

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 1em;"></div>		GRADE <b>AB</b>	AFSN/SSAN <div style="background-color: black; width: 100px; height: 1em;"></div>			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	X					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTBC	OTHER	DENY
<div style="background-color: black; width: 100%; height: 1.2em;"></div>						X
<div style="background-color: black; width: 100%; height: 1.2em;"></div>						X
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<div style="background-color: black; width: 100%; height: 1.2em;"></div>						X
<div style="background-color: black; width: 100%; height: 1.2em;"></div>						X
ISSUES <b>A94.05</b>		INDEX NUMBER <b>A67.10</b>		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	
				COUNSEL'S RELEASE TO THE BOARD		
HEARING DATE <b>9 JUL 03</b>		CASE NUMBER <b>FD2003-0107</b>		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 <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 <div style="background-color: black; width: 100%; height: 1.5em;"></div>			SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 1.5em;"></div>			
INDORSEMENT			DATE: <b>9 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

FD03-0107

**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 states that his discharge was too harsh because it was based on his personal religious beliefs. The record indicates the applicant received two Articles 15, two Letters of Reprimand and one Record of Individual Counseling, all for failure to comply with training requirements. There is nothing in the record indicating the applicant had any problems with religious beliefs. The record does indicate that the applicant made a statement to his supervisor saying he wanted to get out of the Air Force. 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 15 Nov 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Sep 78. Enlmt Age: 18 4/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-61, E-48, G-44, M-37. PAFSC: 2S031 - Supply Management Apprentice. DAS: 12 Jan 98.

b. Prior Sv: (1) AFRes 24 Jan 97 - 16 Sep 97 (7 Months 24 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 17 Sep 97 for 4 yrs. Svd: 2 Yrs 2 Mos 0 Das, all AMS.

b. Grade Status: AB - 30 Aug 99 (Article 15, 30 Aug 99)  
AMN - 6 Jul 99 (Article 15, 6 Jul 99)  
A1C - 17 Jan 99  
AMN - 17 Mar 98

c. Time Lost: None

d. Art 15's: (1) 30 Aug 99, Travis AFB, CA - Article 92. You, having knowledge of a lawful order issued by Lieutenant Colonel [REDACTED] on 20 Jul 99, to "complete your CDC's within 1 week of receiving this letter. They must be completed by 27 Jul 99," or words to that effect, an order which it was your duty to obey, did, on or about 27 Jul 99, fail to obey the same. Reduction to AB, and 30 days extra duty. (No appeal) (No mitigation)

(2) 6 Jul 99, Travis AFB, CA - Article 91. You, having received a lawful order issued from SMSgt [REDACTED], a NCO, then known by you to be a NCO, to "complete Volume 4 of your CDC's no later than 18 Jun 99" or words to that effect, an order which it was your duty to obey, did, on or about 18 Jun 99, willfully disobey the same. Reduction to AMN, 14 days extra duty, and 14 days restriction. (No appeal) (No mitigation)

e. Additional: LOR, 11 JUN 99 - Failure to comply with training requirements.

LOR, 01 JUN 99 - Failure to comply with training requirements.

RIC, 14 SEP 98 - Lack of progression on CDC and lying.

f. CM: None.

g. Record of SV: 17 Sep 97 - 23 Jun 99 Travis AFB 5 (Initial)  
24 Jun 99 - 14 Oct 99 Travis AFB 2 (Dir by Cmdr) REF

(Discharged from Travis AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (23) Das  
TAMS: (2) Yrs (2) Mos (0) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 3 Mar 03.  
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on my personal religious beliefs.

Issue 2: I had my pay reduced by \$100.00 per month for 12 months during service to go toward "MGIB" and have not recieved (sic) any of it back.

Issue 3: Entered service for 26 months and have no benefits for a VA Home Loan.

ATCH  
None.

17Apr03/cr



DEPARTMENT OF THE AIR FORCE  
60TH SUPPLY SQUADRON (AMC)

FD2003-00107

13 Oct 99

MEMORANDUM FOR AB [REDACTED] 60 SUPS

FROM: 60 SUPS/CC

350 Hangar Avenue  
Travis AFB CA 94535-2631

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, Minor Disciplinary Infractions. The authority for this action is AFI 36-3208, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 14 Sep 98, you lied to your superiors that you were studying your Career Development Course (CDC) material and had no problems concerning them. But the fact was that you were missing Volumes I and II for approximately 4 to 5 weeks. Further, you were unable to score 90 percent or better on your pretest despite ample study time. For your lack of progression, you received a record of individual counseling (RIC) (Atch 1, Tab 1).

b. On or about 12 May 99, you failed to turn in Volume IV of your CDCs. You told your supervisor that you were not going to do your CDCs because you wanted to get out of the Air Force. You were told that refusing to do your CDCs was not an option even though you expressed your desire to separate from the Air Force. After checking with the Military Personnel Flight, you were told you would have to wait until your 24<sup>th</sup> month of service and apply for Palace Chase. You were also told to carry out your duties, including completing your CDCs. You were given an extension to turn in your CDC material until 1 Jun 99. On 26 May 99, you were reminded of the due date. On 1 Jun 99, you told your supervisor you were not ready to turn in your CDCs. For this, you received a letter of reprimand (LOR) (Atch 2, Tab 1).

c. On or about 11 Jun 99, you again failed to complete the last volume of your CDC material despite an extension given, for which you received a LOR (Atch 3, Tab 1).

d. On or about 18 Jun 99, you willfully failed to obey a lawful order from SMSgt [REDACTED] a noncommissioned officer, to "complete Volume IV of your CDCs no later than 18 Jun 99" or words to that effect, in violation of Article 91, UCMJ. For this, you received an Article 15, dated 6 Jul 99, which was placed in an unfavorable information file (UIF) on 12 Jul 99 (Atch 4, Tab 1). Punishment consisted of reduction to the grade of airman, 14 days extra duty, and 14 days restriction to base.

e. On or about 27 Jul 99, you failed to obey a lawful order issued by myself on 20 Jul 99, to "complete your CDCs within one week of receiving this letter and they must be completed by 27 Jul 99," or words to that effect, in violation of Article 92, UCMJ. For this, you received an Article 15, dated 30 Aug 99, which was placed in your existing UIF on 7 Sep 99 (Atch 5, Tab 1). Punishment consisted of reduction to the grade of airman basic, with a new date of rank of 30 Aug 99, and 30 day extra duty.

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 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 Captain [REDACTED] Area Defense Counsel, 540 Airlift Drive, Bldg. 381, Suite D-100, Travis AFB, California, 94535-2479, DSN 837-4569; commercial, (707) 424-4569, on 14 Oct 99 at 0900. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me by (three workdays from service of this letter) 18 Oct 99, no later than 1400 hours unless you request and receive an extension for good cause. I will send any documents you submit to the separation authority.

6. If you fail to consult counsel or to submit statements on your behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a separation physical examination at David Grant Medical Center, Physical Exams Section on 12 Oct 99 at 1330. You also have an appointment with the Primary Care Clinic on 13 Oct 99 at 0930 to consult with PA [REDACTED]

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  
Commander

Attachments:

1. RIC, 14 Sep 99
2. LOR, 1 Jun 99
3. LOR, 11 Jun 99
4. AF Form 3070, 6 Jul 99 w/Atchs
5. AF Form 3070, 30 Aug 99 w/Atchs