

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; height: 1.2em; width: 100%;"></div>		GRADE SRA	AFSN/SSAN <div style="background-color: black; height: 1.2em; width: 100%;"></div>
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW
COUNSEL YES NO <div style="border: 1px solid black; width: 100%; height: 1.2em; display: flex; justify-content: space-between; align-items: center;"> X </div>		NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL	
MEMBERS SITTING		VOTE OF THE BOARD	
		HON	GEN
		UOHC	OTHER
		DENY	
		X	
		X	
		X	
		X	
		X	
ISSUES A94.05		INDEX NUMBER A67.10	
HEARING DATE 9 APR 03		CASE NUMBER FD2003-0011	
		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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.			
SIGNATURE OF RECORDER		SIGNATURE OF BOARD PRESIDENT	
INDORSEMENT		DATE: 9 APR 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 FD03-0011
<p>GENERAL: The applicant appeals for upgrade of discharge to Honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.</p> <p>ISSUE: Applicant contends that his discharge was too harsh due to the fact that everything snowballed from a single, insignificant event made significant by someone who had more stripes than he. The record indicates the applicant received six Letters of Reprimand for failure to maintain his dormitory room in inspection order, being late for work several times, negligence in losing four military ID Cards, and for being insubordinate towards an NCO, violation of dormitory standards, and failure to obey an order. In addition, he received five Letters of Counseling for failure to pass his CDC test, lost his ID Card for the 2nd time, operating a golf cart in a reckless manner, being late for an appointment, late for work and sleeping during training. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 Dec 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 10 Aug 74. Enlmt Age: 17 11/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-53, E-91, G-78, M-65. PAFSC: 3R051 - Printing Management Journeyman. DAS: 12 Mar 93.

b. Prior Sv: (1) AFRes 21 Jul 92 - 27 Aug 92 (1 Month 7 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 28 Aug 92 for 4 yrs. Ext: 20 May 96 for 6 months. Svd: 4 Yrs 3 Mos 26 Das, all AMS.

b. Grade Status: SRA - 28 AUG 95
A1C - 28 DEC 93
AMN - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 30 OCT 96 - Insubordinate conduct towards an NCO, violation of dormitory standards, and failure to obey an order to have dormitory room in inspection order.

LOR, 24 JUN 96 - Negligence in losing four military ID Cards.

LOR, 28 FEB 96 - Several incidents of late for work.

LOR, 20 FEB 96 - Late for work.

RIC, 18 DEC 95 - Late for work.

RIC, 01 NOV 95 - Sleeping during training.

RIC, 18 OCT 95 - Late for an appointment.

LOC, 26 APR 95 - Operating a golf cart in a reckless manner.

RIC, 05 APR 95 - Lost ID Card.

LOR, 09 AUG 94 - Failure to maintain dormitory room in inspection order.

RIC, 24 JAN 93 - Failure to pass CDC test.

f. CM: None.

g. Record of SV: 28 Aug 92 - 27 Apr 94 Luke AFB 4 (Initial)
 28 Apr 94 - 17 Feb 95 Luke AFB 4 (CRO)
 18 Feb 95 - 17 Feb 96 Luke AFB 3 (Annual)

(Discharged from Luke AFB)

h. Awards & Decs: AFLSA, AFTR, NDSM, AFOUA W/2 DEV, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (5) Mos (3) Das
 TAMS: (4) Yrs (3) Mos (26) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 3 Jan 03.
 (Change Discharge to Honorable)

Issue 1: I feel my type of discharge was inequitable to me due to the fact that everything snowballed from a single, insignificant event made significant by someone who had more stripes than me. Everything is explained in pages 9-11 of the rebuttal packet submitted with this form.

Issue 2: I have personally seen personnel who have committed more grievous acts than I allegedly committed, be able to maintain enlistment - for they had supervisors and commands willing to work with them. I believe, as swiftly as my discharge occurred after my letter of reprimand, that my responses, and the responses of some of the Luke AFB personnel I have worked with, were largely ignored due to Luke AFB's (sic) preparations for an I.G. (Inspector General) office inspection in January of 1997 (the discharge occurred December of 1996). The responses of some of Luke AFB's (sic) personnel during the time of my discharge can be read from page 3 to page 8 of the rebuttal packet submitted with this form - in the form of character letters.

