

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>A1C</b>	AFSN/SSAN <b>[REDACTED]</b>							
TYPE	PERSONAL APPEARANCE		<b>X</b> RECORD REVIEW							
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL						
YES	NO									
	<b>X</b>									
MEMBERS SITTING			VOTE OF THE BOARD							
			HON	GEN	UOHC	OTHER	DENY			
[REDACTED]							<b>X</b>			
			[REDACTED]							<b>X</b>
										<b>X</b>
										<b>X</b>
										<b>X</b>
ISSUES <b>A94.05</b>		INDEX NUMBER <b>A67.90</b>		EXHIBITS SUBMITTED TO THE BOARD						
				<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			
HEARING DATE <b>15 Jul 03</b>		CASE NUMBER <b>FD2003-0095</b>		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 <b>Case heard at Washington, D.C.</b>  <b>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 RECORDER <b>[REDACTED]</b>				SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>						
INDORSEMENT					DATE: <b>15 Jul 03</b>					
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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002						

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD03-0095

**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 merely states that he would like to use the GI Bill. He also states that he thought his discharge would automatically be upgraded after six months. The record indicates the applicant received an Article 15 for failure to go. He also received six Letters of Reprimand for underage drinking, failure to refrain from contributing alcoholic beverages to a minor, wrongfully impeding an investigation, financial irresponsibility, wrongful appropriation, being late for work repeatedly, failure to prepare for duty, failure to shave, and wearing an earring. Additionally, the applicant received four Letters of Counseling for financial irresponsibility, being late for work, and uniform violations. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade. The applicant also stated that he was told his discharge would automatically be upgraded in six months. The DRB noted the issue was common, the result of miscommunication. While a discharge may be upgraded after six months, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal. 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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 Sep 98 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 25 Apr 78. Enlmt Age: 17 4/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-45, E-72, G-66, M-50. PAFSC: 2A332B - F-16 Avionic Systems Instruments & Flight Control Apprentice. DAS: 25 Mar 97.

b. Prior Sv: (1) AFRes 24 Sep 95 - 18 Jun 96 (8 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AMN 19 Jun 96 for 4 yrs. Svd: 2 Yrs 3 Mo 6 Das, all AMS.

b. Grade Status: A1C - 19 Oct 97

c. Time Lost: None.

d. Art 15's: (1) 18 Aug 98, Nellis AFB, NV - Article 86. You did, on or about 6 Aug 98, without authority fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 14 AUG 98 - Late for duty, failure to prepare for duty, failure to shave, and wearing an earring.

LOR, 04 AUG 98 - Failure to go.

LOR, 30 JUN 98 - Late for work.

RIC, 23 JUN 98 - Uniform violations.

RIC, 03 JUN 98 - Late for work.

RIC, 02 JUN 98 - Late for work.

LOR, 28 APR 98 - Wrongful appropriation.

LOR, 03 DEC 97 - Financial irresponsibility.

RIC, 04 SEP 97 - Financial irresponsibility.

LOR, 16 SEP 97 - Underage drinking, failure to refrain from contributing alcoholic beverages to a minor, and wrongfully impeding an investigation.

f. CM: None.

g. Record of SV: 19 Jun 96 - 18 Feb 98 Nellis AFB 1 (Initial)REF

(Discharged from Nellis AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (1) Das  
TAMS: (2) Yrs (3) Mos (6) Das

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

Issue 1: (See DD Form 149). I want to use my BI Bill for College and was under the impression when I came out in 6 months it would upgrade to Honorable, found out it has not. Sorry for any problems this has caused.

