

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> AB	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE: GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>YES</b>	<b>No</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	
	<b>X</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	

<b>MEMBER SITTING</b>					
	<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>

<b>ISSUES</b> A94.53 A92.37	<b>INDEX NUMBER</b> A67.50	<b>1</b>	ORDER APPOINTING THE BOARD
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b>	LETTER OF NOTIFICATION
		<b>4</b>	BRIEF OF PERSONNEL FILE
			COUNSEL'S RELEASE TO THE BOARD
<b>HEARING DATE</b> 14 Nov 2003	<b>CASE NUMBER</b> FD-2003-00091		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
			TAPE RECORDING OF PERSONAL APPEARANCE

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

<b>SIGNATURE OF [REDACTED]</b>	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2003-00091

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge, and to change his reenlistment code.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) 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, change of reason and authority for discharge, and change of reenlistment code are denied.

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

Issues. Applicant was discharged for discreditable involvement with military or civil authority. The records indicated the applicant received three Articles 15, a vacation of suspended punishment, two Letters of Reprimand, two Letters of Counseling, and one Record of Individual Counseling for misconduct. His misconduct included two failures to properly maintain his dorm room, four instances of failure to report to duty on time, willfully and wrongfully destroying the personal property of another airman, wearing an earring on base, and having an underage (14 year-old) female in his dormitory room. He was also involved in a mutual assault with another airman, his former girlfriend, and was stopped for being a minor in possession of alcohol and having an open container in his vehicle. Member had one enlisted performance report rated an overall referral "2" due to his Articles 15. He was also referred to Mental Health and diagnosed with an intermittent explosive disorder. At the time of the discharge, member waived his right to consult counsel and waived his right to submit a statement in his own behalf. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior. 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 applicant cited his desire to reenlist in the military as justification for upgrade. While the Board was sympathetic to the impact his reenlistment code was having on the applicant, and commended applicant for this desire, this is not a matter of inequity or impropriety that would warrant an upgrade.

**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

**DISCHARGE REVIEW BOARD VOTING CARD**

<b>NAME (Last, First, MI)</b> ██████████			<b>GRADE</b> AB		<b>SSN</b> ██████████		
<b>ADDRESS OF APPLICANT</b> ██████████ ██████████				<b>PRESENT BEFORE BOARD</b>		<b>YES</b>	<b>NO</b> NPA
<b>COUNSEL NAME AND ADDRESS</b> None				DD FORM 149			X
				Refer to SAF/MRBR			X
<b>TYPE AND AUTH FOR DISCHARGE (Reason)</b> AFI 36-3208, Para 5.50.1 (Discreditable Involvement with Military or Civil Authority)			<b>TOTAL ACTIVE SERVICE (Yrs - Months - Day)</b> 1 yr 10 mos 18 das		<b>DATE APPLICANT SUBMITTED</b> 27 Feb 2003		
					<b>DATE OF SEPARATION</b> 24 May 2001		
<b>DATE APPLICATION RECEIVED</b> 03 Mar 2003		<b>DATE EXAMINED</b> 07 Apr 2003	<b>DATE SAF/LL NOTIFIED</b>	<b>HEARING DATE</b> 14 Nov 2003		<b>DATE RETURNED</b>	
<b>BOARD RECOMMENDATIONS</b>				<b>REMARKS</b>			
<b>HONORABLE</b>	<b>GENERAL</b>	<b>OTHER</b>	<b>APPEAL DENIED</b>	██████████ ██████████ AO: ██████████ INDEX: ISSUES CASE NUMBER: FD-2003-00091			

AFHQ FORM 0-505, SEP 77 (EF) PREVIOUS ADDITION WILL BE USED.

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

[REDACTED]  
[REDACTED]  
(Former AB) (HGHI A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 May 01 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Discreditable Involvement With Military or Civil Authority). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 24 May 81. Enlmt Age: 17 8/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-60, E-48, G-33, M-52. PAFSC: 2A531E - Aerospace Maintenance Apprentice. DAS: 5 Jan 00.

b. Prior Sv: (1) AFRes 8 Feb 99 - 6 Jul 99 (4 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Jul 99 for 6 yrs. Svd: 1 Yrs 10 Mo 18 Das, all AMS.

b. Grade Status: AB - 18 Dec 00 (Vacation of Article 15, 9 Mar 01)  
Amn - 15 Sep 00 (Article 15, 15 Sep 00)  
A1C - 20 Aug 99

c. Time Lost: None.

d. Art 15's: (1) 9 May 01, Dyess AFB, TX - Article 92. You, did, on or about 12 Apr 01, violate a lawful general regulation, to wit: para 1.4.5.19, AFI 32-6005/Dyess AFBS 1, Unaccompanied Housing Management, dated 4 Mar 99, by wrongfully allowing underage female guests in your dormitory room. Reprimand. (No appeal) (No mitigation)

(2) 9 Mar 01, Vacation, Dyess AFB, TX - Article 92. You did, On or about 28 Jan 01, fail to obey a lawful general regulation, to wit: AFI 36-2903 dated 8 Jun 98, by wrongfully wearing an earring on a military installation. Reduction to AB. (No appeal) (No mitigation)

(3) 18 Dec 00, Dyess AFB, TX - Article 109. You, did, on or about 3 Dec 00, willfully and wrongfully destroy by breaking a 25 gallon fish tank, of a value of about \$150.00, the property of ----- . Suspended reduction to AB, and a reprimand. (No appeal) (No mitigation)

