

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<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 align="center">X</td> </tr> </table>	YES	NO		X		
YES	NO					
	X					

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A01.00, A95.00	INDEX NUMBER A67.10	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 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]
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INDORSEMENT	DATE: 25 JUL 03
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00148

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 minor disciplinary infractions. He received one Article 15, three Letters of Reprimand, one Letter of Counseling, one Letter of Admonishment, and one Letter of Warning for misconduct. The misconduct included making false official statements, exceeding weight and body fat measurements, violation of the military leave program, financial irresponsibility and failure to control a pet on base. 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

[REDACTED]
[REDACTED]

(Former A1C) (HGH SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 1 Nov 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions and Failure in the Weight Management Program). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Apr 71. Enlmt Age: 23 7/12. Disch Age: 30 6/12. Educ: HS DIPL. AFQT: N/A. A-61, E-49, G-57, M-44. PAFSC: 4N051 - Medical Service. DAS: 3 Jun 97.

b. Prior Sv: (1) AFRes 17 Nov 94 - 28 Mar 95 (4 months 12 days) (Inactive).

(2) Enlisted as AB 29 Mar 95 for 4 yrs. Svd: 3 yrs 11 months 10 days, all AMS. AMN - 29 Sep 95. A1C - 29 Jul 96. SrA - 20 Jul 98. EPRs: 4,5,2(REF).

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 12 Mar 99 for 4 yrs. Svd: 2 Yrs 7 Mo 20 Das, all AMS.

b. Grade Status: A1C - 6 Jun 01 (Article 15, 6 Jun 01).

c. Time Lost: None.

d. Art 15's: (1) 6 Jun 01, Wright Patterson AFB, OH - Article 107. You did, between on or about 6 May 01 and on or about 7 May 01, with intent to deceive, make to MSgt [REDACTED] and SSgt [REDACTED], an official statement, to wit: you needed a leave extension due to weather and your wife's condition, which was totally false, and was then known by you to be so false. You did, on or about 21 May 01, with intent to deceive, make to Major [REDACTED], an official statement, to wit: you did not intentionally plan to abuse leave and that you planned on returning at the time your leave was due to expire on 6 May 01, which was totally false, and was then known by you to be so false. You did, on or about 23 May 01, and on or about 24 May 01, with intent to deceive, make to SMSgt [REDACTED], an official statement, to wit: the ticket that your wife purchased on or about 25 April with a return flight for 6 May 01, was totally false, and was then known by you to be so false. You did, between on or about 22 May 01, with intent to deceive, make to Major [REDACTED] and official statement, to wit: you needed leave extentions

due to weather and

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your wife's condition, which was totally false, and then known by you to be so false. Reduction to AlC, suspended reduction to Airman, and a reprimand. (No appeal) (No mitigation)

- e. Additional: (Examiner's Note: In the Notification Letter, dated 7 Aug 01, Commander mentions that this individual was entered into Phase I of the Weight and Body Fat Management Program (WBFMP) on 1 Nov 2000 as a result of exceeding standards. The Commander also states that discharge action was initiated by the individual exceeding WBFMP on 18 Jun 01)

LOR, 24 MAY 01 - Exceeding Weight and Body Fat Management Program.

LOA, 18 JAN 01 - Exceeding Weight and Body Fat Management Program.

LOC, 14 DEC 00 - Exceeding Weight and Body Fat Management Program.

LOR, 16 AUG 00 - Violation of Military Leave Program.

LOR, 16 AUG 00 - Financial irresponsibility.

LTR OF WARNING, 22 APR 99 - Failure to control pet.

- f. CM: None.

- g. Record of SV: 29 Nov 98 - 28 Nov 99 Wright-Patterson AFB 5 (Annual)
29 Nov 99 - 28 Nov 00 Wright-Patterson AFB 4 (Annual)

(Discharged from Wright-Patterson AFB).

- h. Awards & Decs: AFLSAR, AFTR, NDSM, AFOUA W/1 DEV, AFGCM.

- i. Stmt of Sv: TMS: (6) Yrs (11) Mos (15) Das
TAMS: (6) Yrs (7) Mos (4) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 27 Mar 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

7MAY03/ia



DEPARTMENT OF THE AIR FORCE

74TH MEDICAL GROUP
WRIGHT-PATTERSON AIR FORCE BASE, OHIO

FD 2003-00148

07 Aug 2001

MEMORANDUM FOR AIC [REDACTED]

FROM: 74 MDOS/CC

SUBJECT: Notification Letter-Board Hearing

1. I am recommending your discharge from the United States Air Force for Misconduct - Minor Disciplinary Infractions (paragraph 5.49), as primary reason, and Failure in the Weight Control Program - Exceeding Body Fat Standards (paragraph 5.65) according to AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

I. Paragraph 5.49, Misconduct - Minor Disciplinary Infractions:

a. On 14 Apr 1999, you failed to control your pet, which resulted in a dog bite, violating WPAFB Instruction 48-101. This incident resulted in you receiving a letter of warning, dated 22 Apr 1999.

