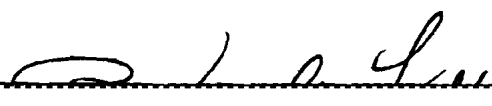


**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████			<b>GRADE</b> Amn		<b>AFSN/SSAN</b> ████████████████			
<b>TYPE: GEN</b>	<b>PERSONAL APPEARANCE</b>			<b>X</b>	<b>RECORD REVIEW</b>			
<b>YES</b>	<b>No</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>			<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>			
	<b>X</b>							
<b>MEMBER SITTING</b>								
				<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
								<b>X</b>
								<b>X</b>
								<b>X</b>
								<b>X</b>
								<b>X</b>
<b>ISSUES</b> A94.53		<b>INDEX NUMBER</b> A67.10			<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		
					COUNSEL'S RELEASE TO THE BOARD			
<b>HEARING DATE</b> 14 Nov 2003		<b>CASE NUMBER</b> FD-2003-00123			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
					TAPE RECORDING OF PERSONAL APPEARANCE			
<p>Case heard at Washington, D.C.</p> <p>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</p> <div style="text-align: center; margin-top: 20px;">  </div>								
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR. EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00123

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for misconduct, minor disciplinary infractions. He had an Article 15, four Records of Individual Counseling, four Letters of Reprimand, and a vacation of suspended punishment. His misconduct included six incidents of failure to go, failure to obey an order, wearing an unserviceable uniform for three scheduled inspections, failing two functional certification tests, and sleeping on duty. Entries in the medical records indicated member was referred to an alcohol abuse awareness seminar, that empty beer cans and whiskey bottles had been found in his dormitory room, and that he reported drinking 20 to 30 beers per week. Member was diagnosed with insomnia, not otherwise specified, and given instructions on how to improve his sleep hygiene. At the time of the discharge, member consulted counsel and waived his right to submit a statement in his own behalf. Member was age 20 - 21 when his misconduct occurred, during a 22-month period. There is no evidence he was immature or did not know right from wrong; he was essentially the same age as other airmen who adhere to the expected standards and are discharged honorably without any misconduct. The Board opined that through the unit's administrative actions, member had ample opportunity to correct his negative behavior, but he was either unable or unwilling to do so. After a thorough review of the records, the Board did not find any mitigation or extenuation to warrant an upgrade, and the records review disclosed no inequity or impropriety.

**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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 11 JUN 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 Mar 80. Enlmt Age: 20 6/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-59, E-62, G-66, M-71. PAFSC: 3E731 - Fire Protection Apprentice. DAS: 25 Apr 01.

b. Prior Sv: (1) AFRes 15 Sep 00 - 23 Oct 00 (1 month 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as 24 Oct 00 for 4 yrs. Svd: 1 Yrs 7 Mo 19 Das, all AMS.

b. Grade Status: AMN - 20 Feb 02  
AB - 20 Aug 01 (Article 15, Vacation, 15 Jan 02)  
AMN - 24 Apr 01

c. Time Lost: None.

d. Art 15's: (1) 15 Jan 01, Anderson AFB, Guam - Article 86. You did, on or about 4 Dec 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB. (No appeal) (No mitigation)

(2) 20 Aug 01, Anderson AFB, Guam - Article 86. You did, on or about 4 Aug 02, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to AB, 30 days restriction, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 11 FEB 02 - Missed Emergency Response.  
LOR, 31 JUL 01 - Reporting to work in an unserviceable uniform.  
LOR, 19 JUL 01 - Failure to go.  
RIC, 28 JAN 01 - CER Test failure.  
LOR, 23 JUN 01 - Late for duty.  
RIC, 26 MAY 01 - Failure to obey orders.  
LOR, 16 MAY 01 - Late for training.  
RIC, 06 MAY 00 - Late for work.

f. CM: None.

g. Record of SV: None.