(4) 15 Sep 00, Dyess AFB, TX - Article 86. You, did, on or about 26 Aug 00, without authority, fail to go at the

time prescribed to your appointed place of duty.  
 Reduction to Amn, and 30 days correctional custody.  
 (No appeal) (No mitigation)

- e. Additional: LOR, 28 AUG 00 - Failed room inspection.  
 LOR, 28 AUG 00 - Failure to go, late for work and failure  
 to scheduled appointments on several occasions.  
 RIC, 23 JUN 00 - Late for work.  
 LOC, 01 JUN 00 - Late for work.  
 LOC, 13 MAR 00 - Failure to maintain on-base quarters in  
 accordance with Air Force standards.
- f. CM: None.
- g. Record of SV: 7 Jul 99 - 6 Mar 01 Dyess AFB 2 (Initial)REF  
 (Discharged from Dyess AFB)
- h. Awards & Decs: AFTR, AFOUA.
- i. Stmt of Sv: TMS: (2) Yrs (3) Mos (17) Das  
 TAMS: (1) Yrs (10) Mos (18) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Feb 03.

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

Issue 1: I joined the U.S. Air Force on July 7, 1999. I completed the required 6 weeks of basic training and then went on to complete 12 weeks of tech school to become a areospace (sic) maintaice (sic) apprentice. My duty station was Dyess AFB TX and the aircraft I worked on was the B1-B Lancer. While at Dyess I made a lot of poor decisions about my conduct. On May 24, 2001 I was given a general discharge as a result of my misconduct. I am sending this application to ask for a change on my discharge. Mostly to my reentry code. I want the change because I want to reenlist in the Military. I enjoyed military life and all the things that it offered me and it is hard living as a civilian. I really want to reenlist to serve my country again. I would really like to be member in the military that help out with the war with Iraq. I would really appreciate if I could be given opportunity to serve in the U.S. Air Force or any other branch.

If you have any question I can be reached at ----- and my home address is:-----  
 ----.

ATCH  
 None.

7APR03/ia

FD 2003-00091



**DEPARTMENT OF THE AIR FORCE**  
**HEADQUARTERS 7TH BOMB WING (ACC)**  
**DYESS AIR FORCE BASE TEXAS**

17 May 01

MEMORANDUM FOR AB [REDACTED]

FROM: 13 BS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct - Discreditable Involvement With Military or Civil Authorities. The authority for this action is AFI 36-3208, dated 14 Oct 94, paragraph 5.50.1. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General (Under Honorable Conditions).
2. My reasons for this action are:
  - a. You did, on 12 Apr 01, wrongfully allow underage female guests in your on-base dorm room, for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 7 May 01.
  - b. You did, on 28 Jan 01, wrongfully wear an earring on a military installation, for which your suspended reduction in rank was vacated, as evidenced by AF Form 366, dated 9 Mar 01.
  - c. You did, on 26 Aug 00, without authority, report late for duty, for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 14 Sep 00.
  - d. You did, on 3 Dec 00, willfully and wrongfully destroy a 25 gallon fish tank, the property of A1C [REDACTED], for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 18 Dec 00.
  - e. You did, on 24 Aug 00, fail to maintain your on-base dorm room in accordance with Air Force standards, for which you were reprimanded, as evidenced by LOR, dated 28 Aug 00.
  - f. You did, on 7 Aug 00 and 31 Jul 00, without authority, failed to report to a mandatory appointment at the Dental Clinic, for which you were reprimanded, as evidenced by LOR, dated 28 Aug 00.
  - g. You did, on 9 Jun 00, without authority, fail to return to your duty section or notify your supervisor of your condition or whereabouts, for which you were counseled, as evidenced by AF Form 174, dated 23 Jun 00.
  - h. You did, on Tuesday night, without authority, report 40 minutes late for duty, for which you were counseled, as evidenced by AF Form 174, dated 1 Jun 00.
  - i. You did, on or about 13 Mar 00, fail to maintain your on-base dorm room in accordance with Air Force standards, for which you were counseled, as evidenced by LOC, dated 13 Mar 00.




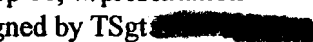




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Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the Air Force 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.

3. 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 on **18 May 01 at 0930 hours**. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by **23 May 01 at 0800 hours**, unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a medical examination on **21 May 01 at 1300 hours**, at the 7th Medical Group Hospital, Physical Exams Section.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

  
 Lt Col, USAF  
 Commander, 13 BS

Attachments:

1. Airman's Receipt of Letter of Notification
2. AF Form 3070, dated 9 May 01, w/presentation
3. Incident Report #D42001040013, dated 30 Apr 01 w/13 Exhibits
4. AF Form 366, dated 9 Mar 01, w/response
5. Sworn Statements by SSgt ; SSgt   
A1C 
6. AF Form 3070, dated 14 Sep 00, w/presentation
7. MFR, dated 28 Aug 00, Signed by TSgt 
8. MFR, Signed by A1C 
9. AF Form 3070, dated 13 Dec 00
10. AF Form 3545, Signed by SSgt  and  
TSgt 
11. Sworn Statement from SrA 
12. LOR, dated 28 Aug 00
13. LOR, dated 28 Aug 00
14. AF Form 174, dated 23 Jun 00
15. AF Form 174, dated 1 Jun 00
16. LOC, dated 13 Mar 00