

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN					
		AMN						
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW					
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		YES	NO		X	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 A67.50		EXHIBITS SUBMITTED TO THE BOARD				
				1	ORDER APPOINTING THE BOARD			
HEARING DATE 1 AUG 03		CASE NUMBER FD2003-00142		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: 1 AUG 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

FD2003-00142

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: The applicant submitted no issues and requested that the review be completed based on the available service records. 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 two Article 15s for dereliction in the performance of maintaining a clean dormitory room and disorderly conduct while under the influence of alcohol. Additionally, the member received four Letters of Reprimand, and three Records of Individual Counseling. His offenses included missed appointments, failed room inspections, failure to obey lawful orders, failure to report to duty, financial irresponsibility, and failure to complete CDC material in the allotted time and lying. Applicant was discharged for a pattern of misconduct - conduct prejudicial to good order and discipline. At the time of discharge, member consulted counsel and submitted statements in his own behalf. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. 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]
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 28 Jun 99 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 17 Jul 77. Enlmt Age: 17 10/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-74, E-76, G-74, M-60. PAFSC: 2A332B - F-16 Avionics Systems Instrument and Flight Control. DAS: 9 Apr 97.

b. Prior Sv: (1) AFRes 16 Jun 95 - 14 May 96 (10 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 May 96 for 4 yrs. Svd: 3 Yrs 1 Mo 14 Das, all AMS.

b. Grade Status: AMN - 20 Nov 98 (Vacation of Article 15, 12 Feb 99)
A1C - 15 Sep 97
AMN - 15 Nov 96

c. Time Lost: None.

d. Art 15's: (1) 12 Feb 99, Vacation, Moody AFB, GA - Article 92. You, who knew of your duty, were derelict in the performance of that duty in that you negligently failed to maintain a clean dormitory room, in accordance with AFI 32-6005, as it was your duty to do. Reduction to Amn.
(No appeal) (No mitigation)

(2) 20 Nov 98, Moody AFB, GA - Article 134. You were, on or about 12 Oct 98, disorderly, which conduct was of a nature to bring discredit upon the armed forces. Specifically, after drinking alcoholic beverages you were seen urinating in a parking lot and heard making loud noises at approximately 0200 hours. Suspended reduction to Airman. (No appeal) (No mitigation)

e. Additional: LOR, 04 JUN 99 - Failure to complete CDC material in allotted time and lying.
LOR, 25 MAY 99 - Failed room inspection.
LOR, 16 OCT 98 - Failure to obey a lawful order to clean and maintain dorm room.
RIC, 03 MAR 98 - Financial irresponsibility.
LOR, 06 JAN 98 - Failed to report for duty.

LOR, 03 SEP 97 - Failure to obey a lawful order.
LOR, 21 MAY 97 - Failure to obey a lawful order.
RIC, 09 APR 97 - Missed appointment.

f. CM: None.

g. Record of SV: 15 May 96 - 24 Feb 98 Moody AFB 4 (Initial)
25 Feb 98 - 24 Feb 99 Moody AFB 2 (Annual)

(Discharged from Moody AFB)

h. Awards & Decs: AFTR, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (13) Das
TAMS: (3) Yrs (1) Mos (14) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Mar 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

7MAY03/ia



DEPARTMENT OF THE AIR FORCE

**HEADQUARTERS 347TH WING (ACC)
MOODY AIR FORCE BASE, GEORGIA**

PD 2003-00142

9 June 1999

MEMORANDUM FOR AMN [REDACTED] 8 FS

FROM: 68 FS/CC

SUBJECT: Notification Memorandum - Discharge of Airman

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct (conduct prejudicial to good order and discipline). The authority for this action is AFI 36-3208, section 5.50.2. If my recommendation for discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are as follows:

a. On or about 3 Apr 97, without authority, you failed to report for duty, to wit: Building 8265, CAMS Base Training. For this offense, you received a Letter of Counseling (LOC), dated 9 Apr 97 (Atch 1a).

b. On or about 19 May 97, without authority, you failed to report for duty, to wit: Building 8265, F-16 Wire Chaffing Initial Course. For this offense, you received a Letter of Reprimand (LOR), dated 21 May 97 (Atch 1b).

c. On or about 2 Sep 97, without authority, you failed to report for duty, to wit: Building 8265, CAMS Base Training. For this offense, you received an LOR, dated 3 Sep 97 (Atch 1c).

d. On or about 3 Dec 97, without authority, you failed to report for duty, to wit: Egress Refresher Course. For this offense, you received an LOC, dated 6 Jan 98 (Atch 1d).

e. On or about 3 Mar 98, you issued a check to Falcon Cable Media. Subsequently, you failed to maintain sufficient funds in your account to pay the check. For this action, you received an LOC, dated 3 Mar 98 (Atch 1e).

f. On or about 7 Oct 98, you, violated MAFBR 90-2 section 2-7, by failing to maintain minimum standards of cleanliness in your dorm room. For this offense, you received an LOR, dated 16 Oct 98 (Atch 1f).

Global Power for America

g. You were, at Moody Air Force Base, Georgia, on or about 12 October 1998, disorderly, which conduct was of a nature to bring discredit upon the armed forces. Specifically, after drinking alcoholic beverages you were seen urinating in a parking lot and heard making loud noises at approximately 0200 hours. For this action, you received nonjudicial punishment pursuant to Article 15, UCMJ, dated 20 Nov 98. Punishment included suspended reduction to the grade of airman (Atch 1g).

h. You, who knew of your duty at or near Moody Air Force Base, Georgia, On or about 22 January 1999, were derelict in the performance of that duty in that you negligently failed to maintain a clean dormitory room, in accordance with AFI 32-6005, as it was your duty to do. For this action, suspended nonjudicial punishment was vacated on 12 Feb 99 (Atch 1h).

i. On or about 15 May 99, you, violated MAFBR 90-2 section 2-7, by failing to maintain minimum standards of cleanliness in your dorm room. For this offense, you received an LOR, dated 25 May 99 (Atch 1i).

j. One or about 20 May 99, investigations confirmed that you failed to complete your Career Development Course (CDC) materials for your skill level upgrade in the allotted 30 day period. Also, you made a false official statement, to wit: You stated that you personally completed your CDCs, a statement you knew not to be true. For this offense, you received an LOR, dated 4 Jun 99 (Atch 1j).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (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.

3. 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] in Bldg 5107, Room 3, at **1100 hours** on **9 Jun 99**. Please take your copy of this Notification Memorandum and the attachments with you to your appointment. 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 within **three** duty days after receipt of this notification letter, unless you request and receive an extension for good cause shown. **If your appointment with defense counsel is beyond three duty days after receipt of this letter, you should contact the Area Defense Counsel office at extension 7-3421 to obtain a delay request.** I will send any statement(s) you submit 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 right to do so.

6. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, Physical Exams Section, Bldg 3296, at 0730 on 10 Jun 1999 for the examination. **This is a mandatory appointment.**

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208 is available for your use in the orderly room.

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

 Lt Col, USAF
Commander, 68th Fighter Squadron

Attachments:

1. Supporting Documents, Reasons for Discharge
 - a. LOC, 9 Apr 97
 - b. LOR, 21 May 97
 - c. LOR, 3 Sep 97
 - d. LOC, 6 Jan 98
 - e. LOR, 16 Oct 98
 - f. LOC, 3 Mar 98
 - g. AF Form 3070, 20 Nov 98
 - h. AF Form 366, 12 Feb 99
 - i. LOR, 25 May 99
 - j. LOR, 4 Jun 99
2. Airman's Receipt of Notification Memorandum