

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 GEN	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
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A93.01, A92.37, A94.53	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	
HEARING DATE 10 JULY 03	CASE NUMBER FD2003-00048		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 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]
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INDORSEMENT **DATE: 10 JULY 03**

TO: SAF/MIBR 550 C STREET WEST, SUITE 20 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

FD2003-00048

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for his discharge, and to change his reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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 received a general (under honorable conditions) discharge for minor disciplinary infractions. He has received seven Letters of Reprimand, an Article 15, a vacation of suspended punishment, an Enlisted Performance Report rated an overall referral "2," had an Unfavorable Information file, and was placed on the Control Roster. His misconduct included multiple incidents of dereliction of duty, multiple incidents of failing to obey orders, multiple incidents of failure to go, negligent government vehicle operation resulting in property damage, disrespect toward a superior noncommissioned officer, nonavailability while on recall standby, and two instances of failure to maintain his dormitory room within standards. These all occurred within a 12-month period. At the time of the discharge member consulted counsel and submitted a statement in his own behalf requesting retention and retraining. Applicant now concedes he made some "stupid mistakes" and apologizes for his actions. Member was age 19 and 20 when his infractions occurred, the same age as other airmen who adhere to the standards expected of them, and there is no evidence he did not know right from wrong. The Board concluded that member committed the offenses and they were sufficient to warrant a general discharge. And although given many opportunities to conform his behavior to that expected of him, he was unwilling or unable to do so. In view of all the available information, the Board found the record supports the characterization of service received, and could find no inequity or impropriety upon which to base an upgrade.

Applicant cited his desire to return to military service in the Air National Guard as justification for an upgrade. While the Board was sympathetic to the impact of the general discharge and resulting reenlistment code 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

[REDACTED]

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 7 SEP 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 21 Feb 80. Enlmt Age: 18 2/12. Disch Age: 20 6/12. Educ: HS DIPL. AFQT: N/A. A-58, E-67, G-55, M-73. PAFSC: 3P031 - Security Forces Apprentice. DAS: 24 Nov 98.

b. Prior Sv: (1) AFRes 24 Apr 98 - 30 Jun 98 (2 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Jul 98 for 4 yrs. Svd: 2 Yrs 2 Mos 7 Das, all AMS.

b. Grade Status: AB - 15 Jun 00 (Article 15, Vacation, 14 Aug 00)
AMN - 1 Jan 99

c. Time Lost: None.

d. Art 15's: (1) 14 Aug 00, Vacation, Minot AFB, ND - Article 92. You, who knew of your duties, on or about 13 Jul 00, were derelict in the performance of those duties in that you willfully failed to complete the required checks during your shift, as it was your duty to do. Reduction to AB. (No appeal) (No mitigation)

(2) 15 Jun 00, Minot AFB, ND - Article 92. You, who knew of your duties, on or about 17 May 00, were derelict in the performance of those duties in that you willfully failed to refrain from reading a prohibited item, to wit: a science-fiction novel, while on post, as it was your duty to do. Suspended reduction to AB, and forfeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 13 MAR 00 - Dorm room in disarray.
LOR, 24 FEB 00 - Missed appointment.
LOR, 24 FEB 00 - Failure to follow instructions.
LOR, 10 NOV 99 - Unsatisfactory conduct while on post and disrespectful towards a noncommissioned officer.
LOR, 07 OCT 99 - Negligence as a vehicle operator resulting in a vehicle accident.

LOR, 23 SEP 99 - Failure to obey direct legal orders,
failure to go, and failure to perform
assigned duties.

LOR, 06 AUG 99 - Failure to obey a direct lawful order by
failing to be in formation.

f. CM: None.

g. Record of SV: 01 Jul 98 - 11 Mar 00 Minot AFB 2 (Initial)REF

(Discharged from Minot AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (15) Das
TAMS: (2) Yrs (2) Mos (7) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 30 Jan 03.

(Change Discharge to Honorable, Change the RE Code, Reason and Authority for
Discharge)

ISSUES ATTACHED TO BRIEF.

Issue 2: I also ask that my reentry code be changed to allow for my
enlistment into the Armed Forces.

