

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

|  |                     |                                |
|--|---------------------|--------------------------------|
| <b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b><br>[REDACTED] | <b>GRADE</b><br>Amn | <b>AFSN/SSAN</b><br>[REDACTED] |
|--|---------------------|--------------------------------|

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| <b>TYPE</b>                                | <b>PERSONAL APPEARANCE</b> | <b>X RECORD REVIEW</b>                        |
| <b>COUNSEL</b>                             |                            | <b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b> |
| <b>NAME OF COUNSEL AND OR ORGANIZATION</b> |                            |   |
| <b>YES</b>                                 | <b>No</b>                  |   |
|  | <b>X</b>                   |   |

| <b>MEMBER SITTING</b> | <b>NOTE OF THE BOARD</b> |            |              |              |             |
|-----------------------|--------------------------|------------|--------------|--------------|-------------|
|                       | <b>HON</b>               | <b>GEN</b> | <b>UOTHC</b> | <b>OTHER</b> | <b>DENY</b> |
| [REDACTED]            |                          |            |              |              | X           |
| [REDACTED]            |                          |            |              |              | X           |
| [REDACTED]            |                          |            |              |              | X           |
| [REDACTED]            |                          |            |              |              | X           |
| [REDACTED]            |                          |            |              |              | X           |

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| <b>ISSUES</b><br>A94.53            | <b>INDEX NUMBER</b><br>A67.10       | <b>EXHIBITS SUBMITTED TO THE BOARD</b> |  |
|                                    |                                     | <b>1</b>                               | ORDER APPOINTING THE BOARD                                   |
|                                    |                                     | <b>2</b>                               | APPLICATION FOR REVIEW OF DISCHARGE                          |
|                                    |                                     | <b>3</b>                               | LETTER OF NOTIFICATION                                       |
|                                    |                                     | <b>4</b>                               | BRIEF OF PERSONNEL FILE                                      |
|                                    |                                     |  | COUNSEL'S RELEASE TO THE BOARD                               |
| <b>HEARING DATE</b><br>14 Aug 2003 | <b>CASE NUMBER</b><br>FD-2003-00181 |  | 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

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| <b>SIGNATURE OF RECORDER</b><br>[REDACTED] | <b>SIGNATURE OF BOARD PRESIDENT</b><br>[REDACTED] |
|--|---|

|  |   |                         |
|--|---|-------------------------|
| <b>INDORSEMENT</b>   |   | <b>DATE: 08/29/2003</b> |
| <b>TO:</b><br>SAF/MRBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742 | <b>FROM:</b><br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3RD FLOOR<br>ANDREWS AFB, MD 20762-7002 |                         |

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| <b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b> | <b>CASE NUMBER</b><br><b>FD-2003-00181</b> |
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**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any 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 applicant received two Article 15s, four Letters of Reprimand, and six Records of Individual Counseling. His misconduct included failure to pay debt, dereliction of duty, financial irresponsibility, failure to maintain dorm room, late for work and failing to answer a six-ring standby, failure to complete Career Development Course, failure to follow proper procedures, and displaying pornographic images on a government computer. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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

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

[REDACTED]  
[REDACTED]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 19 Mar 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 31 Oct 79. Enlmt Age: 20 5/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-71, E-70, G-72, M-68. PAFSC: 2A634 - Aircraft Fuel Systems Apprentice. DAS: 25 Aug 00.

b. Prior Sv: (1) AFRes 10 Apr 00 - 18 Apr 00 (9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Apr 00 for 6 yrs. Svd: 1 Yrs 11 Mo 1 Das, all AMS.

b. Grade Status: AMN - 27 Sep 01 (Vacation of Article 15, 14 Feb 02)  
A1C - 02 Jun 00

c. Time Lost: None.

d. Art 15's: (1) 14 Feb 02, Vacation, McConnell AFB, KS - Article 134. You, being indebted to Pioneer Military Lending in the sum of \$576.00 for cash and things of value, which amount became due and payable on or about 1 Nov 01, did, from between on or about 1 Nov 01, to on or about 4 Feb 02, dishonorably fail to pay said debt. Reduction to Airman. (No appeal) (No mitigation)

(2) 27 Sep 01, McConnell AFB, KS - Article 92. You, who knew of your duties, on or about 20 Aug 01, were derelict in the performance of those duties in that you negligently failed to stay awake while performing your duties as fireguard, as it was your duty to do. Suspended reduction to Airman. Suspended forfeiture of \$100.00 pay per month for two months, and 30 days restriction. (No appeal) (No mitigation)

e. Additional: LOR, 04 FEB 02 - Financial irresponsibility.  
LOR, 23 JAN 02 - Not wearing proper personal protective equipment.  
RIC, 09 JAN 02 - Late for work.  
RIC, 03 JAN 02 - Dereliction of duty.  
LOR, 28 NOV 01 - Late for inspection and maintaining dormitory room below minimum standards.

- RIC, 18 SEP 01 - Late for work, and failing to answer the telephone while on 6 ring standby.
- LOR, 20 JUL 01 - Displaying pornographic images on a government computer.
- RIC, 13 JUN 01 - Failure to follow proper procedures for tool inspection.
- RIC, 11 JUN 01 - Financial irresponsibility.
- RIC, 25 MAY 01 - Failure to complete Career Development Course.

f. CM: None.

g. Record of SV: 19 Apr 00 - 18 Dec 01 McConnell AFB 2 (Initial)REF  
(Discharged from McConnell AFB)

h. Awards & Decs: AFTR, SAEMR, AFOUA, AFSB.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (10) Das  
TAMS: (1) Yrs (11) Mos (01) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 APR 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**

None.

