

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
		A1C				
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	DENY
						X
						X
						X
						X
						X
ISSUES A95.00		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 15 Jul 03		CASE NUMBER FD2003-0113		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	
				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 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			SIGNATURE OF BOARD PRESIDENT			
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

CASE NUMBER

FD03-0113

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 an Article 15 for failure to go twice, and, four Letters of Reprimand, four Letters of Counseling, and two Letters of Admonishment for failure to go, failure to shave, making a false official statement, dereliction of duty, failure to obey a lawful order, making conflicting statements, defying an order, failure to maintain base housing yard appearance, and failure to manage personal finances. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 6 Sep 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 20 Oct 78. Enlmt Age: 21 2/12. Disch Age: 23 10/12. Educ: HS DIPL. AFQT: N/A. A-48, E-58, G-50, M-45. PAFSC: 2A551J - Aerospace Maintenance. DAS: 2 Nov 00.

b. Prior Sv: (1) AFRes 29 Dec 99 - 14 Mar 00 (2 Months 14 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 15 Mar 00 for 6 yrs. Svd: 2 Yrs 5 Mos 23 Das, all AMS.

b. Grade Status: A1C - 1 May 00

c. Time Lost: None.

d. Art 15's: (1) 8 May 01, Pope AFB, NC - Article 86. You, did, on or about 23 Apr 01, without authority, fail to go at the time prescribed to your appointed place of duty. Further, you did, on or about 24 Apr 01, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to AMN. (No appeal) (No mitigation)

e. Additional: LOR, 30 JUL 02 - Failure to manage personal finances and obligations in a satisfactory manner.
RIC, 17 JUL 02 - Failure to maintain base housing yard appearance.
LOA, 19 APR 01 - Failure to obey a lawful order and dereliction of duty.
LOR, 13 APR 01 - Failure to go and defying an order.
LOR, 12 APR 01 - Failure to go and making conflicting statements.
RIC, 14 FEB 01 - Failure to go.
LOA, 13 FEB 01 - Failure to obey a lawful order.
LOC, 29 JAN 01 - Dereliction of duty.
LOR, 16 JAN 01 - Failure to shave and making a false official statement.
RIC, 05 OCT 00 - Failure to go.

f. CM: None.

g. Record of SV: None.

(Discharged from Pope AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (9) Das
TAMS: (2) Yrs (5) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Feb 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
None.

18Apr03/cr



FD2003-00113

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 43D AIRLIFT WING (AMC)
POPE AIR FORCE BASE NORTH CAROLINA

21 Aug 02

MEMORANDUM FOR AIC [REDACTED], 41 AS

FROM: 41 AS/CC
3514 Surveyor Street
Pope AFB NC 28308

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 AFD 36-32 and AFI 36-3208, paragraph 5.49. You understand that approval of this recommendation for your discharge could result in you receiving an under other than honorable conditions discharge, if the convening authority determines such characterization is warranted and directs initiation of a discharge board. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about early Jul 02, Riley Road Motors loaned you a vehicle while your car was being repaired. The manager of Riley Road Motors explained to you that the vehicle was in poor mechanical condition and could not be taken out of the local area. Nevertheless, you took leave and drove the vehicle to New Jersey with your family. Once you arrived in New Jersey, the vehicle broke down and you were left without transportation back to Pope AFB NC as documented by a Letter of Reprimand (LOR), dated 30 Jul 02.

b. On or about 10 Jul 02, MSgt [REDACTED] APG Section Chief, received two notices from housing (43 CES/CE) that you failed two weekly yard inspections in a row. The failed inspections ranged from grass being too high to the garbage area being cluttered as documented by an AF Form 174, Record of Individual Counseling, dated 17 Jul 02.

c. On or about 23 Apr 01, at or near Pope AFB NC, without authority, you did, fail to go at the time prescribed to your appointed place of duty, to wit: Dental Clinic as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 8 May 01.

d. On or about 24 Apr 01, at or near Pope AFB NC, without authority, you did, fail to go at the time prescribed to your appointed place of duty, to wit: Building 753 as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 8 May 01.

e. On or about 12 Apr 01, an investigation disclosed that on aircraft 939, you failed to follow aircraft tech data while installing a aircraft bomb rack as documented by a Letter of Admonishment (LOA), dated 19 Apr 01.

f. On or about 3 Apr 01, you failed to go to your appointed Gas Mask Fit Test at Building 521 as documented by a Letter of Reprimand (LOR), dated 13 Apr 01.

g. On or about 7 Apr 01, you failed to go to your appointed place of duty, 3541 Surveyor Street, Pope AFB NC as documented by a Letter of Reprimand (LOR), dated 12 Apr 01.

h. On or about 14 Feb 01, you failed to report the the Pope AFB Training and Education Center (PTEC) for a scheduled class as documented by an AF Form 174, Record of Individual Counseling, dated 14 Feb 01.

i. On or about 30 Jan 01, TSgt [REDACTED] APG Section Chief, gave you a lawful order to bring in your Career Field Education and Training Plan (CFETP). You failed to show this documentation as documented by a Letter of Admonishment (LOA), dated 13 Feb 01.

j. On or about 25 Jan 01, you departed your duty section and failed to turn in all the equipment you checked out from the 2 AS Consolidated Tool Kit Section as documented by a Letter of Counseling (LOC), dated 29 Jan 01.

k. On or about 14 Dec 00, SSgt [REDACTED] noticed that you had not shaven for duty as outlined in AFI 36-2903. SSgt Abbuhl stated that you were to report the following day within the standards governed in AFI 36-2903. You complied with those standards. On or about 12 Jan 01, SSgt [REDACTED] again noticed that you had not shaved in what appeared to him for several days as documented by a Letter of Reprimand (LOR), dated 16 Jan 01.

l. On or about 8 Jan 01, you were scheduled for a comprehension exam. You failed to attend as documented by an AF Form 174, Record of Individual Counseling, dated 5 Oct 00.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The 43d Airlift Wing Commander, who exercises Special Court Martial (SPCM) jurisdiction or a higher authority, will decide whether you will be discharged or retained in the Air Force. 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. Contact SSgt [REDACTED] (394-2362) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult Capt [REDACTED], the Area Defense Counsel. You may consult civilian counsel at your own expense. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by Mon 26 Aug 02 at 1400 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. You have been scheduled for a physical examination with Dr. [REDACTED] Report to the Pope Medical Clinic on 21 Aug 02 at 1500 hours. In addition, report to Physical Exams/Lab ASAP for HIV screening.

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

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 at the orderly room.

[REDACTED]
Lt Col, USAF
Commander

Attachments:

1. Letter of Reprimand, dated 30 Jul 02
2. AF Form 174, dated 17 Jul 02
3. AF Form 3070, dated 8 May 01
4. Letter of Admonishment, dated 19 Apr 01
5. Letter of Reprimand, dated 13 Apr 01
6. Letter of Reprimand, dated 12 Apr 01
7. AF Form 174, dated 14 Feb 01
8. Letter of Admonishment, dated 13 Feb 01
9. Letter of Counseling, dated 29 Jan 01
10. Letter of Reprimand, dated 16 Jan 01
11. AF Form 174, dated 5 Oct 00