

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE Amr	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

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

ISSUES A93.01	INDEX NUMBER A67.50	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
HEARING DATE 14 Aug 2003	CASE NUMBER FD-2003-00175	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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: 08/29/2003
TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00175

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 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 that would justify a change of discharge.

ISSUE:

The applicant contends that he should not be penalized indefinitely for mistakes he made when young. The DRB recognized the applicant was 20 years of age when the discharge took place. The records indicate applicant received three Article 15s, four Letters of Reprimand, three Letters of Counseling, and two Records of Individual Counseling. His misconduct included loitering on post, failure to go on numerous occasions, missed appointments, late for work and failure to follow orders, failed dorm inspections, dereliction of duty, assault, driving while disqualified, speeding, and a civil arrest. There is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 27 Jun 01 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:** -

a. DOB: 8 Jul 76. Enlmt Age: 22 2/12. Disch Age: 24 11/12. Educ: HS DIPL. AFQT: N/A. A-41, E-42, G-39, M-16. PAFSC: 3P051 - Security Forces Craftsman. DAS: 30 May 99.

b. Prior Sv: (1) AFRes 18 Sep 98 - 28 Dec 98 (3 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 29 Dec 98 for 4 yrs. Svd: 2 Yrs 6 Mo 0 Das, all AMS.

b. Grade Status: AMN - 20 Apr 01 (Article 15, 20 Apr 01)
A1C - 10 Dec 00
AMN - 10 Feb 00 (Vacation of Article 15, 24 Apr 00)
A1C - 29 Oct 99

c. Time Lost: None.

d. Art 15's: (1) 20 Apr 01, RAF Molesworth, UK - Article 134. You did, while posted as a sentinel at RAF Molesworth, United Kingdom, Main Gate, on or about 5 Apr 01, loiter while on post. Reduction to Amn, 14 days restriction, and 14 days extra duty. (No appeal) (No mitigation)

(2) 20 Apr 00, Vacation, RAF Molesworth, UK - Article 86. You, did, on or about 4 Mar 00, without authority, fail to go as the time prescribed to your appointed place of duty. You, did, on or about 10 Mar 00, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. (No appeal) (No mitigation)

(3) 10 Feb 00, RAF Molesworth, UK - Article 86. You, did, on or about 28 Jan 00, without authority, fail to go at the time prescribed to your appointed place of duty. Article 107. You, did, at or near Birmingham, West Midlands, United Kingdom, on or about 28 Jan 00, with intent to deceive, make to SrA [REDACTED], an official statement, to wit: that you were too ill to report for duty and that you would report to sick-call

at the RAF Upwood clinic, which statement was totally false and was then known by you to be so false. You, did, at or near RAF Alconbury, Cambridgeshire, United Kingdom, on or about 28 Jan 00, with intent to deceive, make to SSgt ██████ Drake, an official statement, to wit: that you had reported to the RAF Upwood clinic for medical treatment, which statement was totally false and was then known by you to be so false. Suspended reduction to Airman, forfeiture of \$200.00 pay per month for two months, 15 days restriction, and 15 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 24 APR 01 - Assault
 LOR, 09 MAR 01 - Driving While Disqualified, speeding and civil arrest.
 RIC, 22 JUN 00 - Failed dorm room inspection.
 LOR, 08 MAY 00 - Failure to go.
 LOC, 13 MAR 00 - Failure to go.
 LOC, 04 MAR 00 - Late for work.
 RIC, 22 FEB 00 - Dereliction of duty.
 LOC, 20 OCT 99 - Missed appointment.
 LOR, 22 JUL 99 - Late for work and failure to follow orders.
- f. CM: None.
- g. Record of SV: 29 Dec 98 - 28 Aug 00 RAF Molesworth 3 (Initial)
 29 Aug 00 - 02 Apr 01 RAF Molesworth 2 (CRO)
- (Discharged from McChord AFB)
- h. Awards & Decs: AFTR, AFOUA.
- i. Stmt of Sv: TMS: (2) Yrs (9) Mos (10) Das
 TAMS: (2) Yrs (6) Mos (0) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 7 Apr 03.
 (Change Discharge to Honorable)

Issue 1: When I first got into the military I got in because I thought it was the right thing to do. I was young irresponsible and not in the correct occupation for my future. I came in the military out of college when tuition got tough to come by. I thought life was still a big party. I did not realize the seriousness of protecting my country. I did not have the maturity at 20 yrs old that I have at 26. I now possess (sic) maturity and responsibility because of the mistakes I made in the military. I was never a trouble maker or a bad person. I just was irresponsible and that caused for bad decision making. Since I left the military I was a manager at Rite Aid Pharmacy and drugs where I never missed a day and worked diligently. I left Rite Aid to further my education and am majoring in Recreation and Administration to form a career for myself. I am requesting an upgrade on my discharge to clean my record to look

positive for future employers and myself. I have turned full circle since my discharge. I wish I had of waited until I was responsible enough to handle a job as serious as the U.S. Military. I ask that you look at my record and compare it to what I'm trying to achieve now and realize I was an immature 20 yr old and help me better myself for the future.

