enlisted Performance Report that was rated an overall "3." His misconduct occurred over an 18-month period and included failure to go or being late for duty seven times, four instances of dereliction of duty, driving a vehicle without registration and insurance and that had an improper license plate, and at least three instances of financial irresponsibility. At the time of the discharge, member consulted counsel but waived his right to submit a statement in his own behalf. Applicant now notes his desire to receive his G.I. Bill education benefits. The Board noted that member was age 21 to 22 when his offenses occurred, the same age as other airmen who adhere to standards. He was counseled repeatedly in an effort to help him correct his deficiencies. In spite of those rehabilitative efforts, he was unwilling or unable to improve his behavior. The Board concluded applicant knew right from wrong and was responsible for his actions, and therefore was held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.

Applicant cited his desire to receive his G.I. Bill education benefits as justification for an upgrade. The Board noted that applicant signed a statement (DD Form 2366, on September 8, 1997) that he understood he must receive an Honorable discharge to receive future educational entitlements. While the Board was sympathetic to the impact of the loss of these benefits on applicant, this is not a matter of equity or propriety that warrants an upgrade.

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 A1C) (HGH SRA)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Apr 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Sep 78. Enlmt Age: 18 5/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-56, E-67, G-55, M-58. PAFSC: 2A652 - Aerospace Maintenance. DAS: 17 Jun 98.

b. Prior Sv: (1) AFRes 15 Mar 97 - 26 Aug 97 (5 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Aug 97 for 6 yrs. Svd: 3 Yrs 7 Mo 8 Das, all AMS.

b. Grade Status: A1C - 22 Feb 01 (Vacation of Article 15, 14 Mar 01)
SRA - 11 Feb 00
A1C - (EPR Indicates): 27 Aug 97-15 Apr 99)

c. Time Lost: None.

d. Art 15's: (1) 14 Mar 01, Vacation, Little Rock AFB, AR - Article 86. You did, on or about 6 Mar 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (No appeal) (No mitigation)

(2) 22 Feb 01, Little Rock AFB, AR - Article 86. You, did, on or about 6 Feb 01, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C, 30 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOC, 27 FEB 01 - Failure to follow technical data.
LOR, 12 FEB 01 - Financial irresponsibility.
LOR, 01 DEC 00 - Failure to go.
LOC, 19 SEP 00 - Failure to provide adequate dependent care.
LOR, 18 SEP 00 - Failure to go.
MEMO, 31 AUG 00 - Using license plate from different vehicle, without registration and no insurance. Allowing a person to drive on base with suspended license.
LOR, 07 JUN 00 - Financial irresponsibility.

TRAFFIC TICKET, 03 JUN 00 - Failure to register vehicle, no insurance, and driving with improper plates.

LOC, 31 MAY 00 - Late for duty.
LOC, 23 MAY 00 - Late for duty.
LOA, 15 MAR 00 - Financial irresponsibility.
LOC, 01 NOV 99 - Late for duty.
LOC, 28 SEP 99 - Failure to follow AETCI 21-101V2.
LOC, 09 SEP 99 - Dereliction of duty.

f. CM: None.

g. Record of SV: 27 Aug 97 - 15 Apr 99 Little Rock AFB 4 (HAF Dir)
16 Aug 99 - 15 Apr 00 Little Rock AFB 3 (Annual)

(Discharged from Little Rock AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (20) Das
TAMS: (3) Yrs (7) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Dec 02.
(Change Discharge to Honorable)

Issue 1: Need discharge upgrade to recieve (sic) educational benefits.

