

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>		GRADE AB	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>				
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW				
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
ISSUES A94.05, A92.37		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD			
				1	ORDER APPOINTING THE BOARD		
HEARING DATE 10 JUL 03		CASE NUMBER FD2003-00054		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 and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.							
SIGNATURE OF RECORDING OFFICER <div style="background-color: black; width: 100%; height: 1.2em;"></div>			SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 1.2em;"></div>				
INDORSEMENT			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

FD2003-00054

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the 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, 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 was discharged for minor disciplinary infractions. He had an Article 15 and three Letters of Reprimand, and one Enlisted Performance Report that was rated an overall referral "3." His misconduct occurred over a 10-month period and included reading a novel while posted as a Security Forces sentinel, three instances of being late for work or missing an appointment, and twice playing a Nintendo Game Boy while posted. At the time of the discharge, member consulted counsel but waived his right to submit a statement in his own behalf. The Board noted that member was age 19 to 20 when his offenses occurred, the same age as other airmen who adhere to standards. He was counseled several times in an effort to help him correct his deficiencies. In spite of those rehabilitative efforts, he was unwilling or unable to improve his behavior. The Board concluded applicant 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 return to military service in the Army. While the Board commends applicant on this goal and is 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

MISSING MEDICAL RECORDS

[REDACTED]
[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 18 Mar 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 13 Jun 81. Enlmt Age: 17 2/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-79, E-63, G-59, M-35. PAFSC: 3P031 - Security Forces Apprentice. DAS: 20 Mar 00.

b. Prior Sv: (1) AFRes 8 Sep 98 - 21 Sep 99 (1 Year 0 Months 14 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 22 Sep 99 for 6 yrs. Svd: 2 Yrs 5 Mos 25 Das, all AMS.

b. Grade Status: AB - 6 Mar 02 (Article 15, 6 Mar 02)
A1C - 12 Nov 99

c. Time Lost: None.

d. Art 15's: (1) 6 Mar 02, Whiteman AFB, MO - Article 92. You, who knew of your duties, on or about 16 Feb 02, were derelict in the performance of those duties in that you willfully failed to refrain from playing with a Nintendo Gameboy on W-24 post, as it was your duty to do. Reduction to AB, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOC, 11 NOV 01 - Failure to meet an appointment.
LOR, 26 SEP 01 - Failure to refrain from playing video games on duty.
LOR, 26 SEP 01 - Late for duty.
LOR, 26 MAY 01 - Reading unauthorized material on duty and late for work.

f. CM: None

g. Record of SV: 22 Sep 99 - 15 Apr 01 Whiteman AFB 5 (Dir by HAF)
16 Apr 01 - 13 Aug 01 Whiteman AFB 3 (Dir by Cmdr) REF

(Discharged from Whiteman AFB)

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

MISSING MEDICAL RECORDS

[REDACTED]
[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 18 Mar 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 13 Jun 81. Enlmt Age: 17 2/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-79, E-63, G-59, M-35. PAFSC: 3P031 - Security Forces Apprentice. DAS: 20 Mar 00.

b. Prior Sv: (1) AFRes 8 Sep 98 - 21 Sep 99 (1 Year 0 Months 14 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 22 Sep 99 for 6 yrs. Svd: 2 Yrs 5 Mos 25 Das, all AMS.

b. Grade Status: AB - 6 Mar 02 (Article 15, 6 Mar 02)
A1C - 12 Nov 99

c. Time Lost: None.

d. Art 15's: (1) 6 Mar 02, Whiteman AFB, MO - Article 92. You, who knew of your duties, on or about 16 Feb 02, were derelict in the performance of those duties in that you willfully failed to refrain from playing with a Nintendo Gameboy on W-24 post, as it was your duty to do. Reduction to AB, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOC, 11 NOV 01 - Failure to meet an appointment.
LOR, 26 SEP 01 - Failure to refrain from playing video games on duty.
LOR, 26 SEP 01 - Late for duty.
LOR, 26 MAY 01 - Reading unauthorized material on duty and late for work.

f. CM: None

g. Record of SV: 22 Sep 99 - 15 Apr 01 Whiteman AFB 5 (Dir by HAF)
16 Apr 01 - 13 Aug 01 Whiteman AFB 3 (Dir by Cmdr) REF

(Discharged from Whiteman AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (11) Das
TAMS: (2) Yrs (5) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Jan 03
(Upgrade Discharge to Honorable, and Change Reentry Coe, Reason and Authority)

Issue 1: I would like to request that my discharge if possible be changed from a General to Honorable.

Issue 2: I would also like to request that my RE-Code be changed. I have recently been to a Army Recruiter and have been told that in order to enlist with the Army that I would need to get my RE-Code upgraded.

Issue 3: While I was in the military I failed CDC's and then received a waiver. I was then late for work once & I received a Article 15 for having a Book on post.

Issue 4: I feel that the Article 15 was somewhat of a harsh penalty and that they could have possibly tried to handle this in a different way. I did not have any other problems or incidences while serving in the military. I did not have any problems or incidences before entering the military nor did I have any problems or incidences since my discharge from the military.

Issue 5: I would like to re-enlist with the Unites (sic) States Army and would like to be given a chance to get my RE-Code changed so that I can enlist with the U.S. Army.

Issue 6: Thank you for your time & consideration as pertaining to this matter.

Issue 7: Any consideration you can give to this matter will be greatly appreciated.

ATCH

1. DD Form 214.

20Mar03/cr



DEPARTMENT OF THE AIR FORCE
509TH SECURITY FORCES SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

MAR 11 2002

MEMORANDUM FOR AB [REDACTED]

FROM: 509 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authorities for this action are AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reasons for this action are:
 - a. On 16 Feb 02, you were derelict in the performance of your duties by failing to refrain from playing with a Nintendo Game Boy on W-24 Post, as it was your duty to do. For this incident you received an Article 15, dated 6 Mar 02. (Atch 1a)
 - b. On 9 Nov 01, you failed to attend a mandatory appointment for a reading comprehension test. For this incident you received a Letter of Counseling, dated 11 Nov 01. (Atch 1b)
 - c. On 26 Sep 01, you were caught playing a Nintendo Game Boy while posted as a sentinel. For this incident you received a Letter of Reprimand, dated 26 Sep 01. (Atch 1c)
 - d. On 25 Sep and 26 Sep 01, you were late for work. For this incident you received a Letter of Reprimand, dated 26 Sep 01. (Atch 1d)
 - e. On 30 Dec 01, you were caught reading a novel while posted as a sentinel. For this incident you received a Letter of Reprimand, dated 26 May 01. (Atch 1e)
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial 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 and any special pay, bonus, 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] in Bldg 509 on 11 MAR 02

at 1600. You may also 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 14 MAR 02 1530 unless you request and receive an extension for good cause shown. I will forward your statements 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 rights to do so.

7. You have been scheduled for a medical examination. You must report to Physical Exams at 1100 on 12 MAR 02 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 your unit's Orderly Room.

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



Lt Col, USAF
Commander

Attachments:

1. Supporting documents --for the reason for discharge

- a. Article 15, dated 6 Mar 02
- b. LOC, dated 11 Nov 01
- c. LOR, dated 26 Sep 01
- d. LOR, dated 26 Sep 01
- e. LOR, dated 26 May 01

2. Documents containing derogatory information --which are not listed in the notification memorandum. None.

3. Airman's receipt of notification memorandum, dated MAR 11 2002.