

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	PERSONAL APPEARANCE	X RECORD REVIEW							
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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 A95.00	INDEX NUMBER A67.50	<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></td> <td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></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 18 JUN 03	CASE NUMBER FD2003-0032																	

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]
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INDORSEMENT	DATE: 18 JUN 03
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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

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 to Honorable is denied.

The board finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received two Article 15s for failure to obey a lawful command to take the Anthrax vaccination. The vaccine and DoD's use of the vaccine has FDA approval. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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.

Attachment:
Examiner's Brief

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

(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 Apr 01 UP AFI 36-3208, para 5.50 (Misconduct - A Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 22 Mar 77. Enlmt Age: 19 9/12. Disch Age: 24 0/12. Educ: HS DIPL. AFQT: N/A. A-59, E-72, G-52, M-61. PAFSC: 2W251 - Aircraft Armament Systems Journeyman. DAS: 12 Jan 99.

b. Prior Sv: (1) AFRes 27 Dec 96 - 6 May 97 (4 Months 10 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 7 May 97 for 4 yrs. Ext: 7 dec 98 for 20 months. Svd: 3 Yrs 10 Mos 29 Das, all AMS.

b. Grade Status: AMN - 2 Feb 01 (Article 15, 2 Feb 01)
A1C - 23 Jan 01 (Article 15, 23 Jan 01)
SRA - 7 Sep 99

c. Time Lost: None.

d. Art 15's: (1) 2 Feb 01, RAF Lakenheath, UK - Article 90. You, having received a lawful command from Lt Col -----, your superior commissioned officer, then known by you to be your superior commissioned officer, to take the anthrax vaccination, or words to that effect, did, on or about 1 Feb 01, willfully disobey the same. Reduction to AMN. (Appeal/Denied) (No mitigation)

(2) 23 Jan 01, RAF Lakenheath, UK - Article 90. You, having received a lawful command from Lt Col -----, your superior commissioned officer, then known by you to be your superior commissioned officer, to take the anthrax vaccination, or words to that effect, did, on or about 18 Jan 01, willfully disobey the same. Reduction to A1C. (Appeal/Denied) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 07 May 97 - 29 Oct 98 Spangdahlem AB 4 (Initial)
30 Oct 98 - 29 Oct 99 RAF Lakenheath 5 (Annual)
30 Oct 99 - 25 May 00 RAF Lakenheath 5 (CRO)

(Discharged from Wright Patterson AFB)

h. Awards & Decs: AFAM, AFOUA, AFGCM, KCM, AFOLTR W/1 DEV, AFTR.

i. Stmt of Sv: TMS: (4) Yrs (3) Mos (9) Das
TAMS: (3) Yrs (10) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Nov 01
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH

1. Reference Letter.
2. Air Force Achievement Medal Citation & Order.
3. Certificate of Recognition.
4. DD Form 214.

18Mar03/cr



DEPARTMENT OF THE AIR FORCE
48TH FIGHTER WING (USAF)

MAR 07 2001

MEMORANDUM FOR AMN [REDACTED]

FROM: 48 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.50. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. At or near RAF Lakenheath, UK, on or about 18 Jan 01, you, having received a lawful command from Lt Col [REDACTED], your superior commissioned officer, then known by you to be your superior commissioned officer, to take the anthrax vaccination, or words to that effect, did willfully disobey the same. For this you received Nonjudicial Punishment, dated 23 Jan 01.

b. At or near RAF Lakenheath, UK, on or about 1 Feb 01, you, having received a lawful command from Lt Col [REDACTED], your superior commissioned officer, then known by you to be your superior commissioned officer, to take the anthrax vaccination, or words to that effect, did willfully disobey the same. For this you received Nonjudicial Punishment, dated 2 Feb 01.

3. Copies of the 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. 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, Capt [REDACTED] Area Defense Counsel, can be reached at 7-3608 and is available to assist you. An appointment has been scheduled for you to consult his office at 9:30 on 12 March 01. 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 12 MAR 01 unless you request, and I grant an extension for good cause. Any statement(s) you submit will be forwarded 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 to the **Physical Exam** section at the 48th Medical Group between **1300-1400 hrs Monday thru Thursday**. At this time, an appointment at Family practice will be scheduled for you. If you wear eyeglasses, you must bring them with you. If you are unable to make any of your scheduled appointments, you must contact the First Sergeant immediately.

8. The Privacy Act Statement covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in your unit orderly room.

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


t Col, USAF
Commander

Attachments:

1. Supporting Documentation:
 - a. Article 15 w/attachments, dtd 23 Jan 01
 - b. Article 15 w/attachments, dtd 2 Feb 01
2. Receipt of Notification Letter