

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]		
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
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES A95.00		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
HEARING DATE 15 Jul 03		CASE NUMBER FD2003-0103		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 [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT				DATE: 15 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

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received six Letters of Reprimand and four Letters of Counseling for failure to adhere to dress and appearance standards repeatedly, showing up to class unshaven and in an unkempt uniform, dereliction of duty, failure to go, late for duty, unsatisfactory academic performance, and failure to follow orders. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of 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 AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 May 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 4 Aug 82. Enlmt Age: 19 0/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-79, E-80, G-62, M-53. PAFSC: 2A313B - Tactical Aircraft Maintenance. DAS: 3 Dec 01.

b. Prior Sv: (1) AFRes 31 Aug 01 - 8 Oct 01 (1month 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Oct 01 for 6 yrs. Svd: 0 Yrs 7 Mo 16 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 07 MAY 02 - Failure to go to a mandatory appointment and failure to follow orders.
LOC, 07 MAY 02 - Unsatisfactory academic performance.
LOC, 06 MAY 02 - Dereliction of duty by wearing a wristwatch into duty area.
LOR, 03 MAY 02 - Late for duty.
LOR, 26 APR 02 - Violation of dress and appearance standards and late for duty.
LOC, 25 APR 02 - Failure to go.
LOR, 24 APR 02 - Violation of dress and appearance standards.
LOR, 23 APR 02 - Dereliction of duty by failing to do a homework assignment.
LOR, 22 APR 02 - Showing up to class unshaven and in an unkept uniform.
RIC, 17 DEC 01 - Failure to adhere to dress and appearance standards, by being unshaven.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (0) Yrs (8) Mos (24) Das
TAMS: (0) Yrs (7) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Nov 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

11APR03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2003-00103

MAY 21 2002

MEMORANDUM FOR AB [REDACTED] 362 TRS

FROM: 362 TRS/CCQ

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 honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reasons for this action are:
 - a. You did, at or near Sheppard AFB TX, on or about 6 May 02, fail to go at the time prescribe to your appointed place of duty, to wit: Academic Enrichment Program. For this misconduct you received a Letter of Reprimand (LOR) on 7 May 02.
 - b. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 6 May 02, were derelict in the performance of those duties in that you failed to refrain from wearing a wristwatch into the industrial are of hanger 1040, as it was your duty not to do. For this misconduct you received a Letter of Counseling (LOC) on 6 May 02.
 - c. You did, at or near Sheppard AFB TX, on or about 2 May 02, fail to go at the time prescribe to your appointed place of duty, to wit: Class at 0100. For this misconduct you received an LOR on 3 May 02.
 - d. You did, at or near Sheppard AFB TX, on or about 26 Apr 02, violate a lawful general instruction, to wit: AFI 36-2903, dated 8 Jun 98, Table 2.5, Line 1, by failing to wear your uniform up to Air Force standards. For this misconduct you received an LOR on 26 Apr 02.
 - e. You did, at or near Sheppard AFB TX, on or about 24 Apr 02, violate a lawful general instruction, to wit: AFI 36-2903, dated 8 Jun 98, Table 2.5, Line 1, by failing to wear your uniform up to Air Force standards. For this misconduct you received an LOR on 24 Apr 02.
 - f. You did, at or near Sheppard AFB TX, on or about 23 Apr 02, fail to go at the time prescribe to your appointed place of duty, to wit: Physical Conditioning (PC). For this misconduct you received an LOC on 25 Apr 02.
 - g. You, who knew or should have known of your duties at Sheppard AFB TX, on or about 18 Apr 02, were derelict in the performance of those duties in that you willfully failed to do a homework assignment, as it was your duty not to do. For this misconduct you received an LOR on 23 Apr 02.

h. You did, at or near Sheppard AFB TX, on or about 18 Apr 02, violate a lawful general instruction, to wit: AFI 36-2903, dated 8 Jun 98, Table 1.4, Line 1, by failing to shave. For this misconduct and subparagraph "i" below, you received an LOR on 24 Apr 02.

i. You did, at or near Sheppard AFB TX, on or about 18 Apr 02, violate a lawful general instruction, to wit: AFI 36-2903, dated 8 Jun 98, Table 2.5, Line 1, by failing to wear a uniform up to Air Force standards.

j. You did, at or near Sheppard AFB TX, on or about 1 Dec 01, violate a lawful general instruction, to wit: AFI 36-2903, dated 8 Jun 98, Table 1.4, Line 1, by failing to shave. For this misconduct you received an AF Form 174, Record of Individual Counseling, on 17 Dec 01.

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 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 and will probably be denied enlistment in any component of the armed forces.

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 Capt [redacted] Area Defense Counsel, at Bldg 1638, room 90, on 22 May at 1100 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 24 May 02 unless you request and receive an extension for good cause shown. I will send them to 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 were scheduled for a physical examination on 22 May 02 / 0700


7. 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 362 TRS/Commanders Support Staff office.

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

[redacted signature]
[redacted]
[redacted], USAF
Squadron Section Commander
362d Training Squadron

Attachments: (listed on the next page)

Attachments:

1. LOR, 7 May 02
2. LOC, 6 May 02
3. LOR, 3 May 02
4. LOR, 26 Apr 02
5. LOR, 24 Apr 02
6. LOC, 25 Apr 02
7. LOR, 23 Apr 02
8. Respense to LOR, undated
9. LOC, 22 Apr 02
10. AF Form 174, 17 Dec 01
11. AETC Form 125A, *21 May 02*
12. Student Training Report, CL NR Q2086
13. LOC, 7 May 02
14. AETC Form 173, 16 Apr 02
15. AETC Form 173, 13 Mar 02
16. Lackland AFB Form 205, 30 Nov 01
17. Airman's Receipt of Notification Memorandum 

cc:

82 MSS/DPMARS
362 TRS/CSS (File)
Individual