

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW							
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	X								

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53	INDEX NUMBER A67.10	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; background-color: #cccccc;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; text-align: center;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;">2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;">3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	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		TAPE RECORDING OF PERSONAL APPEARANCE HEARING
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HEARING DATE 22 JUL 03	CASE NUMBER FD2003-00074																	

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 and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECOMMENDING OFFICER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 22 JUL 03
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00074

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

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 is denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for minor disciplinary infractions. He had two Letters or Records of Individual Counseling, five Letters of Reprimand, an Article 15, and an Unfavorable Information File. He was also placed on the Control Roster and had an Enlisted Performance Report rated an overall "3." His misconduct included five occasions of failure to go, failure to pay just debts, operating a privately owned vehicle without the required permit, and abandoning a privately owned vehicle on which he still carried a loan. At the time of the discharge, member consulted counsel but waived his right to submit statements in his own behalf. The Board noted member was the same age as other airmen who had adhered to the standards when his misconduct occurred, and he knew right from wrong. He was counseled in an effort to help him correct his deficiencies and had several opportunities to improve his behavior. He failed to respond to those rehabilitative efforts. He was responsible for his actions, and therefore held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.

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

(Former AMN) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 29 Apr 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 3 Aug 77. Enlmt Age: 19 6/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-76, E-41, G-32, M-27. PAFSC: 2S032 - Supply Systems Analysis Apprentice. DAS: 31 May 98.

b. Prior Sv: (1) AFRes 20 Feb 97 - 13 May 97 (2 Months 24 Days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enld as A1C 14 May 97 for 4 yrs. Svd: 1 Yr 11 Mos 16 Das, all AMS.

b. Grade Status: AMN - 5 Apr 99 (Article 15, 5 Apr 99)

c. Time Lost: None.

d. Art 15's: (1) 5 Apr 99, RAF Mildenhall, UK - Article 86. You did, on 18 Mar 99, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on 24 Mar 99, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AMN. (No appeal) (No mitigation)

e. Additional: LOR, 07 APR 99 - Financial irresponsibility, late returning from lunch, and downloading inappropriate image on a government computer.

LOR, 15 JAN 99 - Late for work.

RIC, 15 JAN 99 - Financial irresponsibility.

LOR, 08 JAN 99 - Late for work.

LOR, 28 DEC 98 - Failure to pay a debt and to follow directions.

LOR, 22 OCT 98 - Failure to follow instructions and driving without required permit.

LOC, 15 JUN 98 - Financial irresponsibility and gross misconduct.

f. CM: None.

g. Record of SV: 14 May 97 - 15 Oct 98 RAF Mildenhall 3 (Dir by HAF)

(Discharged from Seymour Johnson AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (2) Mos (10) Das
TAMS: (1) Yrs (11) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Feb 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
None.

2 Apr 03/cr



DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCES IN EUROPE

FD2003-00074

8 April 1999

MEMORANDUM FOR AMN [REDACTED] 100TH
SUPPLY SQUADRON

FROM: 100 SUPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct-Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Section H, Paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 3 June 1998, it was discovered that you had abandoned your vehicle at Sheppard AFB, TX. This vehicle was repossessed by the lien holder in May 1998. For your financial irresponsibility, you received a Letter of Counseling, dated 15 June 1998.

b. On 20 October 1998, it was discovered that you were operating a privately owned vehicle without a USAFE Form 374, USAFE Driving Permit. In addition, you failed to follow the instruction of your section superintendent weeks before to get your driving permit issued. As a result, you received a Letter of Reprimand, dated 22 October 1998. An Unfavorable Information File (UIF) was also established.

c. On 9 December 1998, it was discovered that you had failed to pay a taxi chit. In addition, when directed to pay this debt immediately, you failed to do so. For your misconduct, you were given a Letter of Reprimand, dated 28 December 1998. This was placed in your existing UIF and you were also placed on the control roster.

d. On 23 December 1998, you failed to report for duty as the fuels escort monitor at the time prescribed. For your failure, you received a Letter of Reprimand, dated 8 January 1999. This was also placed in your existing UIF.

e. On or about 25 November 1998, you received a letter from Keesler Federal Credit Union informing you that you had wrote four checks that were returned for insufficient funds. For your misconduct, you received a Record of Individual Counseling, dated 15 January 1999.

f. On 11 and 12 January 1999, you failed to report for duty as a Remote Processing Station Operator at the time prescribed. As a result, you received a Letter of Reprimand, dated 15 January 1999. This was also filed in your existing UIF.

g. On 18 March 1999, you failed to go at the time prescribed to your appointed place of duty. On 24 March 1999, you failed to go at the time prescribed to your appointed place of duty. For this violation, you received nonjudicial punishment under Article 15, UCMJ, dated 5 April

1999. As a result of the nonjudicial punishment, you received a reduction to the grade of Airman. Your Article 15 was placed in your existing UIF.

h. On or about 1 April 1999, in a letter from AAFES, your account was listed as being two months past due. Additionally on this day, you failed to return from your lunch break on time. You were also accessing the World Wrestling Federation website and downloaded an inappropriate image to your government computer. For your misconduct, you received a Letter of Reprimand, dated 7 April 1999.

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. If you are discharged, you will be ineligible for reenlistment in the Air Force.
4. You have the right to counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt. [REDACTED] Area Defense Counsel, at building 976, RAF Lakenheath, DSN 226-3608 on Friday, 9 April 1999 at 0900 hours.
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 13 April 1999 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 in 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 building 926, RAF Lakenheath, Physical Exams Section at 0800 hours on Monday, 12 April 1999, for the examination.** You must be in uniform. If you have been prescribed glasses, you must wear them to the appointment.
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 at the unit orderly room or the Area Defense Counsel office.

[REDACTED]
[REDACTED] Maj, USAF
Commander

Attachments:

1. Letter of Counseling, dated 15 June 1998
2. Letter of Reprimand w/ UIF, dated 22 October 1998
3. Letter of Reprimand w/ UIF, dated 28 December 1998
4. Letter of Reprimand w/ UIF, dated 8 January 1999
5. Record of Individual Counseling, dated 15 January 1999
6. Letter of Reprimand w/ UIF, dated 15 January 1999
7. Record of Nonjudicial Punishment Proceedings, dated 5 April 1999
8. Letter of Reprimand, dated 7 April 1999
9. EPR
10. RIP