

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>		GRADE  AMN	AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px;"></div>			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	X					
MEMBERS SITTING <div style="background-color: black; width: 250px; height: 20px;"></div> <div style="background-color: black; width: 250px; height: 20px;"></div> <div style="background-color: black; width: 250px; height: 20px;"></div> <div style="background-color: black; width: 250px; height: 20px;"></div> <div style="background-color: black; width: 250px; height: 20px;"></div> <div style="background-color: black; width: 250px; height: 20px;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A93.09		INDEX NUMBER A67.10				
HEARING DATE 27 JUN 03		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						
TAPES 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 <div style="background-color: black; width: 300px; height: 30px;"></div>		SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 300px; height: 30px;"></div>				
INDORSEMENT		DATE: 27 JUN 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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD03-0060

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable.

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 is denied.

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

**ISSUE:** Applicant does not contest his discharge; he states that he was going through a bad divorce and now he wants to enlist in the U.S. Army. The record indicates the applicant received two Article 15s, the first for failure to go. The second one was for writing bad checks. In addition, he received six Letters of Reprimand for failure to go on numerous occasions, failure to maintain living quarters within military standards (twice), failure to provide sufficient vehicle insurance, and taking a smoke break at an unauthorized time. The Board admires the fact that the applicant wants to reaffiliate with the military; however, there was no inequity or impropriety in his discharge and wanting to enlist in the Army is no reason to change the characterization. The Board concluded the applicant's 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 Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the discharge.

**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]  
[REDACTED]  
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 17 Oct 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary). Appeals for Honorable Discharge, to Change RE Code, Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 5 Nov 79. Enlmt Age: 18 0/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-45, E-57, G-57, M-75. PAFSC: 3T331 - Special Vehicle Maintenance. DAS: 4 Jan 99.

b. Prior Sv: (1) AFRes 22 Nov 97 - 1 Jul 98 (7 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Jul 98 for 4 yrs. Svd: 2 Yrs 3 Mos 16 Das, all AMS.

b. Grade Status: AMN - 24 Aug 00 (Article 15, 24 Aug 00)  
A1C - 02 Nov 99  
AMN - 02 Jan 99

c. Time Lost: None.

d. Art 15's: (1) 24 Aug 00, Luke AFB, AZ - Article 134. You, did, on or about 11 Mar 00, make and utter to ----- a certain check, in words and figures as follows, to wit: One Thousand and Five Hundred and 00/100 dollars, \$1500.00, for the lease of a 2000 -----, and did thereafter dishonorably fail to maintain sufficient funds in the ----- Bank for payment of such check in full upon its presentation for payment. You, being indebted to ----- in the sum of \$1200.00 for downpayment, which amount became due and payable on or about 24 Apr 00, did, at or near Glendale, Arizona, between on or about 1 May 00 and on or about 15 May 00, dishonorably fail to pay said debt. Reduction to Amn, and 14 days extra duty. (No appeal) (No mitigation)

(2) 14 Dec 99, Luke AFB, AZ - Article 86. You, did, on or about 2 Dec 99, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended forfeiture of \$250.00 pay, and 10 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 19 NOV 99 - Taking a smoke break at an unauthorized time.

LOR, 29 OCT 99 - Failure to go.  
 LOR, 18 OCT 99 - Failure to go.  
 LOR, 18 OCT 99 - Failure to provide sufficient vehicle insurance.  
 LOR, 18 OCT 99 - Failure to maintain living quarters within military standards.  
 LOR, 05 OCT 99 - Failure to maintain living quarters within military standards.

f. CM: None.

g. Record of SV: 2 Mar 00 - 13 Sep 00 Luke AFB 2 (CRO)REF

(Discharged from Luke AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (10) Mos (26) Das  
 TAMS: (2) Yrs (3) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 11 Feb 03.

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

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Character References.