**ATCH**

1. DD Form 149.

8APR03/ia



DEPARTMENT OF THE AIR FORCE  
57TH AIRCRAFT GENERATION SQUADRON (ACC)  
NELLIS AIR FORCE BASE, NEVADA

08 SEP 1998

MEMORANDUM FOR A1C [REDACTED] 57 AGS

FROM: CC

SUBJECT: Notification Memorandum - Administrative Discharge AFI 36-3208

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically conduct prejudicial to good order and discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service may be characterized as honorable, general, or under other than honorable conditions (UOTHC). I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 14 Aug 98, you did, without authority, fail to go at the time prescribed to your appointed place of duty. For your actions, you received a letter of reprimand (LOR) on 14 Aug 98;

b. On or about 6 Aug 98, you did, without authority, fail to go at the time prescribed to your appointed place of duty. For your actions, you were punished under Article 15, UCMJ, on 18 Aug 98;

c. On or about 10 Jul 98, you did, without authority, fail to go at the time prescribed to your appointed place of duty. For your actions, you received a LOR on 4 Aug 98;

d. On or about 30 Jun 98, you did, without authority, fail to go at the time prescribed to your appointed place of duty. For your actions, you received a LOR on 30 Jun 98;

e. On or about 19 Jun 98, you failed to adhere to the standards of dress and appearance. For your actions, you received a record of individual counseling (ROIC) on 23 Jun 98;

f. On or about 3 Jun 98, you did, without authority, fail to go at the time prescribed to your appointed place of duty. For your actions, you received a ROIC on 3 Jun 98;

g. On or about 2 Jun 98, you did, without authority, fail to go at the time prescribed to your appointed place of duty. For your actions, you received a ROIC on 2 Jun 98;

h. On or about 11 Apr 98 and on or about 17 Apr 98, you allowed another airman to drive a privately owned vehicle (POV) that was left in your care, without the owners permission. For your actions, you received a LOR on 28 Apr 98 and an unfavorable information file (UIF) was initiated;

i. On or about 3 Dec 97, you failed to pay a just debt, you allowed your Army and Air Force Exchange Service (AAFES) Deferred Payment Plan (DPP) account to become 60 days overdue. For your actions, you received a LOR on 3 Dec 97;

j. On or about 6 Sep 97, you were derelict in the performance of your duties in that you failed to refrain from drinking alcoholic beverages while under the legal age of twenty-one. For your actions, you received a LOR on 16 Sep 97;

k. On or about 6 Sep 97, you were derelict in the performance of your duties in that you willfully failed to refrain from providing alcoholic beverages to a minor. Furthermore, you did, wrongfully impede an investigation by hiding a juvenile girl from the Security Police. For your actions, you received a LOR on 16 Sep 97; and

l. On or about 4 Sep 97, you failed to pay a just debt, you allowed your DPP account to become 60 days overdue. For your actions, you received a ROIC on 4 Sep 97.

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.

4. You have the right to consult legal 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 625 on 9 Sept 98 at 1300 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. **You have three (3) duty days (72-hours from the date time/served) to submit statements in your behalf.** Any statements you want the separation authority to consider must reach me by 11 Sept 98 at 1515 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. In the event the commander exercising SpCM jurisdiction or a higher authority approves your discharge, separations will out-process you. Your initial separations briefing is scheduled for 1000hrs on 10 Sept 98.

7. If you fail to consult or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

8. You have previously been scheduled for a medical examination at the 99th Medical Group on 8 Sep 98 at 0930.
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 in your Unit Orderly Room.
10. Execute the attached acknowledgment and return it to me immediately.

 Maj, USAF  
Commander

Attachments:

1. LOR, 14 Aug 98 w/atch
2. Article 15, UCMJ, 18 Aug 98 w/atchs
3. LOR, 4 Aug 98 w/atchs
4. LOR, 30 Jun 98
5. ROIC, 23 Jun 98
6. ROIC, 3 Jun 98
7. ROIC, 2 Jun 98
8. LOR, 28 Apr 98 w/atchs
9. UIF, 11 Apr 98 incident w/atchs
10. LOR, 3 Dec 97 w/atchs
11. LOR, 16 Sep 97 w/atchs
11. ROIC, 4 Sep 97 w/atch