

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AIC	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 A92.21, A93.01		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD	
HEARING DATE 3 JUN 03		CASE NUMBER FD2003-00069		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
					TAPE RECORDING OF PERSONAL APPEARANCE HEARING
<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.</small>					
REMARKS					
Case heard at Scott AFB, Illinois.					
Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.					
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT				DATE: 4 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 RD FLOOR ANDREWS AFB, MD 20762-7002		

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00069

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

The applicant's appeal was heard by the Discharge Review Board (DRB) at Scott AFB IL, on June 3, 2003. The applicant did not appear.

Exhibit 5: Applicant's contentions.

Exhibit 6: Reference Letter

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The request for upgrade of discharge to Honorable is denied.

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

ISSUES: The applicant was discharged with a General Discharge for misconduct, or more specifically, conduct prejudicial to good order and discipline. Member received one Article 15 for dereliction of duty for failing to remove a nipple ring and a navel ring as required by Air Force regulation. He received a second Article 15 for dereliction of duty for drinking alcohol underage. He also received two letters of reprimand for dereliction of duty (when he failed to respond to repeated pages from his work section) and for failure to go and dereliction of duty (when he failed to report for formation, wore earrings on base, and violated his curfew). He received seven records of individual counseling (RIC) for a variety of offenses. He was late to work on three occasions. Three of the RICs relate to violations of dress and appearance standards. The other RIC relates to his failure to obey an order to study his CDC material. Other misconduct in which the applicant engaged is documented with memorandums for record. Those documents indicate the applicant was derelict in the performance of his duty when he failed to carry out a tasking assigned to him by a supervisor, engaged in financial irresponsibility, violated dress and appearance standards by wearing a navel and nipple ring after he had been told not to by a supervisor, and for displaying poor military bearing and a bad attitude. With regard to the latter, the applicant was counseled for stating, in a profane way, that he did not care about his job in the Air Force, would do only what he was told to do, and that he would do only the minimum amount necessary. In his submission to the DRB, the applicant states that he has matured significantly since that time and that he would like the opportunity to pursue his new goals unburdened by a less than fully honorable discharge.

The DRB concluded that the characterization of the applicant's discharge was appropriate given the nature and extent of the applicant's misconduct. He repeatedly demonstrated utter disregard for the high standards expected of members of the Air Force dedicated to the service of this country. Through his misconduct, he practically scoffed at the requirements of Air Force service and the men and women who adhere to those standards every day. A review of the record discloses that the command's response to the applicant's misconduct was appropriate, equitable, and properly administered.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation, was within the discretion of the discharge authority, and that the applicant was provided full administrative due process. Having found no inequity or impropriety, the request for relief is denied.

Attachment:
Examiner's Brief

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

MISSING MEDICAL RECORDS

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Dec 01 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 2 May 80. Enlmt Age: 19 5/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-79, E-62, G-64, M-39. PAFSC: 3E731 - Fire Protection Apprentice. DAS: 25 Jul 00.

b. Prior Sv: (1) AFRes 29 Oct 99 - 25 Jan 00 (2 Months 28 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 26 Jan 00 for 4 yrs. Svd: 1 Yr 10 Mos 8 Das, all AMS.

b. Grade Status: A1C - 26 MAY 01
 AMN - 26 JUL 00

c. Time Lost: None.

d. Art 15's: (1) 28 Jun 01, MacDill AFB, FL - Article 92. You, who knew of your duties, on or about 8 and 9 Jun 01, were derelict in the performance of those duties in that you willfully failed to remove your nipple and navel ring, while on MacDill AFB, in accordance with AFI 36-2903, as it was your duty to do. Suspended reduction to AMN, 30 days correctional custody, and forfeiture of \$200.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 6 Sep 00, MacDill AFB, FL - Article 92. You, who knew of your duties, on or about 2 Aug 00, were derelict in the performance of those duties by willfully failing to refrain from consuming alcoholic beverages when you were not of the legal age to consume or possess alcoholic beverages, as it was your duty to do. Suspended reduction to AB, 30 days extra duty, and 15 days restriction. (Appeal/Withdrawn) (No mitigation)

e. Additional: MFR, 14 NOV 01 - Financial irresponsibility.
 RIC, 14 NOV 01 - Violation of dress and appearance standards.
 RIC, 14 NOV 01 - Late for work.
 RIC, 11 JUN 01 - Late for work.
 LOR, 11 JUN 01 - Dereliction of duty by not responding to pages from work section.

RIC, 10 JUN 01 - Violation of dress and appearance standards.
 MFR, 08 JUN 01 - Wearing nipple and naval rings on base.
 RIC, 24 APR 01 - Failure to obey an order.
 RIC, 02 APR 01 - Violation of dress and appearance standards.
 MFR, 16 JAN 01 - Derelection of duty.
 MFR, 21 NOV 00 - Unacceptable attitude to job and the Air Force.
 RIC, 20 NOV 00 - Late for work.
 LOR, 23 MAY 00 - Late for formation, wearing earrings on base, and curfew violation.

f. CM: None.

g. Record of SV: None.

(Discharged from MacDill AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (1) Mos (5) Das
 TAMS: (1) Yrs (10) Mos (8) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 12 Feb 03.
 (Change Discharge to Honorable)

Issue 1: I am requesting that my file be considered for upgrade to my character of service from General Under Honorable Conditions. I have enclosed a letter from a long time personal friend of both myself and my family. I have also enclosed a copy of my DD Form 214.

Issue 2: I believe that I have grown extensively in the short period of time since my discharge. Since then, I have a much more mature outlook toward people, society and life in general.

