

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]		
TYPE	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
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES A93.01		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	
HEARING DATE 18 Jul 03		CASE NUMBER FD2003-00055		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, 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]		
INDORSEMENT				DATE: 18 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		

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change of reason for discharge, and change of reenlistment eligibility (RE) code.

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, change of reason for discharge and change of RE code are denied.

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

The applicant's issues are listed in the attached brief.

Issue. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 18 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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/change of reason for discharge and change of RE code, 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 19 dec 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: 4 May 84. Enlmt Age: 17 9/12. Disch Age: 18 7/12. Educ: HS DIPL. AFQT: N/A. A-74, E-74, G-52, M-59. PAFSC: 2A313B - Tactical Aircraft Maintenance Helper. DAS: 2 Sep 02.

b. Prior Sv: (1) AFRes 8 Feb 02 - 28 May 02 (3 Months 21 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 29 May 02 for 6 yrs. Svd: 0 Yrs 6 Mos 21 Das, all AMS.

b. Grade Status: AB - 18 Nov 02 (Article 15, 18 Nov 02)
AMN - 21 Oct 02 (Article 15, 21 Oct 02)

c. Time Lost: None.

d. Art 15's: (1) 18 Nov 02, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 4 Nov 02, were derelict in the performance of those duties in that you willfully failed to complete the 14 days correctional custody, as it was your duty to do. You, who knew or should have known of your duties, on or about 4 Nov 02, were derelict in the performance of those duties in that you willfully failed to wear the proper rank on your military uniform, as it was your duty to do. Reduction to AB, forfeiture of \$552.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

(2) 21 Oct 02, Sheppard AFB, TX - Article 121. You did, on or about 23 Sep 02, steal a compact disc, of a value of about \$12.95, the property of the Army and Air Force Exchange Service. Article 107. You did, on or about 23 Sep 02, with intent to deceive, sign an official written statement, to wit: that you purchased a "Dr. Dre" compact disc, which statement was totally false, and was then known by you to be so false. Reduction to AMN, 14 days correctional custody, and a reprimand. (Appeal/ Denied) (No mitigation)

- e. Additional: AETC FM 341, 12 NOV 02 - Late for accountability.
 AETC FM 341, 08 NOV 02 - Unable to determine reason.
 AETC FM 341, 05 NOV 02 - Uniform violation.
 MEMO, 02 NOV 02 - Failure of complete correctional custody
 due to negative and defensive attitude.
 RIC, 04 NOV 02 - Failure to obey instructions and lying to
 an NCO.
 RIC, 04 NOV 02 - Departed confinement without receiving
 permission.
 RIC, 29 OCT 02 - Failure to follow instructions by wearing
 incorrect grade.
 RIC, 26 OCT 02 - Unacceptable behavior by using profanity.
 LOR, 25 SEP 02 - Unauthorized passenger on bus.
 LOC, 13 SEP 02 - Unauthorized passenger on bus.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (0) Yrs (10) Mos (12) Das
 TAMS: (0) Yrs (6) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Feb 03.
 (Upgrade Discharge to Honorable, and Change Reentry Code, Reason and
 Authority)

Issue: I want another chance to serve in the Air Force. I am mentally and
 morally prepared. Please consider that I am only eighteen years of age and
 believe that I am an asset to the Air Force. As well as that I felt highly
 discriminated.

ATCH

1. DD Form 149.

21Mar03/cr



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR AB [REDACTED] 362 TRS DEC 16 2002

FROM: 362 TRS/CC

SUBJECT: Notification Memorandum

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(s) 5.49. If my recommendation is approved, your service will 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. You, who knew or should have known of your duties at or near Sheppard Air Force Base, Texas, on or about 4 November 2002, were derelict in the performance of those duties in that you willfully failed to complete the 14 days correctional custody, as it was your duty to do. For this misconduct and subparagraph "b" below, you received Article 15 punishment on 18 Nov 02.

b. You, who knew or should have known of your duties at or near Sheppard Air Force Base, Texas, on or about 4 November 2002, were derelict in the performance of those duties in that you willfully failed to wear the proper rank on your military uniform, as it was your duty to do.

c. You did, at or near Sheppard Air Force Base, Texas, on or about 23 September 2002, steal a compact disc, of a value of about \$12.95, the property of the Army and Air Force Exchange Service. For this misconduct and subparagraph "d", you received article 15 punishment on 21 Oct 02.

d. You did, at or near Sheppard Air Force Base, Texas, on or about 23 September 2002, with intent to deceive, sign an official written statement, to wit: that you purchased a "Dr. Dre" compact disc, which statement was totally false, and was then known by you to be so false.

e. You, who knew or should have known of your duties at or near Sheppard Air Force Base, Texas, on or about 23 September 2002, were derelict in the performance of those duties in that you willfully rode the bus without a bus pass, as it was your duty not to do. For this misconduct you received a Letter of Reprimand (LOR) on 25 Sep 02.

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f. You, who knew or should have known of your duties at or near Sheppard Air Force Base, Texas, on or about 13 September 2002, were derelict in the performance of those duties in that you willfully rode the bus without a bus pass, as it was your duty not to do. For this misconduct you received a Letter of Counseling (LOC) on 13 Sep 02.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

3. 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 [REDACTED] at building 1638 on 17 Dec 02 at 0900 hrs. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by DEC 19 2002 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the 82d Medical Group, Bldg 1200, Physical Examinations, at 1530 hrs on 16 Dec 02.

7. 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 Commander's Support Staff Office.

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

[REDACTED]

LT COL, USAF
Commander, 362 Training Squadron

See (Attachments) on the next page

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Attachments:

1. AF Form 3070, 18 Nov 02
2. Response to Article 15, 15 Nov 02
3. AF Form 1168, MSgt [REDACTED] 5 Nov 02
4. 82 SFS/CCB Memo, 4 Nov 02
5. Correctional Custody Record of Individual Counseling, 4 Nov 02
6. Correctional Custody Record of Individual Counseling, 4 Nov 02
7. MFR, SSgt [REDACTED] 2 Nov 02
8. Correctional Custody Record of Individual Counseling, 29 Oct 02
9. Correctional Custody Record of Individual Counseling, 26 Oct 02
10. AF Form 3070, 21 Oct 02
11. Appeal to Article 15, 22 Oct 02
12. 362 TRS/CC Memo, 30 Oct 02
13. AF Form 3545, 02-10-0002 w/5 atch
14. AF Form 1168, A1C [REDACTED] 27 Sep 02
15. LOR, 25 Sep 02
16. LOC, 13 Sep 02
17. AETC Form 341, 12 Nov 02
18. AETC Form 341, 8 Nov 02
19. AETC Form 341, 5 Nov 02
20. AETC Form 125A, 16 Dec 02
21. Student Training Report, 02164
22. MFR, Mr. [REDACTED] 9 Dec 02
23. Airman's Receipt to Notification Memorandum *Wd*