

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) | GRADE AB | AFSN/SSAN |
|---|--------------------|-----------|

| TYPE GEN | PERSONAL APPEARANCE | X RECORD REVIEW | | | | | | | | |
|---|----------------------------|-------------------------------------|-------------------------------------|-----|----|--|--|----------|--|--|
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="padding: 2px;">COUNSEL</th> <th style="padding: 2px;">NAME OF COUNSEL AND OR ORGANIZATION</th> </tr> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">NO</td> <td rowspan="2" style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">X</td> </tr> </table> | COUNSEL | | NAME OF COUNSEL AND OR ORGANIZATION | YES | NO | | | X | | ADDRESS AND OR ORGANIZATION OF COUNSEL |
| COUNSEL | | NAME OF COUNSEL AND OR ORGANIZATION | | | | | | | | |
| YES | NO | | | | | | | | | |
| | X | | | | | | | | | |

| MEMBERS SITTING | VOTE OF THE BOARD | | | | |
|-----------------|-------------------|-----|-------|-------|----------|
| | HON | GEN | UOTHC | OTHER | DENY |
| | | | | | X |
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| ISSUES A92.37, A67.05, A 94.53 | INDEX NUMBER A67.90 | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 2px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; padding: 2px; text-align: center;">1</td> <td style="padding: 2px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 2px; text-align: center;">2</td> <td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 2px; text-align: center;">3</td> <td style="padding: 2px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px; text-align: center;">4</td> <td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table> | 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 |
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| HEARING DATE 10 JUN 03 | CASE NUMBER FD2002-0546 | | | | | | | | | | | | | | | | | |

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.

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| TO: SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742 | ADDRESS ONLY | DATE: 10 JUN 03 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

FD2002-0546

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 misconduct, conduct prejudicial to good order and discipline. He had six Letters of Reprimand, three Records of Individual Counseling, and an Article 15. His misconduct included two instances of failure to obey lawful orders, two incidents of dereliction of duty, at least two instances of failure to maintain his uniforms and personal hygiene standards, failure to go, failing to follow government vehicle operating instructions resulting in an accident, violating the base visitor sponsorship policy, providing alcoholic beverages to another airman who was under the legal drinking age, and soliciting that airman to make a false statement. He also had an Enlisted Performance Report rated an overall referral "1" wherein five of seven front side evaluation areas were marked in the lowest possible blocks. Member's misbehavior and substandard performance were thoroughly documented in the record. The Board noted that when his misconduct occurred, member was age 21 to 22 and there was no evidence he did not know right from wrong, so he was held accountable for his actions. Although given many opportunities to correct or improve his behavior, he was unable or unwilling to do so. At the time of the discharge, member waived his right to consult counsel or to submit a statement in his own behalf. The record review offered no basis to substantiate an upgrade to his discharge characterization. The Board could find no wrongful action by the Air Force, nor an inequity or impropriety.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was essentially 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 7 Mar 97 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 1 Jun 74. Enlmt Age: 19 5/12. Disch Age: 22 9/12. Educ: HS DIPL. AFQT: N/A. A-41, E-67, G-48, M-49. PAFSC: 2E231 - Electrical Comp & SWG Systems Apprentice. DAS: 30 Oct 95.

b. Prior Sv: (1) AFRes 9 Nov 93 - 9 Mar 94 (4 months 1 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Mar 94 for 6 yrs. Svd: 2 Yrs 11 Mo 26 Das, all AMS.

b. Grade Status: AB - 16 Jan 97 (Article 15, 16 Jan 97)
A1C - 24 Apr 94

c. Time Lost: None.

d. Art 15's: (1) 16 Jan 97, Grand Forks AFB, ND - Article 92. You, who knew of your duties, on divers occassions, between on or about 11 Dec 96 and on or about 12 Dec 96, were derelict in the performance of your duties in that you willfully provided alcoholic beverages to AB -----, an individual under the lawful age of 21, as it was your duty not to do. Article 134. You did, on or about 13 Dec 96, wrongfully solicit AB -----, to make a false official statement to conceal SRA -----'s involvement in providing alcohol to her, to wit: that she should state that she helped herself to the alcoholic beverages that she drank during the evening of 11 Dec 96, or words to that effect. Reduction to Airman Basic, and 60 days restriction. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 23 SEP 96 - Dereliction of duty.
LOR, 28 AUG 96 - Failure to obey a lawful order.
LOR, 03 JUN 96 - Failure to maintain uniform and hygiene standards.
RIC, 28 MAY 96 - Failure to maintain uniform and hygiene standards.
LOR, 10 FEB 96 - Violating base sponsorship policy.
LOR, 10 FEB 96 - Accident with government vehicle, and failing to follow operating instructions.