Issue 3: I feel the rebuttal packet submitted with this form speaks for itself - that is - if you read it. I most certainly feel this packet was never given the attention it deserved - considering the gravity of the situation the packet was trying to prevent (my untimely discharge). I feel that, had the packet been read and understood as it stands, my untimely discharge would have never occurred.

ATCH

1. Applicant's Rebuttal to Discharge w/20 Atchs.

10 Mar 03/cr

DEPARTMENT OF THE AIR FORCE
56th Communications Squadron (AETC)
Luke Air Force Base Arizona

5 Dec 96

MEMORANDUM FOR SRA [REDACTED]

FROM: 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 AFI 36-3208, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 29 Oct 96, you failed a mandatory room inspection conducted by MSgt Solem, 56th Communication Squadron First Sergeant, by not being at your room at the appointed time and not having your room in inspection order as you were told to do. This is evidenced by a Letter of Reprimand dated 30 Oct 96 and a UIF action dated 14 Nov 96.

b. On or about 24 Oct 96, you were insubordinate to a senior noncommissioned officer. This is evidenced by a Letter of Reprimand dated 30 Oct 96 and a UIF action dated 14 Nov 96.

c. Between on or about 22 Jun 96 and 23 Jun 96, you lost your DD Form 2AF. This was your fourth time losing your Military Identification Card in a two year period. This is evidenced by a Letter of Reprimand dated 24 Jun 96, and a UIF action dated 28 Jun 96.

d. On 26 Feb 96, you were late for duty. This is evidenced by a Letter of Reprimand dated 28 Feb 96 and a UIF action dated 4 Mar 96.

e. On 20 Feb 96, you were late for duty. This is evidenced by a Letter of Reprimand dated 20 Feb 96.

f. On 18 Dec 95, you were late for duty. This is evidenced by a Record of Individual Counseling dated 18 Dec 95.

g. On 31 Oct 95, you were observed sleeping while attending a mandatory training session. This is evidenced by a Record of Individual Counseling dated 1 Nov 95.

h. On 17 Oct 95, you were late for a mandatory appointment. This is evidenced by a Record of Individual Counseling dated 18 Oct 95.

i. On 25 Apr 95, you were observed driving recklessly in a government golf cart. This is evidenced by a Letter of Counseling dated 26 Apr 95.

j. On 5 Aug 94, you failed to maintain your dormitory room in inspection order. This is evidenced by a Letter of Reprimand dated 9 Aug 94.

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 discharged, how your service 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 subjected to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment for you to consult the Area Defense Counsel at Building 1150, Suite 3015, Luke AFB, AZ, extension 6701 has been scheduled for 6 DEC 96 at 0900. You may consult civilian counsel at your own expense.

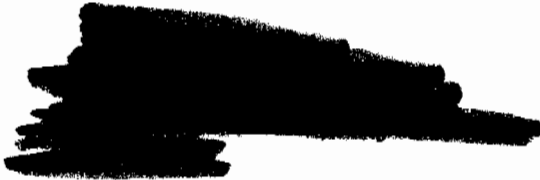
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 10 DEC 96 unless you receive an extension for good cause shown. I will send them to the separation authority.

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 must retrieve your medical records from the 56th Medical Group Hospital Outpatient records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this AFI 36-3208 discharge package for medical review and/or examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208 is available for your use in your unit orderly room.

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



Attachments:

1. Letter of Reprimand dated 30 Oct 96
2. Memorandum for Record dated 30 Oct 96
3. Memorandum for Record dated 29 Oct 96
4. Submission of Matters for Letter of Reprimand, undated
5. Memorandum for Record dated 7 Nov 96
6. AF Form 1058 dated 14 Nov 96
7. Submission of Matters for UIF dated 14 Nov 96
8. Letter of Reprimand dated 24 Jun 96
9. AF Form 1058 dated 28 Jun 96
10. Letter of Reprimand dated 28 Feb 96
11. AF Form 1058 dated 4 Mar 96
12. Letter of Reprimand dated 20 Feb 96
13. Record of Individual Counseling dated 18 Dec 95
14. Record of Individual Counseling dated 1 Nov 95
15. Record of Individual Counseling dated 18 Oct 95
16. Letter of Counseling dated 26 Apr 95
17. Letter of Reprimand dated 9 Aug 94
18. Record of Individual Counseling dated 5 Apr 95
19. Memorandum dated 9 Aug 94
20. Record of Individual Counseling dated 24 Jan 94