

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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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 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
HEARING DATE 31 JUL 03	CASE NUMBER FD2003-0158	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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 31 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

FD03-0158

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 of personal problems. The record indicates the applicant received two Article 15s, the first one for failure to go and for being AWOL. The second one for being AWOL, leaving his duty station without permission, failure to go, being disrespectful and disobeyed an order. In addition, he received a Vacation action for a previous offense under the UCMJ. The Board was sympathetic to the applicant's marital stress and family separation he was experiencing while on active duty, but neither are valid reasons to disregard Air Force rules and regulations to which all members are expected to adhere. 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 18 Oct 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 6 Jul 78. Enlmt Age: 22 10/12. Disch Age: 24 3/12. Educ: HS DIPL. AFQT: N/A. A-89, E-87, G-90, M-83. PAFSC: 3E432 - Liquid Fuel Systems Maintenance. DAS: 22 Aug 01.

b. Prior Sv: (1) AFRes 24 May 01 - 6 Aug 01 (2 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 7 Aug 01 for 4 yrs. Svd: 1 Yrs 2 Mo 12 Das, of which AMS is 1 yr 2 months 4 days (excludes 8 days lost time).

b. Grade Status: AB - 19 Aug 02 (Article 15, 19 Aug 02)
AMN - 29 Jul 02 (Vacation of Article 15, 29 Jul 02)

c. Time Lost: 19-22 Jul 02 & 19-22 Apr 02 (8 days).

d. Art 15's: (1) 19 Aug 02, Hurlburt Field, FL - Article 86. You, did, on or about 19 Jul 02, without authority, absent yourself from your unit, and did remain so absent until on or about 23 Jul 02. You, did, on or about 22 Jun 02, without authority, go from your appointed place of duty, to wit: a work detail where you were to pick up trash along the base perimeter fence. You, did, on or about 21 Jun 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: clean up detail after the squadron picnic on the sound side of the base. Article 91. You, on or about 20 Jun 02, were disrespectful in language toward 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 "fuck it, I am not going to go," or words to that effect. You, having received a lawful order from SSgt [REDACTED] a noncommissioned officer, then known by you to be a noncommissioned officer, to return to your squadron, an order which it was your duty to obey, did, at Fort Walton Beach, Florida, on or about 22 Jun 02, willfully disobey the same. Reduction to AB, 30 days restriction,

and 30 days extra duty. (No appeal) (No mitigation)

(2) 1 Aug 02, Vacation, Hurlburt Field, FL - Article 86. You did, on or about 19 Jul 02, without authority, absent yourself from your unit, and did remain so absent until on or about 23 Jul 02. Reduction to Airman, and forfeiture of \$250.00 pay per month for 2 months. (No appeal) (No mitigation)

(3) 28 May 02, Hurlburt Field, FL - Article 86. You did, on divers occasions, between on or about 18 Apr 02 and on or about 25 Apr 02, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 19 Apr 02, without authority, absent yourself from your unit, and did remain so absent until on or about 22 Apr 02. Suspended reduction to Airman. Suspended forfeiture of \$250.00 pay per month for 2 months, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Hurlburt Field)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (4) Mos (17) Das
TAMS: (1) Yrs (2) Mos (4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Mar 03.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge.)

Issue 1: I hope to join the United States Army. The re-enlistment code that I have recieved (sic) is 4H which prevents me from joining any time soon. Please review my discharge to see if it may be changed.

Issue 2: While in the Air Force my new wife and I along with our daughter were going through tough times. My wife left me to be close to her family. I received several reports of her cheating on me at home in Kentucky. I had a rough time dealing with this so I made trips home. This is the reason for my discharge. My wife, at the time, and I are divorced now so we have no such problems. I love the military very much. Please allow me to reenlist ASAP. Thank you.



DEPARTMENT OF THE AIR FORCE
16TH CIVIL ENGINEER SQUADRON (AFSOC)

MEMORANDUM FOR AB [REDACTED], 16 CES

1 OCT 2002

FROM: 16 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, more specifically, minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.49. If my recommendation for discharge is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are based on the following:

a. On 19 Aug 02, you received Nonjudicial Punishment under Article 15, UCMJ, which was filed in your Unfavorable Information File (UIF) for the following offenses:

(1) On or about 19 Jul 02, without authority, you did absent yourself from your unit, the 16th Civil Engineering Squadron, located at Hurlburt Field, Florida, and did remain so absent until on or about 23 Jul 02.

(2) On or about 22 Jun 02, without authority, you did go from your appointed place of duty, to wit: a work detail where you were to pick up trash along the base perimeter fence.

(3) On or about 21 Jun 02, without authority, you did fail to go at the time prescribed to your appointed place of duty, to wit: clean up detail after the squadron picnic on the sound side of the base.

(4) On or about 20 Jun 02, you were disrespectful in language toward a Staff Sergeant [REDACTED], a noncommissioned officer (NCO), then known by you to be a NCO, who was then in the execution of his office, by saying to him "f--- it, I am not going to go," or words to that effect.

(5) On or about 22 June 2002, you having received a lawful order from Staff Sergeant [REDACTED], a NCO, then known by you to be a NCO, to return to your squadron, an order which it was your duty to obey, did, at Fort Walton Beach, Florida, willfully disobey the same.

b. On or about 19 July 02, without authority, you did absent yourself from your unit 16th Civil Engineering Squadron, located at Hurlburt Field, Florida, and did remain so absent until on or

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about 23 Jul 02, for which you received a Vacation of Suspended Nonjudicial Punishment, dated 1 Aug 02, which was filed in your Unfavorable Information File (UIF).

c. On 28 May 02, you received Nonjudicial Punishment under Article 15, UCMJ, which was filed in you Personnel Information File (PIF) for the following offenses:

- 1) Between on or about 18 Apr 02 and on or about 25 Apr 02, without authority, you failed to go at the time prescribed to your appointed place of duty, to wit: Building 90053.
- 2) On or about 19 Apr 02, without authority, you did absent yourself from your unit, the 16th Civil Engineering Squadron, located at Hurlburt Field, Florida, and did remain so absent until on or about 22 Apr 02.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Courts-Martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.
4. 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 the Area Defense Counsel at Hurlburt Field, FL, Bldg 90042, on 2 Oct 02 at 0930 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays of your receipt of this memorandum, 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 on your own behalf, your failure will constitute a waiver of your right to do so.
7. You are scheduled for a medical examination and you should report to the Hurlburt Clinic at 1015 hrs on 1 Oct 02 for the examination.
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 at the unit orderly room.


Commander, Lt Col, USAF

Attachments:

Supporting documents--for the reason for discharge

1. AF Form 1137, undated (1p.)
2. AF Form 3070, dtd 19 Aug 02 (6 ps.)

3. AF Form 366, dtd 1 Aug 02 (2ps.)
4. AF Form 3070, dtd 28 May 02 (6 ps.)
5. Airman's receipt of notification memorandum