

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES		
NO		
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.05	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	

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	SIGNATURE OF BOARD PRESIDENT [Signature]
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INDORSEMENT	DATE: 30APR 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

CASE NUMBER

FD03-0034

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change the Reason and Authority for discharge and change the RE Code.

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 in that he fell asleep because he was working too many hours due to having to perform an additional 45 days extra duty from the first time he fell asleep at his post. The record indicates the applicant received three Articles 15 for sleeping on post twice and failure to go. The failure to go resulted in a Vacation action from the first Article 15 and the applicant was reduced in grade to Airman. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the discharge. The Board further 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.

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

MISSING MEDICAL RECORDS

[REDACTED]

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 14 May 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 8 Jan 83. Enlmt Age: 18 0/12. Disch Age: 19 4/12. Educ: HS DIPL. AFQT: N/A. A-46, E-37, G-37, M-32. PAFSC: 3P031 - Security Forces Apprentice. DAS: 15 Nov 01.

b. Prior Sv: (1) AFRes 31 Jan 01 - 21 May 01 (3 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 22 May 01 for 6 yrs. Svd: 0 Yrs 11 Mo 23 Das, all AMS.

b. Grade Status: AB - 15 Apr 02 (Article 15, 15 Apr 02)
AMN - 21 Feb 02 (Vacation of Article 15, 22 Mar 02)
A1C - 6 Jul 01

c. Time Lost: None.

d. Art 15's: (1) 15 Apr 02, Osan AB, Korea - Article 113. You, on or about 5 Apr 02, while being posted as a sentinel at Whiskey 4, Osan AB, Korea, were found sleeping upon your post. Reduction to AB, suspended forfeiture of \$400.00 pay per month for two months, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

(2) 22 Mar 02, Vacation, Osan AB, Korea - Article 86. You, did, on or about 8 Mar 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. (No appeal) (No mitigation)

(3) 21 Feb 02, Osan AB, Korea - Article 92. You, who knew of your duties, on or about 22 Jan 02, were derelict in the performance of those duties in that you willfully failed to remain awake at work, as it was your duty to do. Suspended reduction to Airman, forfeiture of \$200.00 pay per month for 2 months, 45 days restriction, and 45 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Osan AB)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (3) Mos (14) Das
TAMS: (0) Yrs (11) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Jan 03.
(Change Discharge to Honorable, Change the RE Code, Reason and Authority.)

Issue 1: I received a General Discharge because of 2 Article 15's (sic). The 1st Article 15 was for willingly (sic) failing to stay awake. My superior told my supervisor that I was dozing off, I admitted to it. The next day I got paperwork. Part of my punishment was 45 days extra duty. On my 44th day I was asleep on post after working 12-13 1/2 hours daily. I did fail to stay awake, but it anything (sic) but willingly. I had only been at Osan AB, ROK for 6 mths, after all the trouble. After my 1st Article 15 it was at least 3 months after I received the second Article 15. A month after the last Article 15, I got my discharge papers.

I believe my discharge should be upgraded because I was a good troop. I was also getting ready to receive my 3 level after 1st Article 15, so I was still moving on after the 1st disappointment. After the 2nd Article 15, I was devastated and really didn't fight the Article because I felt as if it may be pointless and that no one would really understand how much I wanted to be in. I went through basic & tech school training flawlessly, no set backs except that I didn't receive my orders until a month after graduation of tech school, but it did not faze me. I was ready either way and then after being at Osan for the length of time I was the military is for me their (sic) are only to (sic) people with military expierence (sic) my Uncle of 12 years and my self, (sic) I want to continue.

ATCH
None.

19MAR03/ia



FD 2003-00034

DEPARTMENT OF THE AIR FORCE
51ST Security Forces Squadron (PACAF)
UNIT 2063
APO AP 96278-2063

APR 24 2002

MEMORANDUM FOR AB [REDACTED] SFS

FROM: 51 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force based upon Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. If my recommendation is approved, then your service may be characterized as Honorable, Under Honorable Conditions (General) or Under Other Than Honorable Conditions (UOTHC). I am recommending that your service be characterized as General.

2. My reasons for this discharge action are as follows:

a. On or about 22 January 2002, you were derelict in the performance of your duties by willfully failing to remain awake at work as it was your duty to do. For this misconduct you received an Article 15 dated 21 February 2002, which subsequently established your Unfavorable Information File (UIF). (Atch 1a)

b. On or about 8 March 2002, you failed to go to your appointed place of duty. For this misconduct, your previously suspended punishment of a reduction to the grade Airman was vacated on 21 February 2002. (Atch 1b)

c. On or about 5 April 2002, you were found sleeping upon your post while being posted as a sentinel at Whiskey 4. For this misconduct, you received an Article 15 dated 15 April 2002 and it was placed in your UIF. (Atch 1c)

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. Any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel is available to assist you. You may consult the Area Defense Counsel [REDACTED] Bldg 937, at 784-6774. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements that you want the separation authority to consider must reach me by 1510 hours on 29 APR 02 (three workdays) unless you request and receive an extension for good cause. I will forward any such statements to the separation authority.

6. If you fail to consult counsel or to submit statements on your own behalf, then 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 hospital at 1500 hours on 30 APR 2002.

8. The Privacy Act of 1974 protects any personal information that you furnish in your rebuttal. A copy of AFI 36-3208 is available for your use at the Orderly Room.

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

Attachments:

1. Supporting documents
 - a. Article 15 dated 21 Feb 02, 5 pages
 - b. AF Form 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, 3 pages
 - c. Article 15 dated 15 Apr 02, 4 page
2. Airman's Receipt of Notification Memorandum