ATCH
None.

20MAY03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 100TH AIR REFUELING WING (USAFE)

7 May 2001

MEMORANDUM FOR AMN [REDACTED] 423 ABS

FROM: 423 ABS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50. If my recommendation is approved, your service will be characterized as either honorable or general, under honorable conditions. I am recommending that your service be characterized as general, under honorable conditions.

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

a. On or about 1 July 1999 and 22 July 1999, you reported late for duty. For this misconduct, you received a Letter of Reprimand, dated 22 July 1999 (Attachment 1).

b. On or about 28 January 2000, you failed to go to your reported place of duty and made a statement with intent to deceive. For this misconduct, you were punished under Article 15, UCMJ, dated 10 February 2000 (Attachment 2) and an Unfavorable Information File was established.

c. On or about 4 March 2000 and 10 March 2000, you failed to go to your appointed place of duty. For this misconduct, your suspended punishment under Article 15, UCMJ, dated 10 February 2000, was vacated on 24 April 2000 (Attachment 3).

d. On or about 8 May 2000, you reported late for duty. For this misconduct, you received a Letter of Reprimand, dated 8 May 2000 (Attachment 4).

e. On 28 February 2001, you were driving while disqualified. For this misconduct, you received a Letter of Reprimand, dated 9 March 2001 (Attachment 5).

f. On or about 5 April 2001, you, while posted as a sentinel, loiter while on post. For this misconduct, you received an Article 15, UCMJ, dated 20 April 2001 (Attachment 6).

g. On or about 7 February 2001, you participated in an assault off base on Sidney St., Cambridge, Cambridgeshire, United Kingdom. For this misconduct, you received a Letter of Reprimand dated 24 April 2001 (Attachment 7).

3. Other derogatory Information

On or about 18 October 1999, you failed to go to a mandatory fitness test. For this misconduct, you received a Letter of Counseling, dated 20 October 1999 (Attachment 8).

From on or about 10 January 2000 to 16 February 2000, you failed to complete volume 1 of your Career Development Course by the completion date. For this misconduct, you received a Record of Individual Counseling, dated 22 February 2000 (Attachment 9).

On or about 4 March 2000, you reported late for duty. For this you received a Letter of Counseling, dated 4 March 2000 (Attachment 10).

On or about 10 March 2000, you failed to attend a scheduled Commander's Call. For this, you received a Letter of Counseling dated 13 March 2000 (Attachment 11).

On or about 22 June 2000, you failed to meet the minimum standards for your dormitory inspection. For this misconduct, you received a Record of Individual Counseling (Attachment 12).

4. Copies of the documents to be forwarded to the separation authority in support of this 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 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.
5. 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 Capt [REDACTED] the Area Defense Counsel, RAF Lakenheath, Suffolk, DSN: 226-3608, at 0900 hours, on 8 May 2001. You may consult civilian counsel at your own expense.
6. You have the right to submit matters on your own behalf. Any statements you want the separation authority to consider must reach me by 2000 on 10 May 2001, unless you receive an extension for good cause shown. I will send whatever you submit to the separation authority.
7. 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.
8. You have been scheduled for a medical examination. You must report to RAF Upwood, Primary Care Section, on 7 May 2001, at 1430 hours for the examination.
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 in the 423 ABS Orderly Room.

[REDACTED]
Commander

[REDACTED], Lt Col, USAF

Attachments:

1. Letter of Reprimand, dated 22 July 1999
2. Article 15, dated 10 February 2000
3. Vacation Action, dated 24 April 2000
4. Letter of Reprimand, 8 May 2000
5. Letter of Reprimand, 9 March 2001
6. Article 15, dated 20 April 2001
7. Letter of Reprimand, dated 24 April 2001
8. Letter of Counseling, dated 20 October 1999
9. Record of Individual Counseling, dated 22 February 2000
10. Letter of Counseling, dated 4 March 2000
11. Letter of Counseling, dated 13 March 2000
12. Record of Individual Counseling, dated 22 June 2000
13. EPR(s)
14. Records Review rip
15. Statement of Understanding Regarding Recoupment of Education Assistance, Special Pay, or Bonuses
16. Receipt of Notification Memorandum