25MAR03/ia

To whom it may concern,

I am writing this letter to request an upgrade on my discharge. I am requesting this upgrade so that I can enlist in the U.S. Army. I know that my past service was not the best. The reasons why I would like to enlist are, so I can provide better for my family and so I can serve my country. I have had two years and four months to take care of my personal issues that contributed to my discharge. I know that I am responsible for my own actions and the consequences that come with those actions. The biggest issue that I had to work out was with my ex-wife. During my enlistment in the Air Force I was going through a bad divorce, that lasted one year and four months. During and after the divorce was final, my now ex-wife would constantly call my Commander and First Sergeant causing problems. She would also call me at work and home causing problems. This put me under great stress. My Commander and First Sergeant could not do anything to her, which put me on the spot. When I would do something minor, they would treat it as a major problem. That put me under even more stress. I was under so much stress that it affected my duties. I tried my best to separate the two. No matter how hard I tried it just seemed impossible for me to keep my personal issues and my duties apart. When I found out that I was going to be discharged I tried my hardest to prove that I was worth keeping in.

Yes, I did make some mistakes while I was enlisted and I will fully admit to them. Since my discharge I have worked all of my problems out. I will try my best to keep them that way. I now have a family that I am responsible to care for and I think going into the military would be the best way to do that. I would greatly appreciate it if you would consider and approve my request to change my discharge from General under Honorable Conditions to an Honorable discharge. Thank you for your time.

Sincerely,

A large, dark, irregular redacted area covering the signature and possibly the name of the sender.

FD 2003-00060

DEPARTMENT OF THE AIR FORCE  
56th Transportation Squadron (AETC)  
Luke Air Force Base Arizona

MEMORANDUM FOR AMN [REDACTED]

SEP 21 2000

FROM: 56 TRNS/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 AFD 36-32 and AFI 36-3208, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.
2. My reasons for this action are:
  - a. On 23 Sep 99, you failed to maintain your dormitory room within military standards. A Letter of Reprimand, dated 5 Oct 99 evidences this misconduct.
  - b. On 12 Oct 99, you failed to maintain your living quarters within military standards. A Letter of Reprimand, dated 18 Oct 99 evidences this misconduct.
  - c. On 13 Oct 99, you failed to maintain sufficient vehicle coverage on your automobile. A Letter of Reprimand, dated 18 Oct 99 evidences this misconduct.
  - d. On 18 Oct 99, you failed to report to your appointed place of duty at the time prescribed. A Letter of Reprimand, dated 18 Oct 99 evidences this misconduct.
  - e. On 29 Oct 99, you failed to report to your appointed place of duty at the time prescribed. A Letter of Reprimand, dated 29 Oct 99 and establishment of an Unfavorable Information File, dated 29 Oct 99 evidences this misconduct.
  - f. On 19 Nov 99, you failed to take your smoke break at an authorized time. A Letter of Reprimand, dated 19 Nov 99 evidences this misconduct.
  - g. On 2 Dec 99, you failed to report to your appointed place of duty at the time prescribed. An Article 15, dated 14 Dec 99 evidences this misconduct.
  - h. On 11 Mar 00, you failed to maintain sufficient funds in your account to honor a check in the amount of \$1500. An Article 15, dated 24 Aug 00 evidences this misconduct.

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 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 subjected to recoupment.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment for you to consult the Area Defense Counsel at Building 1150, Suite 3015, Luke AFB, AZ, extension 6701 has been scheduled for 21 Sep 00 at 1130 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 by 26 Sep 00 unless you 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 must retrieve your medical records from the 56th Medical Group Hospital Outpatient records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this AFI 36-3208 discharge package for medical review and/or examination.
8. The Privacy Act protects any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in your unit orderly room.
9. Execute the attached acknowledgment and return it to me immediately.

  
Commander, Maj, USAF

Attachments:

1. Letter of Reprimand, dated 5 Oct 99
2. Letter of Reprimand, dated 18 Oct 99
3. Letter of Reprimand, dated 18 Oct 99
4. Letter of Reprimand, dated 18 Oct 99
5. Letter of Reprimand, dated 29 Oct 99
6. AF Form 1058, dated 1 Nov 99
7. Letter of Reprimand, dated 19 Nov 99
8. AF Form 3070, dated 14 Dec 99
9. AF Form 3070, dated 24 Aug 00