

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
		AB				
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		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	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A95.00	A67.90	1	ORDER APPOINTING THE BOARD			
		2	APPLICATION FOR REVIEW OF DISCHARGE			
		3	LETTER OF NOTIFICATION			
HEARING DATE	CASE NUMBER	4	BRIEF OF PERSONNEL FILE			
31 JUL 03	FD2003-0159		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: 31 JUL 03	
TO:				FROM:		
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				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

FD03-0159

**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 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 that would justify a change of discharge.

**ISSUE:** The applicant submitted no issues and requested that the review be completed based on the available service record. 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 the applicant had received four Article 15s. The first one for being disorderly and for willfully and wrongfully damaging two shirts by putting shoe polish on them; the second one for being present in a dorm area designated for the opposite sex without the prior approval of a staff member; the third one for disobeying a direct order; and the fourth one for using a racial slur toward a SSgt. Additionally, he received a Vacation action for a previous action under the UCMJ for a racial slur. 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

(No mitigation)

(4) 26 Oct 87, Lowry AFB, CO - Article 92. Preliminary investigation has disclosed that you, having knowledge of a lawful order issued by 3405 STUG/CC, to wit: paragraph 5a, Student Group Regulation 39-1, dated 25 Jul 86, an order which it was your duty to obey, did, on or about 19 Oct 87, fail to obey the same by wrongfully being present in a dormitory area designated for the opposite sex without the prior approval of a staff member. Forfeiture of \$125.00, and a reprimand. (No appeal) (No mitigation)

(5) 13 Aug 87, Lackland AFB, TX - Article 109 & 134. You, were, on or about 11 Aug 87, disorderly, which conduct was of a nature to bring discredit upon the Armed Forces. Further, you, did, on or about 11 Aug 87, willfully and wrongfully damage two shirts by putting shoe polish on them, of some value, the amount of said damage being of some value, the property of AB Gutierrez. Forfeiture of \$304.00. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Malmstrom AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (4) Mos (29) Das  
TAMS: (0) Yrs (10) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Mar 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH  
None.

13MAY03/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 341ST COMBAT SUPPORT GROUP (SAC)  
MALMSTROM AIR FORCE BASE, MONTANA 59402-5000



REPLY TO: 341SVS/CC  
ATTN. OF:

15 APR 1988

SUBJECT: Addendum to Letter of Notification

TO: AB [REDACTED]

1. This letter amends Letter of Notification dated 12 Apr 88.

a. Paragraph 2a is changed to read: On 11 Mar 88, you violated a lawful general regulation, to wit: paragraph 6-4b(1), Air Force Regulation 30-2, dated 18 Apr 86, by wrongfully referring to Staff Sergeant [REDACTED] as a nigger. For this you received vacation of suspended nonjudicial punishment and an Article 15 on 29 Mar 88.

b. Paragraph 2b is deleted.

c. Paragraph 2c is changed to read: 2b. On 16 Feb 88, you received a lawful order from a noncommissioned officer to prepare a meal for a maintenance team that was arriving late. You willfully disobeyed this order. For this you received an Article 15 on 2 Mar 88.

2. Execute the below acknowledgement and return it to me immediately.

[REDACTED]  
[REDACTED], Lt Colonel, USAF  
Commander  
341st Services Squadron

1st Ind

TO: 341 SVS/CC

Receipt acknowledged at 1445 on 15 April 88. I received a copy of this addendum.

[REDACTED]  
[REDACTED] AB, USAF  
[REDACTED]





DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 341ST COMBAT SUPPORT GROUP (SAC)  
MALMSTROM AIR FORCE BASE, MONTANA 59402-5000

REPLY TO  
ATTN OF:

341SVS/CC

12 APR 1988

SUBJECT:

Letter of Notification

TO:

AB O [REDACTED], 341SVS

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 AFR 39-10, paragraph 5-47b. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 11 Mar 88, you violated a lawful general regulation, to wit: paragraph 6-4b(1), Air Force Regulation 30-2, dated 18 Apr 86, by wrongfully referring to Staff Sergeant [REDACTED] as a nigger.

b. On 11 Mar 88, you violated a lawful general regulation, to wit: paragraph 6-4b(1), Air Force regulation 30-2, dated 18 Apr 86, for wrongfully referring to Staff Sergeant [REDACTED] as a nigger. For this you received a vacation of suspended nonjudicial punishment and were reduced from the grade of Airman First Class to Airman on 29 Mar 88.

c. On 16 Feb 88, you received a lawful order from a noncommissioned officer to prepare a meal for a maintenance team that was arriving late. You willfully disobeyed this order. For this you received an Article 15 on 29 Mar 88.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction or 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 counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain [REDACTED] at bldg 1991 on 12 Apr 88 at 1400. 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 by 15 Apr 88 unless you request and receive an extension for good cause shown. I will send them 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.

*Peace . . . . is our Profession*



6. You have been scheduled for a medical examination. You must report to Malmstrom AFB Hospital at 0800 on 13 Apr 88 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use at the Squadron Orderly Room.

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

  
Lt Col, USAF  
Commander  
341st Services Squadron

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1. Supporting Documents for the Reasons for Discharge:
  - a. Article 15, dated 29 Mar 88
  - b. vacation of suspended nonjudicial punishment dated 29 Mar 88
  - c. Article 15, dated 2 Mar 88
2. Documents containing derogatory information which are not listed in the Letter of Notification:
  - a. MSg  Memo for Record, Updated
  - b. SSgt  Memo for Record, Updated
3. Airman's receipt of Letter of Notification