

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	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	DENY	
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES A01.00, A95.00		INDEX NUMBER A67.50		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
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE HEARING
HEARING DATE 25 Jul 03		CASE NUMBER FD2003-00137			
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: 25 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

FD2003-00137

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 the evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issue. 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. The records indicated the applicant was discharged for a pattern of misconduct. He received two Articles 15, four Letters of Reprimand, two Letters of Counseling, one Memorandum for Record and a Statement of Fact for misconduct. The misconduct included disrespect of a noncommissioned officer, failure to go, failed room inspection, dereliction of duty, failure to follow priority procedures, late for duty, and failure to obey a lawful regulation. The Board opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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.

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, 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 6 Oct 89 UP AFR 39-10, para 5-47a (Pattern of Misconduct - Discreditable Involvement with Civil or Military Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 Jul 68. Enlmt Age: 17 10/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-67, E-63, G-57, M-59. PAFSC: 64551 - Material Storage and Distribution Specialist. DAS: 9 May 87.

b. Prior Sv: (1) AFRes 30 May 86 - 11 Jan 87 (7 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Jan 87 for 4 yrs. Extended 11 May 88 for 4 months. Svd: 2 Yrs 8 Mo 25 Das, all AMS.

b. Grade Status: AMN - 22 Aug 89 (Article 15, 22 Aug 89)
A1C - 12 May 88
AMN - 12 Jul 87

c. Time Lost: None.

d. Art 15's: (1) 22 Aug 89, Soesterberg AB, The Netherlands - Article 91. You, on or about 10 Aug 89, were disrespectful towards SSgt [REDACTED], a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of his office, by saying to him, "This is bullshit, that fucking Sgt [REDACTED]," or words to that effect. Reduction to Amn. (No appeal) (No mitigation)

(2) 17 Apr 89, Soesterberg AB, The Netherlands - Article 86. Preliminary investigation indicates that you did, on or about 6 Apr 89, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Amn, forfeiture of \$100.00 pay, 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 10 MAY 89 - Failed room inspection.
Statement of Fact, 10 MAY 89 - Dereliction of duty.
LOC, 28 APR 89 - Failure to follow priority procedures.
Statement of Fact, 6 APR 89 - Late for duty.
MFR, 28 MAR 89 - Late for duty.
LOR, 10 MAR 89 - Dereliction of duty.

LOR, 04 JAN 89 - Failure to obey a lawful regulation.
LOC, 23 SEP 88 - Dereliction of duty.
LOR, 11 APR 88 - Disorderly conduct.

f. CM: None.

g. Record of SV: 12 Jan 87 - 11 Jan 88 Soesterberg AB 9 (Annual)
12 Jan 88 - 11 Jan 89 Soesterberg AB 8 (Annual)

(Discharged from McGuire AFB)

h. Awards & Decs: AFOSLTR, AFTR.

i. Stmt of Sv: TMS: (3) Yrs (4) Mos (7) Das
TAMS: (2) Yrs (8) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Mar 03.
(Change Discharge to Honorable)

Issue 1: I wish to have me (sic) discharge upgraded in order to receive military credit for application with the Grayslake, IL Fire Protection District. They require any applicant request (sic) military credit that the applicant be "Honorably" discharged, nothing less. I am submitting supporting documents that I hope will prove to the Board of my worthyness (sic) of this discharge upgrade.

ATCH

1. DD Form 214.
2. Four Training Certificates.
3. License, Permit, Certification, Registration.
4. Personal Statement to the Air Force Discharge Review Board.

8MAY03/ia

30 AUG 1989

FROM: Det 5, 32TFS/CC

SUBJ: Letter of Notification

TO: ~~████████████████████~~, Amn, ~~████████████████████~~
Det 5, 32TFS

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, more specifically, discreditable involvement with military or civil authorities. The authority for this action is AFR 39-10, paragraph 5-47a. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. 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. My reasons for this action are:

a. On 10 Aug 89, you were disrespectful towards a noncommissioned officer. For this offense you received nonjudicial punishment under Article 15 of the Uniform Code of Military Justice on 22 Aug 89.

b. On 9 May 89, you failed to maintain your room in inspection order. For this failure you received a Letter of Reprimand on 10 May 89 and the Letter of Reprimand was placed in your Unfavorable Information File on 10 May 89.

c. On 9 May 89 you were derelict in the performance of extra duties to which you had been assigned, as documented by a Statement of Fact dated 10 May 89.

d. On 26 and 27 Apr 89, you were derelict in the performance of your duties in that you failed to follow the priority O2 MICAP procedures, for which you were verbally counseled, as documented by a Letter of Counseling dated 28 Apr 89.

e. On 6 Apr 89, you failed to go to your appointed place of duty. For this offense you received nonjudicial punishment under Article 15 of the Uniform Code of Military Justice on 17 Apr 89.

f. On 4 Mar 89, you were derelict in the performance of your duties in that you failed to make a physical check to ensure the correct balance of LRM-2. For this failure you received a Letter of Reprimand on 10 March 89.

g. On 31 Dec 88, you failed to obey a lawful regulation by use and possession of fireworks in your dormitory room. For this offense you received a Letter of Reprimand on 4 Jan 89.

h. On 22 Sep 88 you were derelict in the performance of your duties in that you failed to properly annotate an AF Form 2009, for which you received a Letter of Counseling dated 23 Sep 88.

i. On or about 31 Mar 88, you conducted yourself in a disorderly manner at a swimming pool in Zeist, The Netherlands, for which you received a Letter of Reprimand on 11 Apr 88.

3. You have the right to consult counsel. Military counsel has been obtained to assist you. I have made an appointment for you to consult Capt [redacted], the Area Defense Counsel, at Bldg 3 Room 2 on 31 Aug 89 at 0900 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 3 duty days unless you request an extension for good cause shown. I will send them to the 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 rights to do so.

6. You have been scheduled for a medical examination. You must report in uniform to USAF Clinic Soesterberg AB, NL, at 0800 & 1100 hours on 12 Sep 89 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 6. A copy of AFR 39-10 is available for your use in your Unit Orderly Room.

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

[Redacted signature area]

DON W. TATUM, Major, USAF
Commander, Det 5, 32TFS

- 10 Atch
- 1. Art 15 dtd 22 Aug 89
- 2. LOR dtd 10 May 89
- 3. Statement dtd 10 May 89
- 4. LOC dtd 28 Apr 89
- 5. Art 15 dtd 17 Apr 89
- 6. LOR dtd 10 Mar 89
- 7. LOR dtd 4 Jan 89
- 8. LOC dtd 23 Sep 88
- 9. LOR dtd 11 Apr 88
- 10. Ann acknowledgment