b. As of 16 Aug 2000, you failed to pay your KAS Cable TV, Inc. bill, in the amount of \$257.20. Your failure to pay your just debts resulted in you receiving a letter of reprimand, dated 16 Aug 2000.

c. On 2 Aug 2000, you began leave with the last day of chargeable leave being 5 Aug 2000. On 6 Aug 2000, you were not in the local area when you contacted the duty section, in complete violation of the military leave program. Furthermore, you did not return to the local area until 11 Aug 2000. This incident resulted in you receiving a letter of reprimand, dated 16 Aug 2000.

d. On or about 6 May 2001 and on or about 7 May 2001, you told Master Sergeant [REDACTED] and Staff Sergeant [REDACTED] that you needed a leave extension due to weather and your wife's condition. You made this statement knowing it was false. Also, on or about 21 May 2001, you told Major [REDACTED] that you did not intentionally plan to abuse leave and that you planned on returning at the time your leave was due to expire. You made this statement knowing it was false. Also, on or about 23 May 2001 and on or about 24 May 2001, you told Senior Master Sergeant [REDACTED] that your wife purchased a ticket on or about 25 Apr with a return flight of 6 May 2001. You made this statement knowing that the ticket had a return

flight date of 8 May 2001. Also, on or about 22 May 2001 you told Major [redacted] that you needed leave extensions due to weather and your wife's condition. You made this statement knowing it was false. For these false statements, you received Article 15 Non-Judicial Punishment on 6 June 2001, resulting in a reduction to the grade of Airman First Class, reduction to the grade of Airman (E-2) suspended until 5 Dec 2001, and a reprimand.

II. Paragraph 5.65, Failure in the Weight Control Program - Exceeding Body Fat Standards:

a. On 1 Nov 2000, you weighed in at 256 pounds and had a body fat measurement of 25%. For your age and height, your maximum allowable weight is 205 pounds and your maximum body fat is 20%. Your Nov 2000 measurements exceeded your maximum allowable weight by 51 pounds and your maximum body fat by 5%. As a result, on 1 Nov 2000 you were entered into Phase I of the Weight and Body Fat Management Program (WBFMP).

b. On 12 Dec 2000, you weighed in at 258 pounds and had a body fat measurement of 26%. This represents an increase of 2 pounds and an increase of 1% body fat from your 1 Nov 2000 weight and body fat measurements. For your first failure in the WBFMP you received a letter of counseling dated 14 Dec 2000.

c. On 12 Jan 2001, you weighed in at 260 pounds and had a body fat measurement of 29%. This represents an increase of 2 pounds and an increase of 3% body fat from your 12 Dec 2000 weight and body fat measurements. For your second failure in the WBFMP you received a letter of admonishment dated 18 Jan 2001.

d. On 18 May 2001, you weighed in at 254.5 pounds and had a body fat measurement of 26%. This represents a decrease of 4.5 pounds and an increase of 2% body fat from your 12 Apr 2001 weight and body fat measurements. For your third failure in the WBFMP you received a letter of reprimand dated 24 May 2001. An Unfavorable Information File (UIF) was also established, and this letter of reprimand was filed in your UIF.

e. On 18 Jun 2001, you weighed in at 254 pounds and had a body fat measurement of 28%. This represents a decrease of .5 pound and an increase of 2% body fat from your 18 May 01 weight and body fat measurements. For your fourth failure in the WPFMP, this discharge action was initiated on 1 Jul 2001.

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive an under other than honorable conditions discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. 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:
 - a. Consult legal counsel.
 - b. Present your case to an administrative discharge board.
 - c. Be represented by legal counsel at a board hearing.
 - d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
 - e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to the 74th Medical Group, Aerospace Medicine, Building 830, Wright-Patterson AFB, OH, at 0800 on 10 Aug 01.

6. Military legal counsel, Captain [REDACTED], Area Defense Counsel, Building 199, Kittyhawk Area, Wright-Patterson AFB, OH, (937) 257-7841, has been obtained to assist you. An appointment has been scheduled for you to consult him on 7 Aug 01 at 1030. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. 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.

7. Confer with your counsel and reply, in writing, within 7 workdays of your receipt of this letter, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the board hearing.

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 orderly room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

11. Execute the attached acknowledgment and return to me immediately.



Colonel, USAF, MC, FS
Commander, 74th Medical Operations Squadron

Attachments:

1. Letter of Warning, 22 Apr 99
2. Letter of Reprimand, 16 Aug 00
3. Letter of Reprimand, 16 Aug 00
4. Article 15, 6 Jun 01
5. AF Form 393
7. Letter of Counseling, 14 Dec 00
8. Letter of Admonishment, 18 Jan 01
9. Letter of Reprimand/UIF, 24 May 01
10. AF Form 108, 1 Nov 00
11. AF Form 108, 12 Dec 00
12. AF Form 108, 12 Jan 01
13. AF Form 108, 18 May 01
14. AF Form 108, 18 Jun 01
15. Personal Statement of SrA Flint, 22 May 2001
16. Personal Statement of SrA Flint, 1 Jun 2001