

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE AMN	AFSN/SSAN ██████████		
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NO				
	X				
MEMBERS SITTING			VOY OF THE BOARD		
			HON	GEN	UOTHC
					OTHER
					DENY
██████████					X
██████████					X
██████████					X
██████████					X
██████████					X
ISSUES A94.53, A92.37		INDEX NUMBER A67.50		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
HEARING DATE 26 JUN 03		CASE NUMBER FD2002-0541			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE					
REMARKS					
<p>Case heard at Washington, D.C.</p> <p>Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.</p>					
SIGNATURE OF RECORDER ██████████			SIGNATURE OF BOARD PRESIDENT ██████████		
ENDORSEMENT			DATE: 26 JUN 03		
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

CASE NUMBER

FD2002-0541

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for a pattern of misconduct. He had an Article 15, a vacation of suspended punishment, five Letters of Counseling, a traffic ticket, two Letters of Reprimand, several verbal counselings, an Unfavorable Information File, one Enlisted Performance Report that was rated an overall "3," and was placed on the Control Roster. His misconduct occurred over an 18-month period and included failure to go or being late for duty five times, two instances of failure to obey a lawful order, speeding and driving an unregistered vehicle without insurance, improper government computer use, and making a false official statement. At that time, the Noncommissioned Officer in Charge of member's duty section noted that including verbal counselings, member had had 14 separate opportunities to improve his behavior, and his continued presence was having a negative impact on eight "highly impressionable peers." At the time of the discharge, member consulted counsel and requested an extension in order to submit statements in his own behalf, but failed to do so. The Board noted that member was age 19 to 20 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.

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)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 9 Jul 97 UP AFI 36-3208, para 5.50 (Misconduct - A Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 18 Feb 77. Enlmt Age: 17 9/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-43, E-63, G-53, M-67. PAFSC: 4N031 - Medical Services Apprentice. DAS: 1 Feb 96.

b. Prior Sv: (1) AFRes 7 Dec 94 - 20 Dec 95 (6 Mos 14 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 21 Jun 95 for 4 yrs. Svd: 2 Yrs 0 Mo 19 Das, all AMS.

b. Grade Status: AMN - 30 Apr 97 (Vacation of Article 15, 2 Jun 97)
A1C - 21 Oct 96
AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) 2 Jun 97, Vacation, Hill AFB, UT - Article 86. You did, on or about 23 May 97, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AMN. (No appeal) (No mitigation)

(2) 30 Apr 97, Hill AFB, UT - Article 107. You did, on divers occasions, between on or about 3 Apr 97 to on or about 10 Apr 97, with intent to deceive, make to MSGT -----, an official statement, to wit: "I do not have a job with a civilian employer," or words to that effect, which statement was totally false, and was then known by you to be so false. Suspended reduction to AMN, forfeiture of \$100.00 pay per month for two months, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 16 APR 97 - Failure to obey a direct order.
MFR, 23 MAY 97 - Late for appointment.
LOR, 09 APR 97 - Failure to obey a lawful order.
LOC, 25 MAR 97 - Failure to report for mandatory training.
LOC, 21 JAN 97 - Late for work, appointments, and behavior related problems.
LOC, 24 SEP 96 - Unauthorized use of a government computer.
LOC, 11 MAR 96 - Lack of job knowledge, unwillingness to

perform tasks, and attitude problem
towards co-workers.

LOC, 05 JAN 96 - Late for duty.

f. CM: None.

g. Record of SV: 21 Jun 95 - 20 Feb 97 Hill AFB 3 (Initial)

(Discharged from Hill AFB)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (7) Mos (3) Das
TAMS: (2) Yrs (0) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Dec 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
None.

5Mar03/cr

DEPARTMENT OF THE AIR FORCE
75th MEDICAL OPERATIONS SQUADRON (AFMC)
HILL AIR FORCE BASE, UTAH

MEMORANDUM FOR [REDACTED]

16 June 97

FROM: CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 28 May 1997, you did, without authority, fail to go at the time prescribed to your appointed place of duty, which was in violation of Article 86. Due to this action you received a vacation of punishment, dtd 28 May 1997. (Atch 1a)

b. On or about 22 April 1997, you received an Article 15 for making an official statement, with the intent to deceive, to [REDACTED], to wit: "I do not have a job with a civilian employer," or words to that effect, which statement was totally false, and was then known by you to be so false. With this you also were placed on the control roster and given an Unfavorable Information File (UIF). (Atch 1b)

c. On or about 8 April 1997, a computer disk was found in the disk drive of the computer in your work station. The disk was labeled "Games for Work". After an investigation, it was determined that it belonged to you. The computers are for Official Use Only. I gave you a direct order on or about 24 September 1996, that you were not to use Air Force computers to play any games. For this you received a Letter of Reprimand for disobeying a direct order. (Atch 1c)

d. On or about 9 April 1997, you were given a Letter of Reprimand, dtd 9 April 1997, for disobeying a direct order given to you by your supervisor. You were directed to take a pre-test to evaluate your knowledge of job related areas prior to taking your scheduled End of Course test. (Atch 1d)

e. On or about 25 March 1997, you failed to report to your scheduled appointment at Delayed Team Training. This was a mandatory appointment. For this you received a Letter of Counseling, dtd 25 Mar 97. (Atch 1e)

f. On or about 21 January 1997, you were given a Letter of Counseling, due to several incidents in regard to being late for duty. (Atch 1f)

g. On or about 20 September 1996, it was brought to the attention of [REDACTED] that you spent about 18 hours on the computer during your weekend shift. It was noted that most of the time you were on the Internet on a chat mode. The computers in this area are for Official Use Only. For this you received a Letter of Counseling. (Atch 1g)

h. On or about 11 March 1996, it was noted that there may be a problem with training and knowledge deficiencies and also some motivational and attitude problems. For this you received a Letter of Counseling, dtd 11 March 1996. (Atch 1g)

i. On or about 4 January 1996, you were one hour late for duty at the prescribed place. For this you received a Letter of Counseling. (Atch 1h)

3. You have the right to consult counsel. I have made an appointment for you with the Area Defense Counsel's Office, Building 1205, 12 June at 1530. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 17 June, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. Your medical examination/review has been scheduled for 12 June between 1330 and 1530, at the Physical Exams Section.

7. 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 unit orderly room.

[REDACTED]
[REDACTED] USAF
Commander

Attachments:

1. Notification Letter
- 1a. Vacation of Punishment, dtd 28 May 97
- b. Article 15, dtd 22 Apr 97/UIF, dtd 5 May 97

- c. Letter of Reprimand, dtd 16 Apr 97
- d. Letter of Reprimand, dtd 9 Apr 97
- e. Letter of Counseling, dtd 25 Mar 97
- f. Letter of Counseling, dtd 21 Jan 97
- g. Letter of Counseling, dtd 24 Sep 96
- h. Letter of Counseling, dtd 11 Mar 96
- i. Letter of Counseling, dtd 5 Jan 96
- 2. Other Documentation
- 2a. Memo For Record, dtd 23 May 97
- 3. Airman's Receipt of Notification Letter