

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE [REDACTED]	AFSN/SSAN [REDACTED]			
TYPE	X PERSONAL APPEARANCE	RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]		X				
[REDACTED]		X				
[REDACTED]		X				
[REDACTED]						X
[REDACTED]		X				
ISSUES	A94.06	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			
HEARING DATE	02 Oct 2003	CASE NUMBER	FD-2003-00028			
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
			TAPE RECORDING OF PERSONAL APPEARANCE			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard at Washington, D.C.</p> <p>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</p>						
SIGNATURE OF RECORDER [REDACTED]		SIGNATURE OF BOARD PRESIDENT [REDACTED]				
INDORSEMENT				DATE: 11/03/2003		
TO:		FROM:				
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2003-00028

GENERAL: The applicant appeals for upgrade of discharge to Honorable, and change of reason for discharge.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, MD on October 2, 2003.

The following additional exhibits were submitted at the hearing:

Exhibit 6: Military pay statements (6) January – April 2000

Exhibit 7: Nassau Community College enrollment letter, 30 Sept 03

Exhibit 8: Reference letters (3)

Exhibit 9: Applicant's summary of case

Exhibit 10: Copy of applicant's request for early discharge, undated.

FINDINGS: The discharge is upgraded to Honorable, and the reason for discharge is changed to Secretarial Authority. Change of the reenlistment code is denied.

The Board finds that evidence of record and that provided by the applicant substantiates an injustice that justifies upgrade of the discharge.

ISSUES: The applicant's issues are listed in the attached brief. The applicant contends his discharge was harsh and that he was punished in fashion that was inconsistent with disciplinary actions applied to other airmen in his unit and that he was unfairly treated and singled out by his supervisory chain. He identifies the circumstances surrounding his financial problems as mitigating factors. He contends that the positive aspects of his service outweigh the negative and also cites post service accomplishments as reflective of his overall character.

The applicant received 2 Articles 15 and a Letter of Reprimand for working an off duty job while on convalescent leave, failure to pay a just debt and improperly initialing an aircraft maintenance document.

The Board noted the applicant's superior duty performance as reflected in enlisted performance reports including the narrative comments in his final enlisted report that encompassed the period of time during which he received his Article 15's. The applicant's post service conduct reflects positively on his character. After reviewing the records and listening to testimony, the Board concluded that the applicant's punishments were harsh and not rehabilitative in nature and that the applicant's discharge was in turn too harsh. The Board opined that the misconduct, partially mitigated by legitimate circumstances, minimally supported discharge and that probation and rehabilitation would have been a more appropriate course of action for an otherwise outstanding duty performer. Although not specifically requested, the Board also considered whether to upgrade the applicant's reenlistment code and decided to deny RE code upgrade based on the totality of the case.

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. However evidence of the record and testimony finds the discharge inequitable and service deserving of characterization as honorable.

In view of the foregoing findings the Board further concludes that there exists an equitable basis for upgrade of discharge, thus the applicant's discharge should be changed to Honorable, and the reason changed to Secretarial Authority.

Attachment

Examiner's Brief

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

MISSING MEDICAL RECORDS

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Nov 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Sep 74. Enlmt Age: 22 11/12. Disch Age: 26 1/12. Educ: HS DIPL. AFQT: N/A. A-77, E-77, G-88, M-50. PAFSC: 2A431 - Aircraft Guidance & Control Apprentice. DAS: 29 May 98.

b. Prior Sv: (1) AFRes 29 Aug 97 - 23 Sep 97 (26 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 24 Sep 97 for 4 yrs. Svd: 3 Yrs 1 Mo 11 Das, all AMS.

b. Grade Status: AMN - 27 Sep 00 (Article 15, 27 Sep 00)
A1C - (EPR Indicates): 24 Sep 97-23 May 99
AMN - 24 Mar 98

c. Time Lost: None.

d. Art 15's: (1) 27 Sep 00, Dover AFB, DE - Article 134 - You, being indebted to Doctor ----- in the sum of \$1,099.39 for surgery for a herniated disc, which amount became due and payable on or about 10 Feb 00, did, from on or about 10 Feb 00 to on or about 13 Sep 00, dishonorably fail to pay said debt. Reduction to AMN. (No appeal) (No mitigation)

(2) 7 Mar 00, Dover AFB, DE - Article 92. You, who should have known of your duties, between on or about 15 Jan 00 and on or about 16 Feb 00, were derelict in the performance of those duties in that you willfully failed to refrain from working your part-time job at ----- while on convalescent leave, as it was your duty to do. Suspended reduction to AMN, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 2 OCT 00 - Dereliction of duty.

f. CM: None.

at x-6995, Bldg. 261, 3rd Floor, on 17 October 2000 at 0830 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 19 OCT 00, (3 duty days) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to Physical Exams in the Flight Surgeons office, Building 305, X-2553, at 0945 hours on 20 OCT 00 for the examination with ~~_____~~. **Please report to the Flight Surgeons office 1 hour prior to this appointment to fill out the proper documents.** If you have any questions or need to reschedule this appointment, please call TSgt Grubb at ext. 2659.

7. 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.

~~_____~~
~~_____~~
~~_____~~

Attachments:

1. Supporting Documents:
 - a. Letter of Reprimand, dated 2 October 2000, with supporting evidence
 - b. Article 15, dated 27 September 2000, with supporting evidence
 - c. Article 15, dated 7 March 2000, with supporting evidence
 - d. Unfavorable Information File Summary
2. Airman's Receipt of Notification Memorandum