

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]			
TYPE PERSONAL APPEARANCE		X RECORD REVIEW				
COUNSEL YES NO <input type="checkbox"/> <input checked="" type="checkbox"/>		NAME OF COUNSEL AND OR ORGANIZATION				
		ADDRESS AND OR ORGANIZATION OF COUNSEL.				
MEMBERS SITTING [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						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 1 AUG 03	CASE NUMBER FD2003-0166	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]			
INDORSEMENT				DATE: 1 AUG 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			

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change the Reason and Authority for discharge and to 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 does not contest his discharge. He just wants his discharge upgraded so that he can enlist in the U.S. Army. The record indicates the applicant received an Article 15 for failure to go on three separate occasions and a Vacation action on a suspended reduction under the UCMJ. In addition, he received seven Letters of Reprimand and two Letters of Counseling for being late for duty on numerous occasions, missing appointments and reporting to work without all of the required equipment. Wanting to enlist in the U.S. Army is no reason to change a discharge. Also, the U.S. Army may waive the Air Force RE Code if they so desire. 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 30 Apr 00 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: 12 Dec 80. Enlmt Age: 18 2/12. Disch Age: 19 4/12. Educ: HS DIPL. AFQT: N/A. A-23, E-74, G-68, M-78. PAFSC: 3P031 - Security Apprentice. DAS: 28 Aug 99.

b. Prior Sv: (1) AFRes 25 Feb 99 - 30 Mar 99 (1 month 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 31 Mar 99 for 6 yrs. Svd: 1 Yrs 1 Mo 1 Das, all AMS.

b. Grade Status: AMN - 7 Apr 00 (Vacation of Article 15, 17 Apr 00)
A1C - 31 Mar 99

c. Time Lost: None.

d. Art 15's: (1) 17 Apr 00, Keflavik NAS, Iceland - Article 86. You did, on or about 17 Apr 00, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. (No appeal) (No mitigation)

(2) 7 Apr 00, Keflavik NAS, Iceland - Article 86. You did, on or about 25 Mar 00, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 29 Mar 00, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 31 Mar 00, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Airman, forfeiture of \$263.00, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 13 APR 00 - Missed appointment and late for duty.
LOR, 11 APR 00 - Late for duty.
LOR, 07 APR 00 - Late for duty.
LOR, 21 MAR 00 - Late for duty.
LOR, 20 MAR 00 - Missed appointment.
LOR, 25 FEB 00 - Late for duty.

LOA, 17 FEB 00 - Late for remedial training.
LOR, 21 JAN 00 - Reported to work without all of required
equipment.
LOC, 01 OCT 99 - Late for duty

f. CM: None.

h. Awards & Decs: AFTR, AFOSSTR.

i. Stmt of Sv: TMS: (1) Yrs (2) Mos (6) Das
TAMS: (1) Yrs (1) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Apr 03.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority
for Discharge)

Issue 1: I am not writing you to dispute the actions that the Air Force has taken against me, I stand by the written statement I gave my former squadron commander stating I will accept the judgement set forth. I nearly (sic) wish to have my re-entry code changed so that I may enlist in the U.S. Army and serve my beloved country in this time of need. I do so not out of an act hoping to obtain glory, I do so to placate my feelings (sic) of guilt, I am an able bodied person willing to fight, and if necisary (sic) die for the country and people who have given me so much in the past. I wish for you, sirs and or ma'ams, only to consider my willingness to serve. I am not married, nor do I have children, as we speak men with families are putting their lives on the line for my freedom, I cannot stand by and allow this. I sir or ma'am, am a soldier, if only at heart for now and I must serve. In closing I wish to thank you for your time.

ATCH
None.

