

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	
NAME OF COUNSEL AND OR ORGANIZATION		

MEMBERS SITTING	VOTE OF THE BOARD				
	BON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.05, A93.19	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 18 JUN 03	CASE NUMBER FD2003-0023		

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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
--	---

INDORSEMENT	DATE: 18 JUN
TO: SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	FROM: SECRETARY OF THE AIR FORCE PERSONNEL COURT 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

FD03-0023

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

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.

ISSUE: Applicant contends that his discharge was too harsh because of a SRA that was his supervisor and had it out for him. He also states that he was not properly trained and because of the pressure and feeling frustrated, he started drinking (underage). The record indicates the applicant received two Article 15s for dereliction of duty and for driving while intoxicated, and a Vacation action under the UCMJ for dereliction of duty. He also received four Letters of Reprimand for failure to go (twice) and making a false official statement, being late for work and wearing an unauthorized article of clothing, failure to obey an order and underage drinking. In addition, he received two Records of Individual Counseling and seven Memorandums for Record for being late for work several times, failure to perform assigned duties and dereliction of duty (five times). The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The fact that a SRA was his supervisor and had it out for him is without merit. Several of the reprimands were given by a Major, a MSgt, the 1st Sgt and commander. 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.

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

[REDACTED]
[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 Jan 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 14 May 81. Enlmt Age: 17 10/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-68, E-33, G-33, M-20. PAFSC: 1C032 - Resource Management. DAS: 11 Nov 99.

b. Prior Sv: (1) AFRes 31 Mar 99 - 13 Jul 99 (3 Months 13 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 14 Jul 99 for 4 yrs. Svd: 1 Yr 6 Mos 11 Das, all AMS.

b. Grade Status: AB - 6 Dec 00 (Article 15, 6 Dec 00)
AMN - 3 Aug 00 (Vacation of Article 15, 15 Nov 00)

c. Time Lost: None.

d. Art 15's: (1) 6 Dec 00, Fort Jackson, SC - Article 111. You did, on or about 9 Nov 00, physically control a vehicle, to wit: a passenger car, while drunk. Article 134. You did, at Fort Jackson, SC, an area of exclusive federal jurisdiction, on or about 9 Nov 00, unlawfully possess beer while under the age of twenty-one years, in violation of SC Code Annotated Section 20-7-8920, as made applicable to military members pursuant to the Federal Assimilative Crimes Act, Title 18 USC, Section 13. Reduction to AB, and a reprimand. (No appeal) (No mitigation)

(2) 15 Nov 00, Vacation, Shaw AFB, SC - Article 92. You, who knew of your duties, on divers occasions between on or about 1 Sep 00 and on or about 30 Oct 00, were derelict in the performance of those duties in that you negligently failed to properly check and post Go/No Go items and failed to complete the daily closing checklist, as it was your duty to do. Reduction to AMN. (No appeal) (No mitigation)

(3) 3 Aug 00, Shaw AFB, SC - Article 92. You, who knew of your duties, on or about 13 Jul 00, were derelict in the performance of those duties in that you negligently

failed to post the Go/No Go items on the daily flying schedule, as it was your duty to do. Suspended reduction to AMN, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 18 DEC 00 - Underage drinking.
 LOR, 15 DEC 00 - Failure to go and failure to obey an order.
 LOR, 20 NOV 00 - Late for work and wearing an unauthorized article of clothing.
 MFR, 30 OCT 00 - Dereliction of duty.
 MFR, 11 SEP 00 - Dereliction of duty.
 MFR, 05 SEP 00 - Late for work.
 MFR, 05 SEP 00 - Late for work and failure to meet a scheduled appointment.
 MFR, 01 SEP 00 - Dereliction of duty.
 MFR, 10 JUL 00 - Dereliction of duty.
 MFR, 07 JUL 00 - Dereliction of duty.
 RIC, 06 JUL 00 - Failure to perform assigned duties.
 LOR, 19 APR 00 - Failure to go and making a false official statement.
 RIC, 23 FEB 00 - Late for work several times.

f. CM: None.

g. Record of SV: None.

