

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 A1C	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>				
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	OTHER	DENY
<div style="background-color: black; width: 100%; height: 1.2em;"></div>							X
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ISSUES A93.09		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 11 JUL 03		CASE NUMBER FD2003-0089		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 <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: 11 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

FD03-0089

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 it was too harsh because he and his wife were going through a divorce and he would like his Veterans benefits. The record indicates the applicant received an Article 15 for, with intent to deceive; making an official statement that he knew was false. In addition, he received three Letters of Reprimand for falsifying a government form, lying, failing the ergometry test, failed to attend a mandatory meeting, and failed to comply with military standards of appearance. In addition, he received six Letters of Counseling for failure to maintain his quarters (twice), inadequate work performance, failure to properly follow instructions, being late for a mandatory meeting, and for failing his room inspection. The DRB recognized that the applicant was going through a divorce early in his career; however, there is no evidence he was immature or did not know right from wrong. The Board concluded the 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Nov 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 15 Aug 77. Enlmt Age: 18 10/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-48, E-67, G-70, M-52. PAFSC: 3C351 - Computer Systems Planning and Implementation. DAS: 1 Mar 97.

b. Prior Sv: (1) AFRes 9 Jul 96 - 12 Nov 96 (4 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 13 Nov 96 for 4 yrs. Svd: 2 Yrs 11 Mo 22 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 3 Sep 99, Randolph AFB, TX - Article 107. You, did, on or about 20 Jul 99, with intent to deceive, make to SrA -----, the 12th Comm Sq Unit Safety Representative, an official statement, to wit: you had stopped at a rest area at 2300 hours the night before your car accident (18 Jul 99) and rested for nine (9) hours, which was false in that you had in fact been driving since Las Vegas with only short roadside stops, and said statement was false, and was then known by you to be so false. Forfeiture of \$100.00 pay per month for 2 months, 15 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 08 JUL 99 - Falsifying a government form, lying, and failing ergometry test.

LOC, 08 APR 99 - Failure to maintain quarters.

LOR, 15 MAR 99 - Failure to attend a mandatory meeting.

LOC, 22 FEB 99 - Failed room inspection.

LOC, 24 AUG 98 - Failure to follow simple instructions and late to a mandatory meeting.

LOR, 29 JUL 98 - Failure to comply with military standards of appearance.

LOC, 23 JUN 98 - Failure to properly follow instructions.

MEMO, 7 AUG 97 - Inadequate work performance.

LOC, 19 JUN 97 - Failure to maintain quarters.

f. CM: None.

g. Record of SV: 13 Nov 96 - 15 Apr 98 Randolph AFB 4 (HAF Dir)
 16 Apr 98 - 20 Dec 98 Randolph AFB 2 (CRO)
 21 Dec 99 - 20 Sep 99 Randolph AFB 1 (Cmdr Dir) REF

(Discharged from Randolph AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (3) Mos (26) Das
 TAMS: (2) Yrs (11) Mos (22) Das

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

Issue 1: At the beginning of my enlistment my wife and I were separated (by her choice when she moved back to Arizona from Randolph AFB) which later turned into a divorce. I had a hard time balancing my personal life with my professional life due to the difficulties she made for me while I was in the military. Now many years later I still have an interest in the military and currently working towards a bachelor degree in telecommunications (the job I had while in the military). I wish to upgrade my discharge to take advantage of the veteran benefits and the money I paid into for m (sic) education. A goal of mine is to look into the possibility of becoming an officer with the degree I am pursuing.

ATCH

None.

4APR03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

07 OCT 1999

MEMORANDUM FOR A1C [REDACTED]

FROM: 12 CS/CC

SUBJECT: Notification Memorandum—Administrative Discharge

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is Air Force Policy Directive 36-32 and Air Force Instruction 36-3208, Chapter 5, Section H, Paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending your service be characterized as General.

2. My reasons for this action are as follows:

a. On or about 19 Jun 97, you failed to maintain your quarters. The bathroom was not clean, the linens were dirty, the clothes were not hung up in the closet or inside the dresser, and the trash can required emptying. This conduct is evidenced by a Letter of Counseling (LOC), dated 19 Jun 97.

b. On or about 7 Aug 97, you were verbally counseled about your inadequate performance at work, as evidenced by Memorandum for Record (MFR), dated 7 Aug 97.

c. On or about 23 Jun 98, you failed to properly follow instructions. [REDACTED] briefed you on the new format for the Weekly Activity Report (WAR). However, you used your own format to complete the WAR. This conduct is evidenced by a LOC, dated 23 Jun 98.

d. On 23 Jul 98, you were not in compliance with the Military Standards of Appearance. TSgt [REDACTED] indicated you needed to get a haircut, which you failed to do until you were given a direct order on 24 Jul 98 to do so. This is evidenced by a Letter of Reprimand (LOR), dated 29 Jul 98.

e. On 24 Aug 98, you were late for a Y2K meeting. The meeting began at 0830 in the base theater. You reported to the theater on or about 0900, as evidenced by a LOC, dated 24 Aug 98.

f. On 17 Feb 99, you failed to maintain your quarters, as evidenced by a Letter of Counseling (LOC), dated 22 Feb 99.

g. On 11 Mar 99, you failed to attend a mandatory dorm meeting, as evidenced by a LOR, dated 15 Mar 99. A Unfavorable Information File (UIF) was established as a result of this LOR.

g. On 11 Mar 99, you failed to attend a mandatory dorm meeting, as evidenced by a LOR, dated 15 Mar 99. A Unfavorable Information File (UIF) was established as a result of this LOR.

h. On 8 Apr 99, you failed to maintain your quarters, as evidenced by a LOC, dated 8 Apr 99.

i. On or about 2 Jul 99, you falsified a government form. You were directed to complete an AF Form 1975, which you did not do until you were asked to provide it. You admitted to your NCOIC you lied and had not filled out the form, as evidenced by an LOR, dated 8 Jul 99.

j. On or about 18 Jul 99, you made a false official statement to SrA [REDACTED] in that you rested for 9 hours at a rest area before continuing your trip back to San Antonio. This is evidenced by AF Form 3070, dated 3 Sep 99.

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. 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.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult Capt [REDACTED] Area Defense Counsel, Bldg. 399, Room B-40 (7-2274) at 0900 on 12 Oct 99. You may consult civilian legal 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 1600 13 Oct 99 unless you request and receive an extension, in writing, for showing good cause. I will send them to the separation authority.


6. If you fail to consult counsel or 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 the Physical Exam Section at 1015 on 13 Oct 99 and also to the Primary Care section at 1310 on 13 Oct 99 for required examinations. You must fast for 12 hours prior and consume no alcohol for 72 hours prior to this examination.

8. You must report to 12 MSS/DPMARS (Separations) within 24 hours of this notification.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in the unit personnel office.

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


Lt Col, USAF
Commander, 12 CS

Attachments:

1. Supporting Documents

- a. LOC, dated 19 Jun 97
- b. MFR, dated 7 Aug 97
- c. LOC, dated 23 Jun 98
- d. LOR, dated 29 Jul 98
- e. LOC, dated 24 Aug 98
- f. LOC, dated 22 Feb 99
- g. LOR, dated 15 Mar 99
- h. LOC, dated 8 Apr 99
- i. LOR, dated 8 Jul 99
- j. AF Form 3070, dated 3 Sep 99

2. Airman's Receipt of Notification Memorandum