Issue 3: I am continuing my personal education in hopes that it will result in a career field I can be proud of. Upgrading my character of discharge would greatly assist me in my pursuits. Any consideration to this, my request, would not be made in error. I'm sure that my goals that are now set before me would prove to be worthy.

ATCH

1. Reference Letter.
2. DD Form 214.

27Mar03/cr



DEPARTMENT OF THE AIR FORCE

6TH AIR MOBILITY WING (AMC)
MACDILL AIR FORCE BASE, FLORIDA

19 Nov 01

MEMORANDUM FOR [REDACTED]

FROM: 6 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct Consisting of Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, paragraph 5.50.2. 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 an under honorable conditions (general).

2. My reasons for this action are as follows:

a. In a Memorandum for Record, dated 14 Nov 01, [REDACTED] was notified by [REDACTED] that your signature loan payment was delinquent which became due on 15 Oct 01 (Tab B).

b. On 14 Nov 01, you failed to report at the time prescribed to your appointed place of duty and you failed to maintain proper dress and appearance standards in accordance with AFI 36-2903. This incident resulted in a Letter of Counseling, dated 14 Nov 01 (Tab C).

c. On 10 Nov 01, you failed to report at the time prescribed to your appointed place of duty. This incident resulted in a Letter of Counseling, dated 14 Nov 01 (Tab D).

d. Between 8 and 9 Jun 01, you were derelict in the performance of your duties by willfully failing to remove your nipple and navel ring, as it was your duty to do so. This incident resulted in Nonjudicial Punishment under Article 15, UCMJ, dated 28 Jun 01 (Tab E).

e. On 9 Jun 01, you failed to report at the time prescribed to your appointed place of duty. This incident resulted in a Letter of Counseling, dated 11 Jun 01 (Tab F).

f. On 8 Jun 01, you failed to maintain proper dress and appearance standards in accordance with AFI 36-2903. More specifically, you were seen at the base gym with your nipple rings inserted. This incident resulted in a Memorandum for Record, undated (Tab G).

g. On 8 Jun 01, you were derelict in the performance of your duty. More specifically, you failed to respond to three pager notifications from the Fire Alarm Communications Center (FACC) as it was your duty to do so. This incident resulted in a Letter of Reprimand, dated 11 Jun 01 (Tab H).

h. On 8 Jun 01, you failed to maintain proper dress and appearance standards in accordance with AFI 36-2903. This incident resulted in a Letter of Counseling, dated 10 Jun 01 (Tab I).

i. On 22 Apr 01, you failed to obey a lawful order given by your supervisor. More specifically, you failed to participate in the mandatory two hour per day study group for your career development course. This incident resulted in a Letter of Counseling, dated 24 Apr 01 (Tab J).

j. On 2 Apr 01, you failed to maintain proper dress and appearance standards in accordance with AFI 36-2903. This incident resulted in a Letter of Counseling, dated 2 Apr 01 (Tab K).

k. On 12 Jan 01, you were derelict in the performance of your duty. More specifically, you failed to label all folders in the Station Captain's office as you were told to do so. This incident resulted in a Memorandum for Record, dated 16 Jan 01 (Tab L).

l. On 21 Nov 00, you displayed unprofessional conduct. More specifically, you were verbally counseled about your attitude, your duty performance, and your future plans. During the counseling session, you used profanity while expressing how you felt about your job. This incident resulted in a Memorandum for Record, dated 21 Nov 00 (Tab M).

m. On 27 Nov 00, you failed to report at the time prescribed to your appointed place of duty. This incident resulted in a Letter of Counseling, dated 20 Nov 00 (Tab N).

n. On 2 Aug 00, you were derelict in the performance of your duty. More specifically, you consumed alcohol when you were not of the legal age to do so. This incident resulted in Nonjudicial Punishment under Article 15, UCMJ, dated 6 Sept 00 (Tab O).

o. On 21 May 00, you failed to report at the time prescribed to your appointed place of duty, you failed to maintain proper dress and appearance standards in accordance with AFI 36-2903, and you violated curfew restrictions for Air Force members in phase two of technical school. These incidents resulted in a Letter of Reprimand, dated 23 May 00 (Tab P).

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 (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, and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] on 20 Nov 01 at 1000 hrs. 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 26 Nov 01 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 6th Medical Group Hospital - Physical Exams, at 1400 hours on 20 Nov 01 for the examination. **You must report to the Physical Exams Section 30 minutes prior to pick up your DD Form 2697.**

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 the Orderly Room.

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



Commander, 6th Civil Engineering Squadron, USAF

Attachments:

- a. Respondent's Acknowledgment
- b. Memorandum for Record, dated 14 Nov 01
- c. Record of Individual Counseling, dated 14 Nov 01
- d. Record of Individual Counseling, dated 14 Nov 01
- e. Record of Nonjudicial Punishment Proceedings, dated 28 Jun 01
- f. Record of Individual Counseling, dated 11 Jun 01
- g. Letter of Reprimand, dated 11 Jun 01
- h. Memorandum for Record, undated
- i. Record of Individual Counseling, dated 10 Jun 01
- j. Record of Individual Counseling, dated 24 Apr 01
- k. Record of Individual Counseling, dated 2 Apr 01
- l. Memorandum for Record, dated 16 Jan 01
- m. Memorandum for Record, dated 21 Nov 00
- n. Record of Individual Counseling, dated 20 Nov 00
- o. Record of Nonjudicial Punishment Proceedings, dated 6 Sept 00
- p. Letter of Reprimand, dated 23 May 00