

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>SRA</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE <b>GEN</b>	PERSONAL APPEARANCE	<b>X RECORD REVIEW</b>									
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YES	NO	NONE									
	<b>X</b>										

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>

ISSUES <b>A94.05, A92.15</b>	INDEX NUMBER <b>A67.90</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left; padding: 2px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; padding: 2px; text-align: center;"><b>1</b></td> <td style="padding: 2px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 2px; text-align: center;"><b>2</b></td> <td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 2px; text-align: center;"><b>3</b></td> <td style="padding: 2px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px; text-align: center;"><b>4</b></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		<b>1</b>	ORDER APPOINTING THE BOARD	<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	<b>3</b>	LETTER OF NOTIFICATION	<b>4</b>	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 <b>14 AUGUST 03</b>	CASE NUMBER <b>FD2003-00049</b>																	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE 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 <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
<b>[REDACTED]</b>	<b>[REDACTED]</b>

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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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DATE: **14 AUG 03**

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2003-00049

**GENERAL:** The applicant appeals for upgrade of discharge to honorable to change the reason and authority for the discharge.

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 and change of reason and authority for discharge are denied.

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

**Issue.** Applicant infers discharge was inequitable because it was too harsh and did not take into account the good things he did while in the service. Applicant further requests that the reason for his discharge be changed to "expiration of term of service." The records indicated the applicant received four Letters of Reprimand, three Letters of Counseling, had an Unfavorable Information File, and was found guilty at Special Court Martial of two offenses. His misconduct included providing alcohol to underage personnel and allowing a house party to get out of control, failure to appear for a mandatory state hearing regarding a civilian driving under the influence charge, dereliction of duty, missing a scheduled appointment, being involved in two separate verbal and physical altercations with personnel, assaulting a noncommissioned officer, and being drunk and disorderly. The DRB opined that through the administrative and judicial actions taken, applicant had ample opportunities to change his negative behavior. The Board concluded the 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 DRB took note of the applicant's otherwise exemplary duty performance as documented by his performance reports, letters of recommendation and other accomplishments. This included an act of heroism. However, the Board found the seriousness of the willful misconduct offset the positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons that were its basis, and that the reason for discharge should not be changed. A discharge for expiration of term of service would only be appropriate when the discharge for cause was not warranted.

**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]  
[REDACTED]  
(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 22 Jul 02 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for an Honorable Discharge, and Change to Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 1 Oct 79. Enlmt Age: 17 9/12. Disch Age: 22 129. Educ:HS DIPL. AFQT: N/A. A-58, E-45, G-48, M-26. PAFSC: 3P051 - Security Forces Journeyman. DAS: 18 Apr 00.

b. Prior Sv: (1) AFRes 3 Jul 97 - 21 Oct 97 (3 Months 19 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 22 Oct 97 for 4 yrs (Involuntarily extended due to Stop Loss). Svd: 4 Yrs 9 Mos 1 Das, all AMS.

b. Grade Status: SRA - 22 Oct 00  
A1C - 22 Feb 99  
AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) Examiner's Note: AF Form 286A, dated 2 Aug 01, in applicant's military personnel record indicates an Article 15, dated 10 May 01. However, a copy of the Article 15 is not listed on microfiche or filed in his personnel records. The reasons for the Article 15 as reflected on AF Form 286A states, "You received an Article 15 on 10 May 01, for unlawfully holding down an airman with your body, unlawfully grabbing this airman and throwing her onto a couch, and for failing to obey the lawful order of the first sergeant not to have contact with this airman". It appears the Article 15 was administered and subsequently set aside.

e. Additional: LOR, 06 JUN 01 - Involved in a verbal and physical altercation.  
LOC, 28 MAR 01 - Involved in a verbal altercation, and accused of striking a female.  
LOR, 11 MAR 01 - Failure to notify supervisor of quarters status.  
LOR, 11 MAR 01 - Failure to report to a scheduled appointment.  
LOC, 05 MAR 01 - Failing to accomplish assigned duties.

