

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE A1C	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	UOTIC	OTHER	DENY
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
ISSUES A93.09		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			
HEARING DATE 9 JUL 03		CASE NUMBER FD2003-0155		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 [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]				
INDORSEMENT						DATE: 9 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

FD03-0155

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change the Reason and Authority for discharge and change the RE Code.

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

ISSUE: Applicant contends that his discharge was too harsh because he was going through a divorce at the time and he was under a great deal of stress. The record indicates the applicant received an Article 15 for being disrespectful in language and deportment toward an NCO. He also received two Letters of Reprimand for being disrespectful to a superior NCO. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the 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]
[REDACTED]

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 Oct 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 23 Nov 78. Enlmt Age: 19 4/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-36, E-59, G-53, M-74. PAFSC: 3E131 - Heating, Ventilation, Air Conditioning and Refrigeration Apprentice. DAS: 1 Mar 99.

b. Prior Sv: (1) AFRes 26 Mar 98 - 21 Apr 98 (27 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 22 Apr 98 for 4 yrs. Svd: 2 Yrs 2 Mos 13 Das, all AMS.

b. Grade Status: A1C - 22 AUG 99
AMN - 22 OCT 98

c. Time Lost: None.

d. Art 15's: (1) 18 Aug 00, Andrews AFB, MD - Article 91. You were, on or about 7 Aug 00, disrespectful in language and deportment toward SSgt [REDACTED] a NCO, then known by you to be a superior NCO, by taking the keys to your assigned truck and throwing them on the ground because you dislike the truck assigned to you by SSgt [REDACTED], and then walking out of his office. Suspended reduction to AB, and 45 days extra duty.
(No appeal) (No mitigation)

e. Additional: LOR, 11 JUL 00 - Disrespectful to a superior NCO and using profanity.
LOR, 15 JUN 00 - Disrespectful to a superior NCO and using profanity.

f. CM: None.

g. Record of SV: 22 Apr 98 - 21 Dec 99 Andrews AFB 5 (Initial)

(Discharged from Andrews AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (6) Mos (9) Das



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 89TH AIRLIFT WING (AMC)

FD2003-00155

MEMORANDUM FOR A1C [REDACTED] 89 CES

13 Sept 00

FROM: 89 CES/CC
Andrews AFB MD 20762-5000

SUBJECT: Notification Memorandum – Administrative Discharge

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as general (under honorable conditions).

2. My reasons for this action are:

a. You were, at or near Andrews Air Force Base, Maryland, on 14 Jun 00, disrespectful to your superior noncommissioned officer by taking your hat and BDU shirt off and throwing it to ground during a counseling session. Furthermore you were disrespectful during the session by using profanity to your superior noncommissioned officer. As a result, you received a letter of reprimand. (Atch 1.)

b. You did, at or near Andrews Air Force Base, Maryland, on 10 Jul 00, show blatant disrespect to superior noncommissioned officer by using profanity toward him. As a result, you received a letter of reprimand and UIF. (Atch 2.)

c. You were, at or near Andrews Air force Base, Maryland, on 07 Aug 00, disrespectful in language and deportment toward a noncommissioned officer, then known by you to be a superior noncommissioned officer, by taking the keys to your assigned truck and throwing them on the ground because you disliked the truck assigned to you, and then walking out of his office. As a result, you received an Article 15 dated 18 Aug 00. (Atch 3.)

3. I have attached copies of the documents to be forwarded to the separation authority in support of this recommendation. 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 separation will be characterized. If you are discharged, you will be ~~ineligible for reenlistment in any component of the Armed Forces, and any special pay, bonuses,~~ or education assistance funds may be subject to recoupment.

4. You have the right to military counsel. I have made an appointment for you with the Area Defense Counsel's office, bldg 1430 Arnold Avenue. Report at 1000 on Friday 15 Sep 00 with Capt [REDACTED]. 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 in your own behalf. Any statements you want the separation authority to consider must reach me no later than three duty days from today, 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. Report to Bldg 1075, Primary Care Clinic, at 0930 hrs on 22 Sep 00 for the examination. Please report to Physical Exams prior to appointment to pick up AF Form 2697 with medical records.
8. Please ensure you attend the next regularly scheduled Transition Assistance Program briefing. This is a mandatory 2-hour briefing given every Wednesday at the Family Support Center, Bldg 1610. Please call 2-7087 to schedule yourself for the next briefing.
9. 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 at the Publications Library.

 Lt Col, USAF
Commander, 89th Civil Engineer Squadron

Attachments:

1. LOR, 15 Jun 00
 2. LOR/UIF, 11 Jul 00
 3. Art. 15, 18 Aug 00
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