

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE ██████	AFSN/SSAN ██████████			
TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE		RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	NO					
	<input checked="" type="checkbox"/>					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTBC	OTHER	DENY
		<input checked="" type="checkbox"/>				
		<input checked="" type="checkbox"/>				
		<input checked="" type="checkbox"/>				
		<input checked="" type="checkbox"/>				
ISSUES A01.56 A94.06		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 20 NOV 03		CASE NUMBER FD2003-00177		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	
					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 Andrews AFB, Maryland. * Change Reason to Secretarial Authority Advise applicant of the decision of the Board.						
INDORSEMENT				DATE: 20 NOV 2003		
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

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, Maryland.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The discharge is upgraded to Honorable and the reason for discharge is changed to Secretarial Authority.

The Board finds evidence of record and that provided by the applicant, which substantiates both an inequity and impropriety that justifies an upgrade of the discharge and a change in the reason for discharge.

ISSUES: The applicant was discharged with a General Discharge for Misconduct – Minor Disciplinary Infractions. The applicant received nine Records of Individual Counseling and two Letters of Reprimand for a broad range of minor disciplinary infractions. The applicant's central issue is that he feels he should have, instead, received an Honorable Discharge, an intent expressed to the member by his commander and documented in the commander's notification letter to the member and in the commander's recommendation to the discharge authority. However, in the legal review conducted by the staff judge advocate, the recommendation of the commander was, instead, said to administratively separate the applicant with a General, under Honorable conditions, discharge. This alteration in the recommended characterization of the applicant's military service was made without a written explanation of the reason for overruling the recommendation of the applicant's commander, thereby depriving the discharge authority of evidence with which to make a fully informed decision and depriving the applicant of the opportunity to provide an appropriate response to his commander. Additionally, following a review and analysis of each of the disciplinary actions, the Board noted the vast majority of these were issued by the same individual, the applicant's immediate enlisted supervisor, without timely involvement of either the applicant's first sergeant or his commander in the discharge process. The Board also found reason to believe some of the infractions committed by the applicant were inappropriately provoked by the applicant's supervisor, such as secretly creating a safety hazard, not as part of a scheduled training exercise, then penalizing the applicant for not taking notice.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was inconsistent with the procedural requirements of the discharge regulation and resulted in an inequity and an impropriety in the processing of the applicant's discharge. The characterization of the applicant's discharge should be changed to Honorable under the provisions of Title 10, USC 1553, and the reason for separation changed to Secretarial Authority. The applicant's existing RE code remains unchanged.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
[REDACTED]
(Former A1C) (HGH A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 14 Jun 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 13 Aug 82. Enlmt Age: 18 3/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-79, E-67, G-64, M-50. PAFSC: 2A634 - Aircraft Fuel Systems Apprentice. DAS: 10 Jun 01.

b. Prior Sv: (1) AFRes 12 Dec 00 - 26 Dec 00 (15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Dec 00 for 6 yrs. Svd: 1 Yrs 5 Mo 19 Das, all AMS.

b. Grade Status: A1C - 16 Feb 01

c. Time Lost: None.

d. Art 15's: None.

e. Additional: RIC, 07 MAY 02 - Reading personal email during duty.
LOR, 03 MAY 02 - Failure to obey a lawful order concerning off duty employment.
RIC, 09 APR 02 - Late for work.
RIC, 08 APR 02 - Committed a direct safety violation.
LOR, 03 APR 02 - Financial irresponsibility.
RIC, 12 MAR 02 - Disrespect to an NCO.
RIC, 05 MAR 02 - Bad checks.
RIC, 05 MAR 02 - Financial irresponsibility.
RIC, 18 SEP 01 - Late for work.
RIC, 28 AUG 01 - Failed to sign-out and secure tools.
RIC, 08 AUG 01 - Falsifying expired license plates.

f. CM: None.

g. Record of SV: None.

(Discharged from Eglin AFB)

h. Awards & Decs: AFTR, NDSM.

FD2003-00177

i. Stmt of Sv: TMS: (1) Yrs (6) Mos (3) Das
TAMS: (1) Yrs (5) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Apr 03.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH
None.

21MAY03/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

--- I haven't much more to say than that which I stated in my response. Which I requested be placed in my PIF. My problem was not with the Air Force, or doing as I was told; there were serious issues that needed to be addressed in my shop; sadly, I waited til it was too late to address them. I requested to be relieved of my commitment because I was told, by my shop chief, that he'd make sure they'd go easier on me.

--- I am very grateful that my service was characterized as "under honorable conditions"; but my seperation code of "JKN" is incorrect. The only "misconduct" that'd taken place was that of one or two of my superiors. In the beginning I didn't respond to any of my LOC's because I thought it defiant; and although I am strong-headed, I made an earnest attempt to comply with every standard placed on me by the Airforce. I admit I was happy and in a way relieved to leave the gates for the last time, but I hadn't realized the full weight of my decision at that point. I wasn't unhappy with the AirForce; I was unhappy with where I was in Duke field fuel cell and although I tried to transfer (to hurburt, minor, mcguire), my supervisor would not allow it (he assured me he'd not let it go through). These as well as those listed in my articles that were given to MEO, my Flight chief, and in my discharge packet (which I am sure imply hazing on their parts), are the reasons that I began to slip up in the minor ways that I did. They weren't common mistakes, or blaintainf disregard for authority, they were attempts to fix and regain parts of my life that I'd inadvertently "mess-up". What person can devote himself to his work or any capacity of life when everything seems to be caving in around him? nothing I did or could do was good enough.

