

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

[REDACTED]

GRADE

AB

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

**VOTE OF THE BOARD**

**MEMBERS SITTING**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ISSUES  
**A01.00**

INDEX NUMBER  
**A67.90**

HEARING DATE  
**16 JUL 03**

CASE NUMBER  
**FD2003-00146**

**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                |

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 BOARD PRESIDENT

[REDACTED SIGNATURE]

INDORSEMENT

DATE: 16 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

FD2003-00146

**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 received two Article 15s and eight Letters of Reprimand for misconduct. The misconduct included disobeying a lawful order, sleeping on post on four separate occasions, failure to go, speeding, underage drinking and driving, making false official statements, failure to report to mandatory appointment, late for work, and sleeping in class. The DRB 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 Feb 02 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 17 Oct 81. Enlmt Age: 18 0/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-85, E-44, G-46, M-28. PAFSC: 3P051 - Security Forces Journeyman. DAS: 7 May 00.

b. Prior Sv: (1) AFRes 26 Oct 99 - 16 Nov 99 (22 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 17 Nov 99 for 6 yrs. Svd: 2 Yrs 2 Mos 19 Das, all AMS.

b. Grade Status: AB - 04 Dec 01 (Article 15, 4 Dec 01)  
AMN - 11 Apr 01 (Article 15, 11 Apr 01)  
A1C - 03 Jan 00

c. Time Lost: None.

d. Art 15's: (1) 4 Dec 01, Davis Monthan AFB, AZ - Article 91. You, having received a lawful order from TSgt [REDACTED] a NCO, then known by your to be a NCO, to perform duties as a Close Boundry Sentry and walk the post for the rest of your shift, or words to that effect, an order which it was your duty to obey, did, on or about 28 Oct 01, willfully disobey the same. Article 113. You, on or about 14 Oct 01, being posted as a sentinel at Alpha 4, were found sleeping at your post. You, on or about 29 Oct 01, being posted as a sentinel at Charlie-1B, were found sleeping at your post. Reduction to AB. (No appeal) (No mitigation)

(2) 11 Apr 01, Davis Monthan AFB, AZ - Article 113. You, on or about 17 Mar 01, being posted as a sentinel at Alpha 4 were found sleeping upon your post. Reduction to AMN, and 14 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 07 JAN 02 - Failure to go.  
LOR, 14 OCT 01 - Sleeping on post.  
LOR, 17 JUN 01 - Sleeping during class.  
LOR, 28 MAR 01 - Detained by police for speeding, and

underage drinking and driving, and making false official statements.

- LOR, 26 MAR 01 - Failure to report to a mandatory appointment.
- LOR, 14 JUN 00 - Sleeping on duty.
- LOR, 24 MAY 00 - Late for work.
- LOC, 23 MAY 00 - Failure to go.

f. CM: None.

g. Record of SV: 17 Nov 99 - 16 Jul 01 Davis Monthan AFB 3 (Initial)

(Discharged from Davis Monthan AFB)

h. Awards & Decs: AFAM, AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (3) Mos (10) Das  
TAMS: (2) Yrs (2) Mos (19) Das

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

NO ISSUES SUBMITTED

**ATCH**

1. Character References (3).
2. College Acceptance Letter.
3. DD Form 214.
4. Discharge Documents.
5. Enlistment Documents.
6. Enlisted Performance Report.

12 Jun 03/cr



DEPARTMENT OF THE AIR FORCE  
355TH SECURITY FORCES SQUADRON (ACC)  
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

1 JAN 22 2002

MEMORANDUM FOR [REDACTED]

FROM: 355 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 AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending your service be characterized as general.
2. My reasons for this action are:
  - a. On or about 23 May 00, you failed to go at the time prescribed to your appointed place of duty. As a result, you received a Letter of Counseling (LOC) (Tab A).
  - b. On or about 24 May 00, you failed to go at the time prescribed to your appointed place of duty. As a result, you received a Letter of Reprimand (LOR) (Tab B).
  - c. On or about 13 Jun 00, you were found sleeping on duty. As a result, you received an LOR (Tab C).
  - d. On or about 16 Nov 00, the Tucson Police Department detained you for speeding and for having liquor in your system while under the age of 21 years. As a result, you received an LOR and an Unfavorable Information File (UIF) was established and your installation driving privileges were suspended for 6 months (Tab D).
  - e. On or about 17 Mar 01, you were found sleeping upon your post as sentinel. As a result, you received punishment under Article 15 of the UCMJ and an entry was made in your existing UIF (Tab E).
  - f. On or about 23 Mar 01, you failed to go at the time prescribed to your appointed place of duty. As a result, you received an LOR (Tab F).
  - g. On or about 14 Jun 01 and 15 Jun 01, on various occasions, you fell asleep during a mandatory Substance Abuse Awareness Seminar. As a result, you received an LOR (Tab G).

h. On or about 14 Oct 01 and 29 Oct 01, you were found sleeping upon your post as sentinel; and on or about 28 Oct 01, you willfully disobeyed a noncommissioned officer's order to walk your post for the remainder of your shift. As a result, you received punishment under Article 15 of the UCMJ (Tab H).

i. On or about 12 Dec 01, you failed to go at the time prescribed to your appointed place of duty. As a result, you received an LOR (Tab I).

3. 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 and will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel, [REDACTED], AFLSA/ADC, 228-5664, has been obtained to assist you. An appointment has been scheduled for you to consult her on \_\_\_\_\_ at \_\_\_\_\_ hours in Bldg 3510. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 25 Jan 02 unless you request and receive an extension for good cause shown. I will send them 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 have been scheduled for a medical examination. You must report to the Physical Exams Office of the Aeromedical Facility, Bldg 400, Rm 163, at 0945, on 24 JAN 02 for the examination.

8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, Bldg 3200, Rm 20, at \_\_\_\_\_ on \_\_\_\_\_ for the briefing. If you have questions, please call 228-5366.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. You may contact the Area Defense Counsel to obtain a copy of AFI 36-3208.

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

[REDACTED]  
[REDACTED] USAF  
Commander

## Attachments:

## 1. Supporting Documents

- a. LOC, 23 May 00 (2 pages); Memorandum for Record (MFR), 16 Jan 02
  - b. LOR, 24 May 00 (2 pages); MFR, 16 Jan 02
  - c. LOR, 14 Jun 00 (2 pages); MFR, 16 Jan 02
  - d. LOR, 28 Mar 01; AF Form 1058, UIF Action, 4 Apr 01 (2 pages); AF Form 1137, UIF Summary; Notice of Suspension/Revocation of Base Driving Privileges, 6 Apr 01
  - e. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 11 Apr 01 (3 pages) w/Evidence (3 pages), Response, and Appeal (3 pages); AF Form 1137
  - f. LOR, 26 Mar 01
  - g. LOR, 17 Jun 01
  - h. AF Form 3070, 4 Dec 01 (3 pages) w/Evidence (13 pages) and Response (2 pages)
  - i. LOR, 7 Jan 02 (2 pages)
2. Airman's Receipt of Notification Memorandum