(Discharged from Shaw AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (9) Mos (25) Das
 TAMS: (1) Yr (6) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Jan 03.
 (Change Discharge to Honorable)

Issues: The issues that concern me prior to my discharge is the actions taking (sic) against me by, at the time SrA ----- of the 79th Fighttr Squadron at Shaw AFB. When I first got out of FTAC on or about December 15, 1999 she was assigned as my supervisor, by TSgt -----, which at the time SrA ----- was not trained and have not reached training requirements to become a supervisor. Instead of her taking time up (sic) with me, she expected me to know everything from tech school, and wrote me LOC's for just about every mistake I made. That went on for about 7 months, that's when I got an Article 15 for Direlection (sic) of Duty for numerous duties I was not properly trained for. After that TSgt ----- was assigned as my new supervisor after my 1st shirt noticed that SrA ----- had not met training requirements for being a supervisor. Afterwards SrA ----- and myself still work mostly with each other. She was still acting like my supervisor, writing me up for every little thing and then getting it

FD2003-00023

signed by TSgt ----- . Therefore, I was feeling pressure and frustrated and started underage drinking. After being caught twice in a 3 month period, that was enough to get me discharged. After my separation it took me some time, but I realized I went about handling my problems the wrong way, and started to think more responsible about my actions and reactions.

ATCH
None.

14Mar03/cr



DEPARTMENT OF THE AIR FORCE
20th FIGHTER WING (ACC)
SHAW AIR FORCE BASE, SOUTH CAROLINA

FD2003-00023

02 JAN 01

MEMORANDUM FOR AB [REDACTED]

FROM: 79 FS/CC
706 Fighting Falcon St.
Shaw AFB, SC 29152

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct – minor disciplinary infractions, under the provisions of AFD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 23 Feb 00, you were counseled for being late for duty on three occasions and for twice not showing back up for duty after appointments or letting your supervisor know. Each time that you were late, the excuse you gave was unacceptable. For this misconduct, you received a letter of counseling (LOC), dated 23 Feb 00.

b. Between on or about 17 Apr 00 and 18 Apr 00, you failed to report to your appointed place of duty at the prescribed time and made a false official statement to SrA [REDACTED]. For this misconduct, you received a letter of reprimand (LOR), dated 19 Apr 00.

c. On or about 6 Jul 00, you were derelict in the performance of your duties by failing to complete assigned tasks. For this misconduct, you received an LOC, dated 6 Jul 00.

d. On or about 13 Jul 00, you were derelict in the performance of your duties by failing to post the Go/No Go items on the daily flying schedule, as it was your duty to do. For this misconduct, you received an Article 15 nonjudicial punishment action, dated 3 Aug 00. Punishment consisted of a suspended reduction to the grade of Airman and a reprimand.

e. On diverse occasions between on or about 1 Sep 00 and on or about 30 Oct 00, you were derelict in the performance of your duties by failing to post the Go/No Go items and by failing to complete the daily closing checklist, as it was your duty to do. For this misconduct, you received Vacation of Suspended Nonjudicial Punishment action, dated 15 Nov 00. Punishment consisted of reduction to the grade of Airman, with a new date of rank of 3 Aug 00.

f. On or about 20 Nov 00, you failed to report to your appointed place of duty at the prescribed time and you were out of uniform when you wore a stocking cap when you did report for duty. For this misconduct, you received an LOR, dated 20 Nov 00.

g. On or about 9 Nov 00, you were driving while drunk and unlawfully possessed beer while under the age of twenty-one years. For this misconduct, you received an Article 15 nonjudicial punishment action, dated 6 Dec 00. Punishment consisted of a reduction to the grade of Airman Basic and a reprimand.

3. Copies of these documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial 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 and probably be ineligible to enlist in other branches of the armed forces.
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 Capt [REDACTED], Area Defense Counsel, 895-9530, on 08 Jan 01, at 0930 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 within three days after receipt of the notification memorandum, 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 must report, in uniform, to the Shaw AFB Hospital, Physical Examinations Section, anytime between the hours of 1100 - 1300, M - TH, to be scheduled for a medical 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 orderly room.
9. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge if the reason is not homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.
10. Execute the attached acknowledgment and return it to me immediately.

[REDACTED] Lt Col, USAF
Commander

8 Attachments:

1. LOC, 23 Feb 00
2. LOR, 19 Apr 00
3. LOC, 6 Jul 00
4. AF Form 3070, 3 Aug 00, w/Atchs
5. Vacation Action, 15 Nov 00
6. LOR, 20 Nov 00
7. AF Form 3070, 6 Dec 00, w/Atchs
8. Receipt of Notification