In closing I'm not looking for sympathy, I am however asking that you would empathize put yourselves in my place for a moment. Sometimes I wish I could take back everything I said or did, or even go back and do it over, maybe be the passive airman that the airforce wanted me to be. However I learned a lot, both about life, and myself. And even if nothing beneficial came from this at least I'd have closure, and can then say I have no regrets.

I thank you all for your time

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.


I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD) b. SIGNATURE

20030406 

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 16th SPECIAL OPERATIONS WING (AFSOC)

FD 2003-00177

21 May 02

MEMORANDUM FOR [REDACTED] 16 MXS (AFSOC)

FROM: 716 MXS/CC

SUBJECT: Notification Memorandum

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 honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as honorable.
2. My reasons for this action are:
 - a. On 7 Aug 01, you were observed falsifying the expired license plate for your car using a black marker to modify the existing numbers so the license plate appeared valid. For this offense you received a Record of Individual Counseling, dated 8 Aug 01.
 - b. On 28 Aug 01, you failed to sign-out and secure tools. For this offense you received a Record of Individual Counseling, dated 28 Aug 01.
 - c. On 18 Sep 01, you failed to report to duty on time. For this offense you received a Record of Individual Counseling, dated 18 Sep 01.
 - d. On 5 Mar 02, you failed to have sufficient funds to cover a check used to purchase of a bed. or this offense you received a Record of Individual Counseling, dated 5 Mar 02.
 - e. On 5 Mar 02, you failed to pay a just debt to Pay Roll Advance by 1 Mar 02. For this offense you received a Record of Individual Counseling, dated 5 Mar 02.
 - f. On 11 Mar 02, you were disrespectful to an NCO. For this offense you received a Record of Individual Counseling, dated 12 Mar 02.
 - g. On 5 Mar 02, you failed to have sufficient funds to cover a check to Don Urquhart in the amount of \$471.00. For this offense you received a Letter of Reprimand, dated 3 Apr 02.
 - h. On 8 Apr 02, you committed a direct safety violation. For this offense you received a Record of Individual Counseling, dated 8 Apr 02.
 - i. On 9 Apr 02, you failed to report to duty on time. For this offense you received a Record of Individual Counseling, dated 9 Apr 02.
 - j. On or about 20 Apr 02, you failed to obey a lawful order given to you by your flight chief concerning off-duty employment. You failed to complete an Air Force Form 3902 and obtain the commander's approval prior to accepting employment. For this offense you received a Letter of Reprimand, dated 3 May 02 with an Unfavorable Information File, dated 13 May 02.

k. On 7 May 02, you were reading personal e-mail during duty. For this offense you received a Record of Individual Counseling, dated 7 May 02.

3. 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. **Special pay, bonuses, or education assistance funds may be subject to recoupment.**

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 [redacted] at building 451, 882-4185, on 29 May 02 at 1430 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within **3 workdays** 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination with the 96th Medical Group on 3 Jun 02 at **0715** hours.

8. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on 3 Jun 02 at 1030 hours. **Immediately after completion of your 96th Mission Support Squadron separations briefing report to the 96th Traffic Management Office** with a completed AFDTC Form 4134 or LGTT Office Form B133 and an Authorization Letter (provided by Separations) to schedule your TMO pickup. If you have has a TMO pickup it must be **before** 10 Jun 02.

9. You are required to receive a briefing from the Family Support Center prior to your separation. You were scheduled to receive your Transition Assistant Management Program (TAMP) briefing on 4 Jun 02 at 0800 hours.

10. 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 your unit orderly room.

11. Execute the attached acknowledgment and return it to me immediately.

[Redacted Signature] 29 May 02
Commander, 716 MXS

Attachments:

- 1. Supporting Documents
 - 1a. Record of Individual Counseling, dated 8 Aug 01
 - 1d. Record of Individual Counseling, dated 28 Aug 01
 - 1c. Record of Individual Counseling, dated 18 Sep 01

- 1d. Record of Individual Counseling, dated 5 Mar 02
 - 1e. Record of Individual Counseling, dated 5 Mar 02
 - 1f. Record of Individual Counseling, dated 12 Mar 02
 - 1f. Letter of Reprimand, dated 3 Apr 02
 - 1h. Record of Individual Counseling, dated 8 Apr 02
 - 1i. Record of Individual Counseling, dated 9 Apr 02
 - 1j. Letter of Reprimand, dated 3 May 02 with a UIF dated 13 May 02
 - 1k. Record of Individual Counseling, dated 7 May 02
2. Airman's Acknowledgment -