ATCH

1. DD Form 149.

5MAR03/ia

FD 2002-0540



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 314TH AIRLIFT WING (AETC)
LITTLE ROCK AIR FORCE BASE, ARKANSAS

MAR 19 2001

MEMORANDUM FOR [REDACTED]

FROM: 314 MXS/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 AFD 36-32 and AFI 36-3208, paragraph 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. On or about 6 February 2001, you did, without authority, fail to go to your appointed place of duty, building 256, at the time prescribed. For your actions you received Nonjudicial Punishment Under Article 15, UCMJ and entry in your already established Unfavorable Information File (UIF). (Atch 1-1)

b. On or about 26 February 2001, you were derelict in the performance of your duties, in that you failed to follow proper technical order 35E7 -2-11-1, paragraph 1-149A, steps c and f instructions during the course of reassembly of the flexible coupling assembly. For your actions, you received a Letter of Counseling (LOC). (Atch 1-2)

c. On or about 2 February 2001, you failed to pay your Deferred Payment Pay (DPP) account which was \$24.00 past due. For your actions, you received a Letter of Reprimand (LOR). (Atch 1-3)

d. On or about 30 November 2000, you did, without authority, fail to go to your appointed place of duty, building 256, at the time prescribed of 0700 hours.. For your actions, you received an LOR. (Atch 1-4)

e. On or about 18 September 2000, you were derelict in the performance of your duties, in that you brought your spouse to the work area causing other members to provide mission support in your absence. For your actions, you received an LOC. (Atch 1-5)

f. On or about 18 September 2000, you did, without authority, fail to go to your appointed place of duty, building 256, at the time prescribed of 0700 hours. For your actions, you received an LOR. (Atch 1-6)

g. On or about 7 June 2000, you failed to pay your DPP account which was \$36.00 past due. For your actions, you received an LOR. (Atch 1-7)

h. On or about 31 May 2000, you failed to return from lunch on time, you returned 20 minutes late. You said you went back to your dormitory room after lunch and fell asleep. For your actions, you received an LOC. (Atch 1-8)

i. On or about 23 May 2000, you did, without authority, fail to go to your appointed place of duty, building 256, at the time prescribed of 0700 hours. For your actions, you received an LOC. (Atch 1-9)

j. On or about 15 March 2000, you failed to pay your Bank of America government credit card in a timely manner. You were 64 days overdue on a balance of \$545.93. For your actions, you received a Letter of Admonishment. (Atch 1-10)

k. On or about 1 November 1999, you did, without authority, fail to go to your appointed place of duty, building 256, at the time prescribed of 0700 hours. For your actions, you received an LOC. (Atch 1-11)

l. On or about 27 September 1999, you failed to sign out during swing shift and in the consolidated tool kit prior to using the tools. For your actions, you received an LOC. (Atch 1-12)

m. On or about 8 September 1999, you were derelict in the performance of your duties, in that you found playing on a personal laptop computer. As a swing shift driver you are expected to maintain a fuel log. For your actions, you received an LOC. (Atch 1-13)

n. On or about 3 June 2000, you brought your vehicle onto Little Rock Air Force Base using the license plate from a different vehicle, without registration and no insurance. You allowed a person to drive on base while her license was suspended. You had earlier been cited by Jacksonville Police Department patrolman for failure to register the vehicle. For your actions, you receive a Letter of Warning and Armed Forces Traffic Ticket (DD Form 1408). (Atch 1-14)

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 higher authority will decide whether you will be discharged or retained in the Air Force and if 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] Area Defense Counsel,

Bldg 1255, Rm 201, Telephone 7-3260 on March 2001 at hours. 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 by (3) workdays or (72) 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 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 Little Rock AFB Hospital at 0745 hours on 20 March 2001 for the 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 for your use in the Orderly Room.

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

, USAF
Commander

Attachments:

- 1-1 Art. 15, 5 Mar 2001
- 1-2 LOC, 27 Feb 2001
- 1-3 LOR w/UIF, 12 Feb 01
- 1-4 LOR w/UIF, 1 Dec 2000
 - Member's Response to UIF, 2 Feb 01
 - MFR () , 30 Nov 00
 - UIF Summary Sheet
- 1-5 LOC, 19 Sep 00
- 1-6 LOR, 18 Sep 00
- 1-7 LOR, 7 Jun 00
- 1-8 LOC, 31 May 00
- 1-9 LOC, 23 Mar 00
- 1-10 LOA, 15 Mar 00
- 1-11 LOC, 1 Nov 99
- 1-12 LOC, 28 Sep 99
- 1-13 LOC, 9 Sep 99
- 1-14 Letter of Warning, 31 Aug 2000
 - Armed Force Traffic Ticket, 3 Jun 2000