

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
--	---------------------	--------------------------------

TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
--------------------	----------------------------	------------------------

COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	YES	NO		X		
YES	NO					
	X					

MEMBERS SITTING	VOLE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53, A92.37	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 10 JUL 03	CASE NUMBER FD2003-00039			

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 and 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]
--	---

ENDORSEMENT	DATE: 10 JUL 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

FD2003-00039

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

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

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

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for minor disciplinary infractions. He had six Records and Letters of Individual Counseling, seven Letters of Reprimand, and an Unfavorable Information file. Member also had one Enlisted Performance Report rated an overall referral "2." In a 19-month period, his misconduct included being late for work or missing appointments at least eleven times, sleeping on duty, speeding on base, and failure to report and remain at the scene of a motor vehicle accident in which he caused property damage. At the time of the discharge, after consulting counsel, member submitted a statement requesting retention, or in the alternative, a fully honorable discharge. The Board noted that member was age 19 to 21 when his offenses occurred, the same age as other airmen who adhere to expected standards. He was counseled repeatedly in an effort to help him correct his deficiencies. In spite of those rehabilitative efforts, he was unable or unwilling to conform his behavior to that expected of him. The Board concluded he was mature, he knew right from wrong, and was responsible for his actions, and therefore was held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.

Applicant cited his desire to receive his G.I. Bill education benefits as justification for an upgrade. The Board noted that applicant signed a statement (DD Form 2366, on September 13, 1996) that he understood he must receive an Honorable discharge to receive future educational entitlements. While the Board was sympathetic to the impact of the loss of these benefits on applicant, this is not a matter of equity or propriety that warrants an upgrade.

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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Mar 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 11 Dec 77. Enlmt Age: 18 6/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-56, E-74, G-64, M-50. PAFSC: 2E131 - Satellite & Wideband Communications Equipment Apprentice. DAS: 5 Jun 97.

b. Prior Sv: (1) AFRes 3 Jul 96 - 27 Aug 96 (1 month 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 28 Aug 96 for 4 yrs. Svd: 2 Yrs 6 Mo 4 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 03 FEB 99 - Absent without leave.

Traffic Ticket, 1 FEB 99 - Failure to remain at the scene of an accident where he caused damage.

LOR, 28 OCT 98 - Failure to obey speeding limit.

LOR, 05 OCT 98 - Numerous infractions of tardiness.

RIC, 25 AUG 98 - Late for work.

LOR, 09 JUN 98 - Failure to complete Volumn 1 of Career Development Course.

RIC, 26 MAY 98 - Late for work.

RIC, 12 MAY 98 - Late for work.

LOR, 16 MAR 98 - Asleep on duty.

RIC, 26 JAN 98 - Failure to return to work after appointment.

LOR, 25 SEP 97 - Failure to show for a mandatory formation.

RIC, 04 SEP 97 - Missed appointment.

RIC, 31 JUL 97 - Late for work.

f. CM: None.

g. Record of SV: 28 Aug 96 - 15 Jan 98 Hill AFB 4 (HAF Dir)

16 Jan 98 - 15 Jan 99 Hill AFB 2 (Annual) **REF**

(Discharged from Hill AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (1) Das
TAMS: (2) Yrs (6) Mos (4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Jan 03.
(Change Discharge to Honorable)

Issue 1: I request that my discharge characterized as General (Under Honorable Conditions) be changed to Honorable. I need this in order to qualify for VA benefits such as the Montgomery GI Bill. Please refer to the attached documentation.

ATCH

1. Applicant's Issues.
2. Memo, 22 Feb 99, Debarment from Hill AFB, UT.
3. Response to Notification Letter, 15 Feb 99.
4. Upgrade Request, 2 Mar 99.
5. Award/Change AFSC.
6. Enlisted Performance Report.
7. Letter of Commendation, 24 Apr 97.
8. Award Certificate.
9. DD Form 214.

20MAR03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 388TH FIGHTER WING (ACC)
HILL AIR FORCE BASE, UTAH

10 FEB 99

MEMORANDUM FOR A1C [REDACTED]

FROM: 729 ACS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 27 January 1999, you failed to return from lunch at the appropriate time. On or about 01 February 1999, you were involved in a traffic accident. You received a traffic ticket for failure to remain at the scene of an accident and for failure to notify the owner of collision with unattended property. For these instances of misconduct, you received a letter of reprimand (LOR), dated 03 February 1999. (Atch 1a)

b. On or about 19 October 1998, you were cited for speeding on base at 16 miles per hour over the posted speed limit. For this misconduct you received an LOR, dated 28 October 1998, which was placed in your existing unfavorable information file (UIF) on 03 November 1998. (Atch 1b)

c. On or about 24 September 1998, you reported to work late. Further investigation revealed that you had numerous other infractions of tardiness. For this misconduct, you received an LOR, dated 05 October 1998, which was placed in your existing UIF on 03 November 1998. (Atch 1c)

d. On 25 August 1998, you received a letter of counseling (LOC) for failing to report for duty at the time directed. (Atch 1d)

e. Between on or about 13 March 1998 and 08 June 1998, you failed to complete volume 1 of your Career Development Course after being given several extensions. For this misconduct, you received an LOR, dated 09 June 1998. (Atch 1e)

f. On or about 02 May 1998, you failed to report for duty at the prescribed time. For this misconduct you received an LOC, dated 26 May 1998. (Atch 1f)

g. On 12 May 1998, you received an LOC for failing to go to lunch at the proper time after being verbally counseled about the lunch schedule. (Atch 1g)

h. On or about 05 March 1998, while assigned to guard two M-16 rifles, you were found asleep in a vehicle in the parking lot at building 845. For this misconduct you received an LOR, dated 16 March 1998, and a UIF was established on 26 May 1998. (Atch 1h)

i. On or about 26 January 1998, you declined to take the end-of-course exam for your Career Development Course as scheduled due to nervousness. You then failed to report for duty. Your supervisor located you in your dormitory room. For this misconduct, you received an LOC, dated 26 January 1998. (Atch 1i)

j. On 25 September 1997, you failed to report for a mandatory formation prior to going on a temporary duty assignment. For this misconduct you received an LOR, dated 25 September 1997. (Atch 1j)

k. On or about 03 September 1997, you failed to attend a mandatory dental appointment. For this misconduct you received an LOC, dated 03 September 1997. (Atch 1k)

l. On or about 31 July 1997, you failed to report for duty at the time prescribed. For this misconduct you received an LOC, dated 31 July 1997. (Atch 1l)

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, ^{you 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.

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 with the Area Defense Counsel, Captain [redacted] at building 1205, on 11 Feb 99 at 0900. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your ^{own} own behalf. Any statements you want the separation authority to consider must reach me by 1300 16 Feb 99, 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 the physical exam section of the base hospital on 11 Feb 99, between 1300 and 1500 for the 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 unit orderly room.



Lt Col, USAF

Commander

Attachments:

1. a. LOR, dtd 03 Feb 99/Traffic ticket, dtd 01 Feb 99/Response
- b. LOR, dtd 28 Oct 98/Traffic ticket, dtd 19 Oct 98
- c. LOR, dtd 05 Oct 98/AF Form 1058, dtd 02 Nov 98
- d. LOC, dtd 25 Aug 98
- e. LOR, dtd 09 Jun 98/Response
- f. LOC, dtd 26 May 98/Response
- g. LOR, dtd 16 Mar 98/AF Form 1058, dtd 26 May 98
- h. LOC, dtd 26 Jan 98
2. Other Documentation--Nonrecommendation for Promotion, dtd 25 Nov 98
3. Airman's Receipt of Notification Letter