

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>SRA</b>	AFSN/SSAN <b>[REDACTED]</b>		
TYPE	PERSONAL APPEARANCE	<b>X RECORD REVIEW</b>			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL.			
YES	NO				
	<b>X</b>				
<b>MEMBERS SITTING</b>		<b>VOTE OF THE BOARD</b>			
		HON	GEN	UOTHC	OTHER
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
ISSUES <b>A93.09</b>		INDEX NUMBER <b>A67.90</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
		<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		
HEARING DATE <b>24 JUN 03</b>		CASE NUMBER <b>FD2003-0102</b>			
			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 RATIONAL 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 <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
INDORSEMENT	DATE: <b>24 JUN 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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD03-0102

**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 wants an honorable discharge for the purpose of competing for jobs. The record indicates the applicant received two Article 15s, the first for fleeing apprehension by running from an armed forces policeman. The second for being disrespectful in language toward two senior NCOs, being disorderly, and wrongfully communicating a threat to another airman. He then received a Vacation action under the UCMJ for resisting apprehension, wrongfully communicated a threat to other airman and to his wife. In addition, he received a Letter of Counseling for a civil arrest and incarceration for a traffic violation and failure to inform his chain of command. The applicant also had 20 days lost time for being incarcerated. The Board concluded the applicant's 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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 22 May 02 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: 14 Jan 77. Enlmt Age: 19 9/12. Disch Age: 25 4/12. Educ: HS DIPL. AFQT: N/A. A-60, E-44, G-55, M-38. PAFSC: 3A051 - Information Management Journeyman. DAS: 5 Apr 01.

b. Prior Sv: (1) AFRes 23 Oct 96 - 29 Dec 96 (2 months 7 days) (Inactive).

(2) Enlisted as AB 30 Dec 96 for 4 yrs. Extended 18 Jan 00 for 16 months. Svd: 3 yrs 9 months 17 days, all AMS. AMN - 30 Jun 97. A1C - 30 Apr 98. SRA - 30 Dec 99. EPRs: 3,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 18 Oct 00 for 4 yrs. Svd: 1 Yrs 7 Mo 4 Das, of which AMS is 1 yr 6 months 15 days (excludes 20 days lost time).

b. Grade Status: AMN - 16 Apr 02 (Article 15, 16 Apr 02)  
A1C - 17 Jul 01 (Vacation of Article 15, 11 Jan 02)

c. Time Lost: 27 Oct 01 thru 15 Nov 01 (20 days).

d. Art 15's: (1) 16 Apr 02, Little Rock AFB, AR - Article 91. You, on or about 2 Apr 02, were disrespectful in language toward SMSgt [REDACTED] and MSgt [REDACTED], non-commissioned officers, then known by you to be superior non-commissioned officers, who were then in the execution of their office, by saying to them "you come here mother fuckers," or words to that effect. Article 134. You, were, on or about 2 Apr 02, disorderly which conduct was of a nature to bring discredit upon the armed forces. You, did, on or about 2 Apr 02, wrongfully communicate to SrA [REDACTED], a threat to injure SrA [REDACTED] by stating, "I am going to kick your ass," or words to that effect. Reduction to Airman, suspended forfeiture of \$300.00 pay per month for 2 months, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 11 Jan 02, Vacation, Little Rock AFB, AR - Article 95. You, did, at or near Sherwood, Arkansas, on or about 27

Oct 01, resist being apprehended by [REDACTED], a Sherwood police officer, a person authorized to apprehend you. Article 134. Specification 1. You, did, at or near Sherwood, Arkansas, on or about 27 Oct 01, wrongfully communicate to [REDACTED], [REDACTED], and [REDACTED] a threat to injure [REDACTED], [REDACTED], and [REDACTED] by stating "I'll kill you", "I'll kill you and your fucking family" and "I'll kill you, your bitch wife, and your kids." Specification 2. You, did, at or near Sherwood, Arkansas, on or about 27 Oct 01, wrongfully communicate to [REDACTED] a threat to injure [REDACTED] by stating, "I'll fuck you up," and "I'll kill you." Reduction to A1C. (No appeal) (No mitigation)

