

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 GEN	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		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 A92.21, A92.37, A93.07, A94.53	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	
HEARING DATE 10 JUN 03	CASE NUMBER FD2003-00006			

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.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED] AF
INDORSEMENT	
DATE: 10 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00006

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for his discharge, and to change his reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are denied.

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

Issues. Applicant was discharged for minor disciplinary infractions. Member received an Article 15, seven Letters of Reprimand, a Letter of Admonishment, and a Letter of Counseling. His misconduct included financial irresponsibility, violating dress and appearance standards, and assaulting his wife. At the time of the discharge, member consulted counsel and waived his right to submit a statement in his own behalf. The Board noted member was age 20 - 21 when his misconduct occurred, essentially the same age as other airmen who complete their enlistments without disciplinary infractions, and there was no evidence he did not know right from wrong. His misconduct was disruptive, and its seriousness outweighed his otherwise satisfactory service. The Board did not find sufficient mitigation to warrant an upgrade, and no inequity or impropriety was found in this discharge in the course of the records review. Therefore, the Board found the record supports the characterization of service received.

The applicant noted his desire to return to military service. While the Board commends applicant on this desire, and is sympathetic to the impact a General discharge has on his reenlistment code, 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a Gen Disch fr USAF 10 Jan 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 10 Jan 79. Enlmt Age: 19 7/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-67, E-39, G-53, M-40. PAFSC: 3P031 - Security Forces Apprentice. DAS: 28 Apr 99.

b. Prior Sv: (1) AFRes 13 Aug 98 - 9 Nov 98 (2 Months 28 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 10 Nov 98 for 6 yrs. Svd: 2 Yrs 2 Mos 1 Das, all AMS.

b. Grade Status: AMN - 13 Oct 00 (Article 15, 13 Oct 00)
A1C - 24 Dec 98

c. Time Lost: None.

d. Art 15's: (1) 13 Oct 00, Kelly AFB, TX - Article 134. You, being indebted to ----- in the sum of about \$1,037.00 for August and September rent and late fees, which amount became due and payable on or about 1 Sep 00, did at or near San Antonio, TX, between on or about 1 Sep 00 and 3 Oct 00, dishonorably fail to pay said debt. Article 128. You did, on or about 26 Aug 00, assault ----- by pushing her and forcefully grabbing her with your hands. Reduction to AMN, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 28 NOV 00 - Financial irresponsibility.
LOR, 03 AUG 00 - Financial irresponsibility.
LOR, 03 AUG 00 - Failure to go.
LOR, 20 Jul 00 - Failure to go.
LOR, 12 JUL 00 - Violation of dress and appearance standards (reported to work without shaving)
LOR, 23 JUN 00 - Financial irresponsibility.
LOR, 10 JUN 00 - Failure to go.
LOC, 23 MAY 00 - Failure to go.
LOC, 05 MAY 00 - Failure to go.
LOA, 09 AUG 99 - Failure to go.

f. CM: None.

g. Record of SV: 10 Nov 98 - 9 Jul 00 Kelly AFB 4 (Initial)

(Discharged from Kelly AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (29) Das

TAMS: (2) Yrs (2) Mos (1) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 30 Dec 02.

(Upgrade Discharge to Honorable, and Change to Reentry Code, Reason and Authority)

Issue: I am asking to have my discharge upgraded so I may return to the military. I enjoyed my time in service and would like to have a second chance. I feel I have change (sic) and grew as a person and a lot of the situation was my ex-wife she brung(sic) a lot of trouble into my records. I hope you will take into consideration what she has done and I have done and allow me (sic) prove I can serve honorably.

ATCH

None.

10Mar03/cr



FD2003 - 00006

DEPARTMENT OF THE AIR FORCE
76TH SECURITY FORCES SQUADRON (AFMC)
KELLY AIR FORCE BASE, TEXAS

11 Dec 00

MEMORANDUM FOR A [REDACTED]

FROM: 76 SFS/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. 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 reason for this action is:

- a. On 6 Aug 99, you failed to go to your appointed place of duty. For this misconduct, you received a Letter of Admonishment. This is documented in Attachment 1.
- b. On 4 May 00, you failed to attend a scheduled M-9 firing appointment. For this misconduct, you received a Letter of Counseling. This is documented in Attachment 2.
- c. On 22 May 00, you failed to attend a scheduled CPR class. For this misconduct, you received a Letter of Counseling. This is documented in Attachment 3.
- d. On 9 Jun 00, you failed to attend a scheduled M-16 firing appointment. For this misconduct, you received a Letter of Reprimand. This is documented in Attachment 4.
- e. On 12 Jul 00, you reported to work without shaving. For this misconduct, you received a Letter of Reprimand. This is documented in Attachment 5.
- f. On 2 Aug 00, you failed to attend a scheduled M-16 firing appointment. For this misconduct, you received a Letter of Reprimand. This is documented in Attachment 6.
- g. On 1 Aug 00, it was disclosed to your supervisor that you had failed to pay a just debt to a creditor. For this misconduct, you received a Letter of Reprimand. This is documented in Attachment 7.
- h. On 21 Jun 00, it was disclosed to your supervisor that you had failed to pay a just debt to a creditor. On 20 Jul 00, you failed to report to duty at the appointed time.

You received Letter of Reprimands for both of these infractions which resulted in a Unfavorable Information File. This is documented in attachment 8.

i. On 1 Sep 00 and 3 Oct 00, you failed to pay a just debt to Lincoln Village Apartments in the sum of \$1,037.00. And on 26 Aug 00, you assaulted Maggie Battise. For this misconduct, you received a Article 15. This is documented in Attachment 9.

j. On 1 Nov 00, you failed to pay a just debt to a creditor. For this misconduct, you received a Letter of Reprimand. This is documented in Attachment 10.

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 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 with [REDACTED] on 11 Dec 00 at 1500 hrs at the Area Defense Counsel office, 2000 Bong Ave, Ste 2, Lackland AFB, ext. 3-2924. 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 14 Dec 00 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 Flight Surgeon's Office, Kelly Clinic at 1030 hrs on 11 Dec 00 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 unit Orderly Room.

 USAFR
Commander

Attachments:

1. LOA Dated 9 Aug 99
2. LOC Dated 5 May 00
3. LOC Dated 23 May 00
4. LOR Dated 10 Jun 00
5. LOR Dated 12 Jul 00
6. LOR Dated 3 Aug 00
7. LOR Dated 3 Aug 00
8. UIF Dated 31 Aug 00 and 2 LORs
9. Article 15 Dated 13 Oct 00
10. LOR Dated 28 Nov 00