

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE SRA	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

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

ISSUES A94.53, A92.37	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 03-05-16	CASE NUMBER FD2003-00090	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	

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.

DD Fm 149 submitted. The case will be forwarded to the AFBCMR for further processing.

SIGNATURE OF RECORDER *[Signature]* SIGNATURE OF BOARD PRESIDENT *[Signature]*

INDORSEMENT	DATE 03-05-16
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

FD2003-00090

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 an Article 15, five Letters of Reprimand, and a Letter of Counseling. His misconduct included at least eight instances of failure to go or missing appointments, failing to follow lawful orders or instructions, a dress and appearance violation, and disrespect to a superior noncommissioned officer on three occasions. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf requesting retention in order to receive his G.I. Bill education benefits. The Board noted member was given many opportunities to correct his behavior but was either unwilling or unable to do so. Member was responsible for his actions and was held accountable for them because his misconduct was disruptive to the unit. The board did not find sufficient mitigation to warrant an upgrade, and 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 10 Apr 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 17 Dec 75. Enlmt Age: 22 4/12. Disch Age: 26 3/12. Educ: HS DIPL. AFQT: N/A. A-72, E-72, G-80, M-68. PAFSC: 4P051 - Pharmacy Journeyman. DAS: 9 Dec 98.

b. Prior Sv: (1) AFRes 14 May 98 - 2 Jun 98 (19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 3 Jun 98 for 4 yrs. Svd: 3 Yrs 10 Mo 8 Das, all AMS.

b. Grade Status: SrA - 3 Oct 00

c. Time Lost: None.

d. Art 15's: (1) 6 Feb 01, Robins AFB, GA - Article 86. You, did, between on or about 22 Jan 01, to on or about 27 Jan 01, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, who, knew of your duties, on or about 27 Jan 01, were derelict in the performance of those duties in that you willfully failed to clear prescriptions and file them, as it was your duty to do. Suspended reduction to A1C, suspended forfeiture of \$150.00 pay, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 13 FEB 02 - Disrespect to NCOs.

LOR, 22 OCT 01 - Wearing earrings while off duty, failure to obey a lawful order, and disrespect towards an NCO.

LOR, 10 JAN 01 - Disrespect to an NCO.

LOR, 27 JUN 00 - Late for duty.

LOR, 01 OCT 99 - Late for duty and missing appointment.

LOC, 14 JUL 99 - Late for duty and missing appointment.

f. CM: None.

g. Record of SV: 03 Jun 98 - 15 Jan 00 Robins AFB 5 (HAF Dir)
16 Jan 00 - 16 Jan 01 Robins AFB 4 (Annual)

17 Jan 01 - 16 Jan 02 Robins AFB 3 (Annual)REF

(Discharged from Robins AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (10) Mos (28) Das
TAMS: (3) Yrs (10) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Feb 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. DD Form 149.

4APR03/ia



DEPARTMENT OF THE AIR FORCE
78th Medical Support Squadron (AFMC)
Robins Air Force Base Georgia

21 Mar 02

MEMORANDUM FOR [REDACTED]

FROM: 78 MDSS/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 5.49. If my recommendation is approved, your service will be characterized as general.
2. My reasons for this action are:
 - a. On 14 July 1999, you failed to report at the time prescribed to your appointed place of duty. This is documented in a Letter of Counseling (LOC) dated 15 July 1999.
 - b. On 1 October 1999, you failed to report at the time prescribed to your appointed place of duty. This is documented in a Letter of Reprimand (LOR) dated 1 October 1999.
 - c. On 27 June 2000, you failed to report at the time prescribed to your appointed place of duty. This is documented in an LOR dated 27 June 2000.
 - d. On 29 December 2000, you were disrespectful to an NCO. This is documented in an LOR dated 10 January 2001.
 - e. Between 22 January and 27 January 2001, you were derelict in the performance of your duties in that you failed to go to your appointed place of duty and you willfully failed to clear prescriptions and file them. You were punished under Article 15 in an action dated 6 February 2001.
 - f. On 14 October 2001, you were in violation of AFI 36-2903, Dress and Personal Appearance of Air Force Personnel, by wearing an earring and disobeying a lawful order given by a Senior NCO to remove the earring. This is documented in an LOR dated 22 October 2001.
 - g. On 12 February 2002, you were disrespectful to your supervisor, an NCO. This is documented in an LOR dated 13 February 2002.
 - h. Your most recent EPR, dated 16 Jan 02, indicated that you have repeatedly failed to maintain professional standards of conduct.

3. Copies of the documents to be forwarded to the separation authority in support of these recommendations 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 consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult, **the Area Defense Counsel, at Bldg. 368, ext 6-5852, on 21 March 2002 at 1400 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 **within 3 duty days of the date of this letter,** 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 physical examination on 26 March 2002 at 0800hours.** You must report to Physical Exams Section in Building 700a. **Your appointment with Family Practice, Bldg 700a, on 26 March 2002 at 0750 hours to complete paperwork.** You *must* be in uniform and **have your medical records with you.**
8. You have been scheduled for an **initial briefing** at separations with Amn: , **Bldg. 905, extension 7-7348 on 22 March 2002 at 1230 hours.** Please bring an escort from your unit for assistance.
9. 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 Area Defense Counsel or your unit orderly room.

 USAF
Commander

Attachments:

1. Documents Supporting Discharge
 - a. LOC, dtd 14 Jul 99
 - b. LOR, dtd 1 Oct 99

- c. LOR, dtd 27 Jul 00
- d. LOR, dtd 10 Jan 01
- e. AF Form 3070, dtd 6 Feb 01
- f. LOR, dtd 22 Oct 01
- g. AF Form 1168, dtd 14 Oct 01
- h. LOR, dtd 13 Feb 02
- i. EPR, dtd 16 Jan 02

2. Airman's Receipt of Notification Memorandum