(3) 17 Jul 01, Little Rock AFB, AR - Article 95. You, did, on or about 16 Jun 01, flee apprehension by running from A1C [REDACTED], an armed forces policeman, a person authorized to apprehend you. Suspended reduction to A1C, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOC, 21 AUG 00 - Civil arrest and incarceration for traffic violation and failure to inform chain of command.
- f. CM: None.
- g. Record of SV: 13 Apr 00 - 28 Feb 01 Port Hueneme 3 (CRO)  
01 Mar 01 - 28 Feb 02 Little Rock AFB 2 (Annual)REF  
  
(Discharged from Little Rock AFB)
- h. Awards & Decs: AFAM, KCM, AFTR, AFLSAR, AFOUA W/1 DEV.
- i. Stmt of Sv: TMS: (5) Yrs (6) Mos (11) Das  
TAMS: (5) Yrs (4) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 Mar 03.  
(Change Discharge to Honorable)

Issue 1: Throughout my Air Force career I have made many choices. Some of them good, some of the (sic) bad. For the past 10 months, I've had the opportunity to realize my future is based on the decisions I've made.

Since my discharge, I have drastically changed my outlook on life. The job market is not as secure as expected. I have attended school and received (sic) my commercial driving liscence (sic).

I sincerely hope that my discharge status will be upgraded so that I can have a fair chance competing for jobs, and mainly stand proud to finally say that I honorably served as a proud member in the U.S. Air Force.

FD2003-00102

ATCH  
None.

11APR03/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 314TH AIRLIFT WING (AETC)  
LITTLE ROCK AIR FORCE BASE, ARKANSAS

1 MAY 2002

MEMORANDUM FOR AMN [REDACTED]

FROM: 314 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force IAW AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, *A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline*. If my recommendation for discharge is approved, the separation authority may characterize your service as either Honorable or Under Honorable Conditions (General). I will recommend characterizing your service as Under Honorable Conditions (General).

2. My reasons for this action are:

a. On or about 2 April 2002, you were disrespectful in language toward two NCOs, conducted yourself in a manner that brought discredit upon the armed forces, and you threatened an airman with bodily harm. For your actions, you received Nonjudicial Punishment under Article 15, UCMJ, (Atch 1-1).

b. On or about 27 October 2001, you resisted apprehension by a Sherwood police officer and you threatened to injure three Sherwood police officers and another active duty military member. For your actions, you received Vacation of Suspended Nonjudicial Punishment under Article 15, UCMJ, (Atch 1-2).

c. On or about 16 June 2001, you ran from an armed forces policeman, a person authorized to apprehend you. For your actions, you received Nonjudicial Punishment under Article 15, UCMJ, (Atch 1-3).

d. On or about 18 August 2000, you were stopped, booked, and incarcerated in the Ventura County jail, California, for a traffic violation and you neglected to inform your chain of command of your status. For your actions, you received a Letter of Counseling (LOC), (Atch 1-4).

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 higher authority will decide whether you will be discharged or retained in the Air Force and, if 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 counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [REDACTED], Area Defense Counsel, Bldg 1255, Rm 201, Telephone 7-3260 on 3 May 2002 at 1000 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) workdays or (72) hours unless you request and receive an extension for good cause shown. I will forward any statements you submit 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 Little Rock AFB Clinic at 0730 hours on 3 May 2002 for the examination.

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 in the Orderly Room.

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

[REDACTED]  
[REDACTED], Lt Col, USAF  
[REDACTED]

Attachments:

- 1-1 Article 15, 5 Apr 02
  - MFR (A1C [REDACTED]), 2 Apr 02
  - MFR (SrA [REDACTED]), not dated
  - MFR (SSgt [REDACTED]), 2 Apr 02
  - MFR (SSgt [REDACTED]), 2 Apr 02
  - MFR (MSgt [REDACTED]), 2 Apr 02
  - MFR (SMSgt [REDACTED]), 2 Apr 02
- 1-2 Vacation, 8 Jan 02
  - SFS Blotter, not dated
  - Sherwood Police Arrest Report, 28 Oct 01
- 1-3 Article 15, 9 Jul 01
  - Member's Response, 16 Jul 01
  - MFR (CMSgt [REDACTED]), 21 Jun 01
- 1-4 LOC, 21 Aug 00