

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN
[REDACTED]		AMN	[REDACTED]

TYPE GEN	PERSONAL APPEARANCE	<b>X</b> 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
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A01.47, A94.11, A94.05	INDEX NUMBER A67.90	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 22 JULY 2003	CASE NUMBER FD2003-00120	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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT		DATE: 22 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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00120

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge is denied.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for conduct prejudicial to good order and discipline. He had two Articles 15, five Letters of Reprimand, three Letters of Counseling, and an Unfavorable Information File. His misconduct included failure to go, sleeping on duty, failure to obey orders and general regulations, improperly chambering an M-16 rifle round then clearing it without supervision, dress and appearance violations, failure to maintain his quarters to standards, and speeding and reckless driving. At the time of the discharge, member consulted counsel and submitted one character reference in his own behalf. Applicant now contends his inexperienced supervisor preferred to discipline him rather than help him, and by the time he got a new supervisor who was more sympathetic, it was too late and "the damage was done." The commander had decided to discharge him. The Board found this issue without merit. The Board noted member was given several opportunities to correct his behavior but was either unwilling or unable to do so. Member was age 19 when his misconduct occurred, the same age as other airmen who honorably complete their service without misconduct. There was no evidence he was immature, or didn't know right from wrong. The Board determined member was responsible for his actions and was held accountable for them because his misconduct was disruptive to the unit. The Board did not find sufficient mitigation to warrant an upgrade, and no inequity or impropriety was found in this discharge in the course of the records review.

**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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 29 Aug 02 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Oct 82. Enlmt Age: 18 0/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-51, E-66, G-59, M-67. PAFSC: 3P031 - Security Forces. DAS: 25 Aug 01.

b. Prior Sv: (1) AFRes 17 Nov 00 - 06 Mar 01 (3 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 07 Mar 01 for 6 yrs. Svd: 1 Yrs 5 Mo 23 Das, all AMS.

b. Grade Status: AMN - 07 Aug 02 (Article 15, 7 Aug 02)  
A1C - 11 May 01

c. Time Lost: None.

d. Art 15's: (1) 16 Oct 02, Kirtland AFB, NM - Article 92. You did, on or about 12 Sep 01, fail to obey a lawful general regulation, to wit: para 2.12.6 AFI 31-207, dated 1 Sep 99, by wrongfully placing a round into the chamber of your M-16 rifle and then clearing the round without proper supervision. Article 113. You, on or about 12 Sep 01, being posted as a sentinel at the South Valley Gate, were found sleeping upon your post. Suspended reduction to Airman (E-2), forfeiture of \$250.00 pay per month for two months, and 30 days restriction. (No appeal) (No mitigation)

(2) 07 Aug 02, Kirtland AFB, NM - Article 86. You did, on or about 23 Jul 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman (E-2). (No appeal) (No mitigation)

e. Additional: MFR, 19 Jul 02 - Making a racial slur.  
LOR, 02 MAY 02 - Failed to maintain quarters and failure to show up for duty at the prescribed time.  
LOC, 20 FEB 02 - Failure to report to duty wearing the appropriate uniform.  
LOR, 18 FEB 02 - Speeding and reckless driving.  
LOR, 18 FEB 02 - Failure to adhere to traffic standards.

LOR, 09 FEB 02 - Late for duty.  
LOC, 03 DEC 01 - Failure to be properly prepared for  
guardmount briefing.  
LOC, 27 NOV 01 - Failure to report to guardmount on time  
and failure to be clean shaven.  
LOR, 27 NOV 01 - Failure to obey a direct order.

f. CM: None.

g. Record of SV: None.

(Discharged from Kirtland AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (9) Mos (13) Das  
TAMS: (1) Yrs (5) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Mar 03  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.

25APR03/ia



2003-00120

DEPARTMENT OF THE AIR FORCE  
377TH SECURITY FORCES SQUADRON (AFMC)  
KIRTLAND AIR FORCE BASE NEW MEXICO

15 Aug 02

MEMORANDUM FOR A1C [REDACTED] 377 SFS

FROM: 377 SFS/CC

SUBJECT: Notification Memorandum

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 AFPD 36-32, *Military Retirements and Separations* (14 Jul 93) and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.50.2 (10 Mar 00), Conduct Prejudicial to Good Order and Discipline. If my recommendation is approved, your service will be characterized as General (Under Honorable Conditions).

2. My reasons for this action are:

a. On or about 12 Sep 01, you failed to obey AFI 31-207 by wrongfully placing a round into the chamber of your M-16 rifle then cleared the round without proper supervision. You were also found sleeping on post. As a result, you received punishment under Article 15 of the UCMJ and an Unfavorable Information File (UIF) was established (see Atch A).

b. On or about 26 Nov 01, you failed to obey an order not to drive your vehicle without valid insurance. As a result, you received a Letter of Reprimand (LOR) (see Atch B).

c. On or about 27 Nov 01, you failed to report to guardmount on time and failed to be clean-shaven upon reporting to duty. As a result, you received a Letter of Counseling (LOC) (see Atch C).

d. On or about 3 Dec 01, you were not properly prepared for your guardmount briefing. As a result, you received an LOC (see Atch D).

e. On or about 8 Feb 02, you failed to adhere to the vehicle standards outlined in AFI 31-204, which caused a vehicle accident. As a result, you received an LOR and your driving privileges were revoked for 45 days (see Atch E).

f. On or about 9 Feb 02, you failed to go at the time prescribed to your appointed place of duty. As a result, you received an LOR (see Atch F).

g. On or about 18 Feb 02, you were witnessed traveling south on Power Line Road at an excessively high rate of speed. As a result, you received an LOR and an entry was made in your existing UIF (see Atch G).