15MAY03/ia

PD 2003-00166



DEPARTMENT OF THE AIR FORCE

85TH SECURITY FORCES SQUADRON (ACC)
APO AE 09725-2055

18 April 2000

MEMORANDUM FOR AIRMAN [REDACTED], 85 SFS

FROM: 85 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions according to AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.49. 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 or about 1 October 1999, you failed to go at the time prescribed to your appointed place of duty, an action that you have been counseled for on numerous occasions. For this, you received a Letter of Counseling, dated 1 October 1999.

b. On or about 21 January 2000, you reported to work without all of your required equipment and therefore could not man your post. For this, you received a Letter of Reprimand, dated 21 January 2000.

c. On or about 16 February 2000, you failed to report at the time prescribed for remedial training after a failed Quality Control Evaluation. For this, you received a Letter of Admonishment, dated 17 February 2000.

d. On or about 24 February 2000, you failed to go at the time prescribed to your appointed place of duty. For this, you received a Letter of Reprimand, dated 25 February 2000.

e. On or about 17 March 2000, you failed to go at the time prescribed to your medical appointment. For this, you received a Letter of Reprimand, dated 20 March 2000.

Global Power for America

f. On or about 20 March 2000, you failed to go at the time prescribed to your appointed place of duty. For this, you received a Letter of Reprimand, dated 21 March 2000.

g. On or about 25 March 2000, you failed to go at the time prescribed to your appointed place of duty. On or about 29 March 2000, you failed to report at the time prescribed for training and on-the-job training (OJT) records review. On or about 31 March 2000, you failed to go at the time prescribed to your appointed place of duty. For these acts, you received an Article 15, dated 3 April 2000. Your punishment consisted of a suspended reduction in rank, forfeiture of \$263.00 pay, 14 days extra duty and a reprimand.

h. On or about 4 April 2000, you failed to go at the time prescribed to your appointed place of duty. For this, you received a Letter of Reprimand, dated 7 April 2000.

i. On or about 8 April 2000, you failed to go at the time prescribed to your appointed place of duty. For this, you received a Letter of Reprimand, dated 11 April 2000.

j. On or about 12 April 2000, you failed to go at the time prescribed to your medical appointment. On or about 13 April 2000, you failed to go at the time prescribed to your appointed place of duty. For these acts, you received a Letter of Reprimand, dated 13 April 2000.

k. On or about 17 April 2000, you failed to go at the time prescribed to your appointed place of duty. For this, your suspended Article 15 punishment was vacated, dated 17 April 2000 and administrative separation action was initiated.

3. Copies of the documents to be forwarded to the separation authority in support of the 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. 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 N/A at RAF Lakenheath, DSN 82-226-3608 or commercial 0- 0044-163-852-3608, has been obtained to assist you. An appointment has been scheduled for you to consult him on _____ April 2000, at _____ hours. You may consult civilian counsel at your own expense.

5. You have to submit statements in your own behalf. Any statement you want the separation authority to consider must reach me by 21 April 2000, 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 submit statements in your own behalf, your failure will constitute a waiver of your rights to do so.

7. You have been scheduled for a medical examination. You must report to the Navy Hospital at 0930 hours, on 20 April 2000, 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 Base Legal Office, ext 4306/7991.


_____, Capt, USAF
Commander

Attachments:

1. Letter of Counseling, dated 1 October 1999
2. Letter of Reprimand, dated 21 January 2000, 2 pages
3. Letter of Admonishment, dated 17 February 2000
4. Letter of Reprimand, dated 25 February 2000
5. Letter of Reprimand, dated 20 March 2000
6. Letter of Reprimand, dated 21 March 2000
7. Article 15 with suspended punishment and Memo for Record, dated 3 April 2000 and 26 March 2000 respectively, 4 pages
8. Letter of Reprimand, dated 7 April 2000
9. Letter of Reprimand, dated 11 April 2000
10. Letter of Reprimand and No Show Email Message, both dated 13 April 2000, 2 pages
11. Vacation of Article 15 suspended punishment and a Memo for Record, both dated 17 April 2000, 4 pages
12. Receipt of Notification Memorandum