(Discharged from Anderson AFB)

h. Awards & Decs: AFTR, NDSM, AFOSSTR, CEB.

i. Stmt of Sv: TMS: (1) Yrs (8) Mos (28) Das  
TAMS: (1) Yrs (7) Mos (19) Das

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

NO ISSUES SUBMITTED.

ATCH  
None.

26SEP03/ia



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

FD 2003 - 00123

MEMORANDUM FOR AB [REDACTED]

29 MAY 2002

FROM: 36 CES/CC

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 AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49, Misconduct – Minor Disciplinary Infractions. If my recommendation is approved your discharge will be characterized as general (under honorable conditions).

2. My reasons for this action are:

a. On 6 May 01, you failed to report for duty. For your actions, you received written counseling (AF Fm 174) dated 6 May 01. (atch 1)

b. On 15 May 01, you were late for water rescue training. For your actions, you received a letter of reprimand dated 16 May 01. (atch 2)

c. On 24 May 01, you failed to complete flightline familiarization training. For your actions, you received written counseling (AF Fm 174) dated 26 May 01. (atch 3)

d. 17 Jun 01, you failed to report for duty. For your actions, you received a letter of reprimand dated 23 Jun 01. (atch 4)

e. On 23 Jun 01, you failed a certification test. For your actions, you received written counseling (AF Fm 174) dated 23 Jun 01. (atch 5)

f. On 17 Jul 01, you failed to report for duty. For your actions, you received a letter of reprimand dated 19 Jul 01. (atch 6)

g. On 31 Jul 01, you reported for duty in an unserviceable uniform. For your actions, you received a letter of reprimand dated 31 Jul 01. (atch 7)

h. On 4 Aug 01, you failed to report for duty. For your actions, you received nonjudicial punishment dated 20 Aug 01. Your punishment was a suspended reduction to the grade of airman basic, restriction to Andersen AFB, Guam, for 30 days, and 15 days extra duty. (atch 8)

i. On 4 Dec 01, you failed to report for duty. For your actions, you received a vacation of suspended nonjudicial punishment dated 15 Jan 02. Your punishment was a reduction to the grade of airman basic. (atch 9)

j. On 11 Feb 02, you were asleep during a fire alarm signal received from Saipan Hall, and because of your actions the team could not perform its role as first in quick-attack pumper without assistance from a secondary pumper. For your actions, you received written counseling (AF Fm 174) dated 11 Feb 02. (atch 10)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial convening authority 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. Military legal counsel, Captain [REDACTED] has been obtained to assist you. An appointment has been scheduled for you to consult him on 30 May at 1000 hours. In addition to military counsel, you have the right to employ civilian counsel. 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 statements on your own behalf. **Any statements you want the separation authority to consider must reach me by 03 Jun 02, no later than 0930 hours, unless you request and receive an extension.** I will forward your submissions 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 will go to the 36<sup>th</sup> Medical Operations Squadron, Physical Exams Section, with your medical records on hand, for a review of these records immediately. You do not need an appointment. They will decide whether you need a complete physical exam or a family practice appointment. If an examination is required, tell the doctor you need a "separation" physical examination. The doctor does not know why you are there, therefore, you must tell him or her.

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 Unit Orderly Room.

9. Execute the attached receipt of notification and statement of understanding found in Tabs 2 and 3 respectively and return them to me immediately.

[REDACTED]  
Lt Col, USAF  
Commander

Attachments:  
(listed on next page)

1. Written Counseling, dated 6 May 01
2. Letter of Reprimand, dated 16 May 01
3. Written Counseling, dated 26 May 01
4. Letter of Reprimand, dated 23 Jun 01
5. Written Counseling, dated 23 Jun 01
6. Letter of Reprimand, dated 19 Jul 01
7. Letter of Reprimand, dated 31 Jul 01
8. Record of Nonjudicial Punishment, dated 20 Aug 01
9. Vacation of Suspended Punishment, dated 15 Jan 02
10. Written Counseling, dated 11 Feb 02