ATCH

1. Applicant's Issues.
2. DD Form 214.

24MAR03/ia

[REDACTED]
[REDACTED]
Phone: [REDACTED]Fax: [REDACTED]
[REDACTED]

TO: SAF/MIBR
550-C Street West, Suite 40
Randolph AFB TX 78150-4742

February 1, 2003

Dear SAF/MIBR:

I am writing this letter in reference to my DD Form 214 (attached). IAW AFI 36-3202, I am requesting an upgrade of my discharge from the United States Air Force (USAF).

I enlisted into the USAF in July 1998 immediately after completion of high school at Eielson Air Force Base Alaska. I joined in the 3POX1 Security Forces career field. The USAF was the first employment I had ever had. Living in Alaska with my parents while going to high school, I was in a remote location without much opportunity and thought that the Air Force would be a good start for me. My father had been serving in the Air Force for over 20 years and I wanted to follow in his footsteps.

After Basic Military Training, I was sent to Minot Air Force Base North Dakota for training and ultimately my new job. At first things were going well. I was making friends and enjoying my new freedom. I think that in retrospect I was so busy having a good time, I put my job and training on the back burner thinking that I could keep up with what was expected of me and still have a good time. I started making stupid mistakes. They weren't big one's in my eyes at the time-not turning in crutches to the hospital, failure to report, and failure to go. I got demoted for failure to go and was told that if I kept my nose clean I would get my stripe back. By this time I also had an attitude, because at that time in my life I had a chip on my shoulder a mile wide and thought that the Air Force owed me something. I felt that the only reason that I was always in trouble was because my Lieutenant didn't like me. My problems came to a head when I failed to do a proper check while pulling security at the Weapons Storage Area (WSA). I was subsequently discharged with a General discharge for misconduct.

I realize now that I did not just let down myself and my family, but my country. In retrospect I was a kid who thought I knew everything and no one could touch. I am ashamed of myself. I know that if I had just done what was expected of me I would have had a great career just like my dad. I am not asking for forgiveness, just a chance. As you know the job market is not much into hiring someone who let his or her country down. I want to make something of myself. I would like to join the Air National Guard and give something back to my country and make up for what I did. I really am a good person. I made some stupid mistakes and learned some hard lessons.

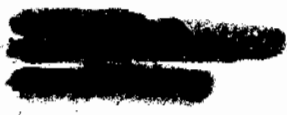
I am asking that my discharge be upgraded to an honorable and that my Reentry Code be upgraded so that I can enlist in the Air National Guard and possibly be able to seek civilian employment in Law Enforcement. It has been over two years since my discharge and I have certainly had plenty of time to think about my mistakes. I am so sorry for what I did and am asking for another chance in

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life. I have not been in contact with the unit here in Springfield because this upgrade to my discharge is something that I want to do on my own.

I appreciate the time and effort that it will take you to come to your decision. Please feel free to contact me if you need any additional information.

Respectfully,

A large blacked-out rectangular area, likely redacting a signature or name.

Enclosures (2)

DD Form 214
DD Form 293



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5TH BOMB WING (ACC)
MINOT AIR FORCE BASE, NORTH DAKOTA

FD2003-00048

AUG 24 2000

MEMORANDUM FOR AB [REDACTED], 5 SFS

FROM: 5 SFS/CC

SUBJECT: Letter of Notification - AFI 36-3208, Paragraph 5.49.

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, minor disciplinary infractions. The authority for this action is AFI 36-3208, Section 5H, Paragraph 5.49. If my recommendation is approved, your discharge will be characterized as general or honorable. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 4 Aug 99, you failed to be in formation for Flight Physical Training at the base gym. You were given a Letter of Reprimand (LOR) on 7 Aug 99. (Atch 3)

b. On or about 15 Sep 99 through on or about 18 Sep 99, you engaged in the following misconduct:

(1) On or about 15 Sep 99, you failed to obey a direct order issued by a Commissioned Officer by failing to show up for mandatory physical training.

(2) On or about 16 Sep 99, you failed to go at the time prescribed to your appointed place of duty, scheduled SRC firing appointment.