RIC, 06 FEB 96 - Failure to obey a lawful order.
LOR, 22 DEC 95 - Dereliction of duty.
RIC, 27 NOV 95 - Failure to go.

f. CM: None.

g. Record of SV: 10 Mar 94 - 26 Feb 96 Grand Forks AFB 1 (Initial)REF
(Discharged from Grand Forks AFB)

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

i. Stmt of Sv: TMS: (3) Yrs (3) Mos (27) Das
TAMS: (2) Yrs (11) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Dec 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

10MAR03/ia

FD 2007-0546

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 319TH AIR REFUELING WING (AMC)
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA



MEMORANDUM FOR

FROM: 319 CS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I recommend your service be characterized as general

2. My reason for this action is as follows:

a. On or about 11 Dec 96, you provided alcoholic beverages to an individual under the lawful age of 21. On or about 13 Dec 96, you wrongfully solicited to make a false official statement to conceal involvement in providing alcohol to her. For this misconduct, you were punished under Article 15 on 16 Jan 97. Punishment consisted reduction to Airman Basic and 60 days restriction to Grand Forks Air Force Base. (Attachment A)

b. On or about 24 Aug 96, you failed to go at the time prescribed to your appointed place of duty. For this misconduct, you received a LOR dated 23 Sep 96, an Unfavorable Information File (UIF) entry was made. (Attachment B)

c. On or about 19 Aug 96 and on or about 21 Aug 96, you disobeyed a lawful order from to complete training daily as your primary duty. For this misconduct, you received a LOR dated 28 Aug 96. (Attachment C)

d. On or about 3 Jun 96, you disobeyed a lawful regulation, AFI 36-2903, by failing to maintain your uniform and hygiene standards. For this misconduct, you received a LOR dated 3 Jun 96. (Attachment D)

e. On or about 23 May 96, you disobeyed a lawful regulation, AFI 36-2903, by failing to maintain your hygiene standards. For this misconduct, you received a LOR dated 28 May 96. (Attachment E)

f. On or about 2 Feb 96, you violated the base sponsorship policy. For this misconduct, you received a LOR dated 10 Feb 96, a UIF entry was made, and you were placed on the Control Roster. (Attachment F)

g. On or about 1 Feb 96, you had an accident with a government owned vehicle. Also, you failed to follow operating instructions by not inspecting the vehicle prior to use and failed to use a spotter when the vehicle was being backed-up. For this misconduct, you received a LOR dated 10 Feb 96, a UIF entry was made, and you were placed on the Control Roster. (Attachment G)

h. On or about 1 Feb 96, you disobeyed a 26 Jan 96 lawful order from _____ to use a notebook to log in all study time for your career development course. For this misconduct, you received a LOC dated 6 Feb 96. (Attachment H)

i. On or about 22 Dec 95, you were derelict in the performance of your duties in that you willfully failed to maintain insurance on your car. For this misconduct, you received a LOR dated 22 Dec 95, and a UIF was established. (Attachment I)

j. On or about 22 Nov 95, you failed to go at the time prescribed to your appointed place of duty. For this misconduct, you received a LOC dated 27 Nov 95. (Attachment J)

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. 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. You have been scheduled an appointment at the Office of the Area Defense Counsel at Building 216 on 20 Feb 97 at 0800 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 24 Feb 97 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 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 the 319th Medical Group on 21 Feb 97 at 1300 hours for the examination.

8. Deliver to me immediately your military identification card and those of your dependents. I have requested that temporary identification cards be issued IAW AFR 36-3001, paragraph 4.2. You will report to me by COB 20 Feb 97, to verify that issuance of Temporary Identification Card(s) has been accomplished.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act, a copy of which is attached. A copy of AFI 36-3208 is available for your use in your squadron orderly room.

Commander, 319 CS

4 Attachments:

1. Privacy Act Statement
2. Supporting Documents
 - a. Article 15 dated 16 Jan 97
 - b. LOR/UIF dated 23 Sep 96
 - c. LOR dated 28 Aug 96
 - d. LOR dated 3 Jun 96
 - e. LOC dated 28 May 96
 - f. LOR/UIF/CR dated 10 Feb 96
 - g. LOR/UIF/CR dated 10 Feb 96
 - h. LOC dated 6 Feb 96
 - i. LOR/UIF dated 22 Dec 95
 - j. LOC dated 27 Nov 95
3. Airman's Acknowledgment
4. Personnel Data