LOC, 10 FEB 01 - Failure to appear for a mandatory appointment.

LOR, 24 AUG 00 - Responsible for an out of control party, to include underage drinking.

f. CM: Summary Court Martial, 4 June 2002.

CHARGE 1: Violation of Article 128.

Specification 1, 2, 4: Plea: Not Guilty. Finding: Not Guilty.

Specification 3: In that SRA ██████████ USAF, 377<sup>th</sup> SPS, did, at or near Kirtland AFB, NM, on or about 30 April 02, assault SSgt ██████████ by placing his hands around his neck and choking him. Plea: Not Guilty. Finding: Guilty.

CHARGE II: Violation of Article 134.

Specification: In that SRA ██████████ USAF, 377<sup>th</sup> SFS, was at or near Kirtland AFB, NM, on or about 30 Apr 02, drunk and disorderly. Plea: Not Guilty. Finding: Guilty. There was no sentence rendered in this case.

g. Record of SV:	22 Oct 97 - 21 Jun 99	RAF Lakenheath	4	(Initial)
	22 Jun 99 - 26 Feb 00	RAF Lakenheath	5	(CRO)
	27 Feb 00 - 26 Feb 01	Kirtland AFB	4	(Annual)
	27 Feb 01 - 2 Jun 02	Kirtland AFB	5	(CRO)

(Discharged from Kirtland AFB)

h. Awards & Decs: AFAM, AFTR, AFOLTR, AFLSA, NDSM, AFEM, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (0) Mos (20) Das  
TAMS: (4) Yrs (9) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Jan 03.  
(Upgrade Discharge to Honorable and Change Reason for Discharge)

Issues: I feel that item 28 on my DD 214 should be changed from misconduct to expiration of of (sic) enlistment. At my court martial I was found not guilty of all charges except drunk and disorderly which should not be a reason for my discharge. I was drunk with my friends and this reason for seperation (sic) is causing me problems finding a job. It would be nice of you to review my records and change the reason for my discharge. Over all I feel that my time in service was positive and my discharge should not reflect that I was discharged for misconduct.

**ATCH**

1. VA Letter.
2. DD Fm 214

1 May 03/cr



FD2003-00049

**DEPARTMENT OF THE AIR FORCE**  
377TH SECURITY FORCES SQUADRON (AFMC)  
KIRTLAND AIR FORCE BASE NEW MEXICO

8 Jul 02

MEMORANDUM FOR SrA [REDACTED]

FROM: 377 SFS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

- a. On 4 June 02, you were found guilty in a Summary Courts-Martial. See attached **DD Form 2329 and DD Form 458, Charge Sheet for details.** (Atch 1)
- b. On 6 Jun 01, you received a Letter of Reprimand. See attached **LOR for complete details.** (Atch 2)
- c. On 28 Mar 01, you received a Letter of Counseling. See attached **LOC for complete details.** (Atch 3)
- d. On 10 Feb 01, you received a Letter of Counseling. See attached **LOC for complete details.** (Atch 4)
- e. On 24 Aug 00, you received a Letter of Reprimand. See attached **LOR for complete details.** (Atch 5)

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. Special pay, bonuses, or education assistance funds may be subject to recoupment.

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 Captain [REDACTED] at building 20200, ext. 6-5554, on 10 Jul 02 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 within 3 workdays from today 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 will complete a medical examination at the 377th Medical Group on 9 Jul 02 at 1020 hrs.
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 your unit orderly room.

  
USAF  
Squadron Section Commander

9 Attachments:

1. DD Form 2329, dated 4 June 02 and DD Form 458, dated 30 May 02
2. LOR, dated 6 June 01
3. LOC, dated 28 Mar 01
4. LOC, dated 10 Feb 01
5. LOR, dated 24 Aug 00