(3) On or about 17 Sep 99, it was made known that you had failed to follow orders issued by your Flight Commander and Flight Chiefs to have your room inspection ready and to return two sets of crutches to the base hospital. You had been ordered to have these items completed well in advance of that date.

(4) On or about 18 Sep 99, you failed to perform you assigned duties that had been assigned to you by your Flight Chief, specifically duties as a weapons inspector.

For these acts of misconduct, you were given a LOR on 23 Sep 99. An Unfavorable Information File (UIF) was established and you were placed on a Control Roster on 30 Sep 99. (Atch 4-5)

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c. On or about 5 Oct 99, you were involved in a vehicle accident as a result of your negligence as a vehicle operator. While operating a vehicle in the Weapon Storage Area, you turned into a gate shack. You were given a LOR on 7 Oct 99 and this was added to your existing UIF on 12 Oct 99. (Atch 6-7)

d. On various occasions on or about 23 Oct 99 through on or about 25 Oct 99, you were briefed numerous times by the area supervisor, regarding your conduct while posted as a CIS in a generation area. Specifically you were corrected for congregating on post, childishly playing with a lighter while posted, and muttering and giving disrespectful looks and lewd gestures towards a noncommissioned officer (specifically, "flipping him off") after he gave you a direct order. You were given a LOR on 10 Nov 99 and this was added to your existing UIF on 18 Nov 99. (Atch 8-9)

e. On or about 12 Feb 00, you were posted on stand-by for "D" Flight security duties. Central Security Control tried to recall you for posting in the Weapon Storage Area. They were unable to contact you during the required times posted on the stand-by roster. You were given a LOR on 15 Mar 00. (Atch 10)

f. On or about 18 Feb 00, you had a self-made dental appointment. You tried to cancel this appointment at 0730, the same time of the appointment. You were given a LOR on 15 Mar 00. (Atch 11)

g. On or about 10 Mar 00, it was made known that your room was in such disarray that the First Sergeant had to be notified. You were given a LOR on 15 Mar 00. (Atch 12)

h. On or about 17 May 00, you were derelict in the performance of your duties by willfully failing to refrain from reading a prohibited item, a science-fiction novel, while on post. You were punished under Article 15 of the UCMJ on 15 Jun 00 and this was added to your existing UIF. (Atch 13)

i. On or about 13 Jul 00, you were derelict in the performance of your duties by willfully failing to complete the required checks during your shift. Your suspended nonjudicial punishment was vacated on 15 Aug 00. (Atch 14)

3. The Letter of Notification with attachments will be forwarded to the separation authority in support of this recommendation. The Commander exercising SPCM jurisdiction (5 BW/CC) 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.

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 at 300 Summit Drive, Room 306A at 0830 hours on 28 AUG, 2000. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 1400 hours, on 29 AUG 2000, 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 on 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 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND at 1300 hours, on 25 AUG, 2000 for the examination. You must not drink alcoholic beverages 72 hours prior to the exam.
8. The Privacy Act Statement of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the Orderly Room.
9. Sign the attached acknowledgment and the Statement of Understanding and return them to me immediately.


Maj, USAF
Commander, 5th Security Forces Squadron

Attachments:

1. Receipt of Letter of Notification
2. Statement of Understanding
3. Letter of Reprimand, 6 Aug 99
4. Letter of Reprimand, 23 Sep 99
5. AF FM 1058, Unfavorable Information File Action, 30 Sep 99
6. Letter of Reprimand, 7 Oct 99
7. AF FM 1058, Unfavorable Information File Action, 12 Oct 99
8. Letter of Reprimand, 10 Nov 99
9. AF FM 1058, Unfavorable Information File Action, 18 Nov 99
10. Letter of Reprimand, 24 Feb 00
11. Letter of Reprimand, 24 Feb 00
12. Letter of Reprimand, 13 Mar 00
13. AF FM 3070, Record of Nonjudicial Punishment Proceedings, 17 Jun 00 w/atchs
14. AF FM 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, 16 Aug 00 w/Atchs