

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE SRA	AFSN/SSAN [REDACTED]			
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		VOTE OF THE BOARD				
		HON	GEN	UOTHC	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	
HEARING DATE 25 JUN 03		CASE NUMBER FD2002-0542		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						
<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 [REDACTED]				SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT				DATE: 25 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

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 two Articles 15, four Records of Individual Counseling, two traffic tickets, a Letter of Reprimand, an Unfavorable Information File, and one Enlisted Performance Report that was a referral rated overall "3." His misconduct occurred over a 3 and a half year period and included underage drinking, assaulting another airman, traffic violations, and consistently breaking curfew while at Airman Leadership School. At the time of the discharge, member waived his right to consult counsel but did submit a statement in his own behalf, according to the legal review. Applicant now points out his satisfactory duty performance and desire to receive his G.I. Bill education benefits. The Board noted that member was age 20 to 23 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. This was particularly evident when he was released from Airman Leadership School for cause after he said he wasn't willing to put forth the effort to finish the course and abide by the school policies and standards. 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 May 5, 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

MISSING MEDICAL RECORDS

[REDACTED]
[REDACTED]
(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 27 Jul 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 1 Nov 77. Enlmt Age: 19 2/12. Disch Age: 23 8/12. Educ: HS DIPL. AFQT: N/A. A-85, E-91, G-98, M-72. PAFSC: 2A655 - Aircraft Pneudraulic System Journeyman. DAS: 16 Oct 77.

b. Prior Sv: (1) AFRes 27 Jan 97 - 22 Apr 97 (2 Mos 27 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 23 Apr 97 for 6 yrs. Svd: 4 Yrs 3 Mos 5 Das, all AMS.

b. Grade Status: SRA - 7 Oct 99
A1C - 7 Jun 97

c. Time Lost: None.

d. Art 15's: (1) 5 Nov 99, Ellsworth AFB, SD - Article 128. You, did, on or about 11 Oct 99, unlawfully kick SRA ----- in the head with your foot. Suspended reduction to A1C, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 22 Jun 98, Ellsworth AFB, SD - Article 92. You, who knew of your duties, on or about 17 May 98, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the state legal drinking age of 21, as it was your duty to do. Suspended reduction to AMN, suspended forfeiture of \$463 pay, a reprimand, 18 days restriction, and 18 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 10 JUL 01 - Failure to comply with curfew policy.
TRAFFIC TICKET, 14 JUL 99 - Speeding
TRAFFIC TICKET, 15 FEB 98 - Failure to stop at a posted stop sign.

f. CM: None.

g. Record of SV: 23 Apr 97 - 22 Dec 98 Ellsworth AFB 4 (Initial)
 23 Dec 98 - 22 Dec 99 Ellsworth AFB 3 (Annual)
 23 Dec 99 - 22 Dec 00 Ellsworth AFB 4 (Annual)

(Discharged from Ellsworth AFB)

h. Awards & Decs: AFLSA, AFTR, AFOUA.

i. Stmt of Sv: TMS: (4) Yrs (6) Mos (1) Das
 TAMS: (4) Yrs (3) Mos (5) Das

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

Issues: I am asking for a review of my service discharge in regards to my Montgomery GI Bill benefits. I did recieve (sic) a general under honorable conditions discharge, and would request that it be changed to an honorable. I will finish college either way, but I feel I deserve & should be entitled to my GI Bill benefits. Apart from small off duty disciplinary infractions, my duty performance was outstanding. Please take my case into consideration. Thank you.

ATCH
 None.

5Mar03/cr



FD 2002 00342

DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 28TH BOMB WING (ACC)
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

MEMORANDUM FOR SENIOR AIRMAN [REDACTED]

FROM: 37 BS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct involving 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 discharge action are the following:
 - a. You were, at or near Ellsworth Air Force Base, South Dakota, on about 15 Feb 98, stopped by Security Forces Personnel for failing to stop at a posted stop sign. For this action, you received a DD Form 1408, Armed Forces Traffic Ticket on 15 Feb 98.
 - b. You who knew of your duties, at or near Ellsworth Air Force Base, South Dakota, on or about 17 May 98, were derelict in the performance of those duties in that you failed to refrain from consuming alcoholic beverages while under the state legal drinking age of 21, as it was your duty to do. For this action, you were punished under Article 15, UCMJ, on 22 Jun 98. Punishment was suspended reduction to the grade of airman, suspended forfeiture of \$463.00 pay, 18 days extra duty, restriction to Ellsworth AFB, South Dakota for 18 days and a reprimand. This Article 15 established your Unfavorable Information File (UIF).
 - c. You were, at or near Ellsworth Air Force Base, South Dakota, on or about 14 Jun 99, stopped by Security Forces Personnel for driving 28 MPH in a 15 MPH speed zone. For this action, you received a DD Form 1408, Armed Forces Traffic Ticket on 14 Jun 99.
 - d. You did, at or near Ellsworth Air Force Base, South Dakota, on or about 11 Oct 99, unlawfully strike Senior Airman [REDACTED] in the head with your foot. For this action, you were punished under Article 15, UCMJ, on 5 Nov 99. Punishment was suspended reduction to the grade of Airman First Class, 30 days extra duty and a reprimand. This Article 15 was added to your UIF.
 - e. You did, at or near Ellsworth Air Force Base, South Dakota, on or about 10 Jul 01, admit that you failed to honor the 2200 hour curfew on all but one of the evenings you were required to be at the Airman Leadership School Building. This was a violation of the Samuel O. Turner PME Center's in-residence policy and a breach of our treasured Air Force Core Values. You were briefed on 29 Jun 01, during the course inprocessing, about curfew policies. For this

action, you received a Letter of Reprimand (LOR) on 10 Jul 01. Also for this action, you were disciplinarily released from Airman Leadership School on 10 Jul 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 discharge will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 Captain [REDACTED], Area Defense Counsel, 385-2158, 1000 Ellsworth Street, Suite 1700 on 23 Jul 01 at 1300 hours. You may consult civilian counsel at your own expense.


5. You have the right to submit statements in your own ^{etcw} behalf. Any statements you want the separation authority to consider must reach me by 24 Jul 01 at 1630 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 matters 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 the Physical Exams Section of the Base Clinic on 24 Jul 01 at 1530 hours for the examination. This is a mandatory appointment and you must be in uniform. You must report at least 15 minutes in advance to this appointment to complete necessary paperwork.

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 your orderly room.

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


Lt Col, USAF
Commander, 37th Bomb Squadron

Attachments:

1. Supporting documents
 - a. DD Form 1408, Armed Forces Traffic Ticket – 15 Feb 98
 - b. Article 15/UIF 22 Jun 98
 - c. DD Form 1408, Armed Forces Traffic Ticket – 14 Jun 99
 - d. Article 15/UIF – 5 Nov 99
 - e. LOR/Notice of Disciplinary Release – 10 Jul 01
2. Airman's Acknowledgment