

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		AMN	[REDACTED]			
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO					
	X	ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
		[REDACTED]				X
		[REDACTED]				X
		[REDACTED]				X
		[REDACTED]				X
ISSUES A94.05		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 27 JUN 03		CASE NUMBER FD2003-0035		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			
[REDACTED]			[REDACTED]			
INDORSEMENT				DATE: 27 JUN 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

FD03-0035

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 does not contest his discharge. He is under the impression that his discharge would be automatically upgraded to Honorable after six months. The DRB noted the issue was common, the result of miscommunication. While a discharge may be upgraded after six months, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal. The record indicates the applicant received an Article 15 for being derelict in the performance of his duties and a Vacation action under the UCMJ for wrongfully failing to maintain acceptable standards of behavior and wrongfully failing to adhere to the proper dress and appearance set forth in Air Force Regulations. In addition, he received five Letters of Reprimand for unsatisfactory performance, unauthorized absence and failure to report to duty, financial irresponsibility, failure to go and for missing call-in. He also received two Records of Individual Counseling for failure to call-in, not being available during telephone standby, and a Memorandum for being late for duty on four consecutive days. The Board concluded the applicant's 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. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the discharge.

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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Dec 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 25 Jun 74. Enlmt Age: 17 8/12. Disch Age: 19 5/12. Educ: HS DIPL. AFQT: N/A. A-94, E-77, G-78, M-74. PAFSC: 1A231 - Aircraft Loadmaster Apprentice. DAS: 13 Nov 92.

b. Prior Sv: (1) AFRes 24 Mar 92 - 5 May 92 (1 month 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 May 92 for 6 yrs. Svd: 1 Yrs 6 Mo 28 Das, all AMS.

b. Grade Status: AMN - 6 Aug 93 (Article 15, Vacation, 21 Oct 93)
A1C - 20 Jun 92

c. Time Lost: None.

d. Art 15's: (1) 21 Oct 93, Travis AFB, CA - You, having knowledge of a lawful order issued by LtCol -----, to wit: a letter dated 30 Jun 93, an order which it was your duty to obey, did, between on or about 24 Sep 93 and on or about 6 Oct 93, fail to obey the same by wrongfully failing to maintain acceptable standards of behavior, by wrongfully failing to complete all assigned tasks as specified by your instructor, and by wrongfully failing to adhere to the proper dress and appearance set forth in AFR 35-10. Reduction to Airman. (No appeal) (No mitigation)

(2) 6 Aug 93, Travis AFB, CA - Article 92. You, who knew of your duties, on 15 Jul 93, were derelict in the performance of those duties in that you failed to call in to your Squadron Scheduler between 1400 and 1600 hours, as it was your duty to do. Suspended reduction to Airman. (No appeal) (No mitigation)

e. Additional: LOR, 12 OCT 93 - Unsatisfactory Performance.
LTR, 07 OCT 93 - Late for sick call, failure to complete an assignment, and violation of AFR 35-10 standards.
MEMO, 16 JUL 93 - Late for duty on four consecutive days.

LOR, 30 JUN 93 - Unauthorized absence and failure to report
to duty on two occasions.
LOR, 04 JUN 93 - Financial irresponsibility.
LOR, 30 APR 93 - Failure to go.
LOR, 26 APR 93 - Missed call-in.
RIC, 21 APR 93 - Not available during telephone standby.
RIC, 08 FEB 93 - Failure to call-in.

f. CM: None.

g. Record of SV: None.

(Discharged from Travis AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (8) Mos (10) Das
TAMS: (1) Yrs (6) Mos (28) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 Jan 03.
(Change Discharge to Honorable)

Issue 1: Upon dismissal of the USAF, I was told by my out processor (sic) that my discharge would become Honorable after 6 months from the date of my discharge automaticly (sic). To the best of my knowledge this did not happen. If my application is approved, please send me a new DD 214 with Honorable on it. Thank you for reviewing this.

ATCH

None.

19MAR03/ia

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 60TH AIRLIFT WING (AMC)

FROM: 22 AS/CC

2 Nov 93

SUBJ: Notification Letter

TO: Amn [REDACTED], 22 AS

1. I am recommending your discharge from the United States Air Force for Misconduct, Minor Disciplinary Infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable, general or under other than honorable conditions (UOTHC). I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. Between on or about 24 Sep 93 and 6 Oct 93, you failed to obey a lawful order by wrongfully failing to maintain acceptable standards of behavior, by wrongfully failing to complete all assigned tasks as specified by your instructor, and by wrongfully failing to comply with AFR 35-10, as evidenced by a 22 ALS/DOFB letter, dated 7 Oct 93. For this, prior nonjudicial punishment of suspended reduction to the grade of Airman was vacated on 25 Oct 93.

b. You exceeded the time limit of the third extension granted to you for initial upgrade training. Despite numerous self-study periods, as well as supervised and instructed training sessions afforded to meet upgrade requirements, you failed to obtain satisfactory progress: as evidenced by your training history and a Loadmaster Training letter, dated 12 Oct 93. For this, you received a Letter of Reprimand (LOR) from Major [REDACTED] (previous Commander), dated 12 Oct 93, which was placed in your existing Unfavorable Information File (UIF) on 14 Oct 93.

c. On or about 15 Jul 93, you were derelict in the performance of your military duties, as evidenced by a 16 Jul 93 DOL training letter and four memos-for-record. For this, you received an Article 15, dated 6 Aug 93 with punishment of a suspended reduction to the grade of Airman; these documents were placed in your existing UIF.

d. Between on or about 21 and 23 Jun 93, you failed to report to your designated place of duty, and your whereabouts was unknown until you contacted the squadron, and during this time you also failed to remain at your designated place of duty. For these combined acts you received an LOR on 30 Jun 93, and it was placed in your existing UIF. You also were placed on the control roster.

e. After you were counseled on 4 May 93, concerning financial-irresponsibility, it was disclosed that you failed to pay your overdue Diners Club charges, for which you received an LOR from Major [REDACTED] on 4 Jun 93.

f. On or about 29 Apr 93, you failed to go to your financial management appointment at the Family Support Center. (Similar incidents took place on 7 Dec 92, and 13 Jan 93.) For this, you received an LOR, dated 30 Apr 93.

g. In the past, you were counseled about an ongoing problem of not calling-in between 1400-1600 hours every duty day (training section's policy). On or about 22 Apr 93, you failed to call-in and your section was unable to inform you of a scheduled appointment. This resulted in duplication of appointments, and you received an LOR on 26 Apr 93.

h. On or about 21 Apr 93, you were not available during telephone standby (0800-1000 hours); Twice previously, you were verbally counseled for similar incidents. Further, you were unable to fly a mission for lack of funds. For these transgressions, you received a Record of Individual Counseling (RIC) on that same date.

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, 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.

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 the Area Defense Counsel, Capt. [REDACTED], Bldg 163, ext. 4-4569, on 4 NOV 93, at 0900 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 by NLT 5 NOV 93, at 1330 hours 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 have been scheduled for a medical examination. You must report to David Grant Medical Center at 0730 hours, on 3 NOV 93 for the examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the orderly room.

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


Lt Col, USAF
Commander

1 Atch

1. Supporting Documents for the Reasons for Discharge

- a. Vacation Action, 25 Oct 93
- b. LOR, 12 Oct 93; UIF, 14 Oct 93
- c. Article 15/UIF, 6 Aug 93
- d. LOR/UIF, 30 Jun 93
- e. LOR, 4 Jun 93
- f. LOR, 30 Apr 93
- g. LOR, 26 Apr 93
- h. RIC, 21 Apr 93