21MAY03/ia



FD 2003-00181

DEPARTMENT OF THE AIR FORCE  
22D MAINTENANCE SQUADRON (AMC)  
McCONNELL AIR FORCE BASE, KANSAS

MAR 06 2002

MEMORANDUM FOR AMN [REDACTED]

FROM: 22 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions, in accordance with AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as either honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You did, between on or about 25 October 2000 and on or about 24 May 2001, fail to satisfactorily complete your Career Development Course (CDC). When asked to provide the self test question worksheet, it was determined that you had very little progression. Your projected completion date for your CDCs was 13 February 2001 and as of 24 May 2001 your CDCs had not been completed. For this incident, you received a Record of Individual Counseling (RIC), dated 25 May 2001.

b. You, being indebted to Riverwalk Apartment, failed to pay the past due amount of \$635.00 in rent for June 2001. You had also been late with your rent payment five of the previous nine months. Additionally, you failed to pay your car payment for the amount of \$564.85. For these incidents, you received a RIC, dated 11 June 2001.

c. You did, on or about 8 June 2001, fail to follow proper procedures for end of shift tool inspection. A consolidated tool kit (CTK) was signed closed by you with a tool missing from its contents. This missing tool was later found in the trash. For this incident, you received a RIC, dated 13 June 2001.

d. You did, on or about 30 May 2001, wrongfully display pornographic images on your government computer, in violation of Air Force Instruction (AFI) 33-129, paragraph 6.1.3, dated 1 August 1999. For this incident, you received a Letter of Reprimand (LOR), dated 20 July 2001.

e. You were, on or about 18 September 2001, late for work. Attempts were made to contact you about your duty schedule change, but you never answered the phone, even though you were on six-ring telephone standby. For this incident, you received a RIC, dated 18 September 2001.

f. You, who knew of your duties at McConnell Air Force Base, Kansas, on or about 20 August 2001, were derelict in the performance of those duties in that you negligently failed to stay awake while performing your duties as fireguard, as it was your duty to do. For this incident, you received nonjudicial punishment (Article 15), dated 27 September 2001 and an Unfavorable Information File (UIF) was initiated.

g. You did, on or about 16 November 2001, maintain your dormitory room below minimum standards. You were instructed to clean your room and be ready for standby inspection on 19 November 2001. You were late for this inspection because you overslept. This inspection also resulted in a failure. For this incident, you received a LOR, dated 28 November 2001.

h. You were, on or about 3 January 2002, asked to go to the tool room to get the needed tools and supplies for a ground emergency fuel leak. In response, you were seen walking and showing no concern for the emergency. When told to hurry, you shrugged your shoulders as if to say you were already moving quickly. For this incident, you received a RIC, dated 3 January 2002.

i. You did, on or about 9 January 2002, report one hour late to work. For this incident, you received a RIC, dated 9 January 2002.

j. You were, on or about 18 January 2002, tasked to drain residual fuel from the #1 main tank on an aircraft. During this task, you were seen not wearing the proper personal protective equipment (PPE). When questioned, you stated that you knew you were supposed to have your PPE on during draining operations. For this incident, you received a LOR, dated 23 January 2002.

k. You, being indebted to Pioneer Military Lending, failed to pay the past due amount of \$576.00 as of 4 February 2002. For this incident, you received a LOR, dated 4 February 2002, which was placed in your existing UIF.

l. You, being indebted to Pioneer Military Lending in the sum of \$1,146.10 for cash and things of value, which amount became due and payable on or about 1 November 2001, did at or near McConnell Air Force Base, Kansas, from 1 November 2001 to 4 February 2002, dishonorably fail to pay said debt. For this incident, you received an AF Form 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 15 February 2002.

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 and if you are discharged, how your service will be characterized. You are ineligible for reenlistment in the Air Force if your discharge is approved.

4. You have the right to consult military counsel. Military legal counsel will be made available to assist you, at no expense to you. I have made an appointment for you to consult with the Area Defense Counsel (ADC) at McConnell AFB, Kansas, on 7 MAR 02 at 1300 L. You can contact the ADC at ext. 4375. You may consult with civilian counsel at your own expense.

5. You have the right to submit matters in your own behalf. Any statements you want the separation authority to consider must reach me by 11 MAR 02 at 1030 L unless you request and receive an extension for good cause shown. Any matters and statements you submit will be forwarded to the separation authority.
6. 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.
7. You have been scheduled for a **mandatory** medical appointment. You are to report to the 22d Medical Squadron, Physical Exams Section, on 6 MAR 02 at 1300-1400 L. Take your medical records with you.
8. If you live in base housing, you must contact the housing office immediately upon receipt of this notification.
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 your squadron orderly room.
10. Execute the attached acknowledgment and return it to me immediately.

  
Major, USAF  
Commander, 22d Maintenance Squadron

Attachments:

1. Receipt of Notification Memorandum
2. Statement of Understanding
3. Identification Card Retrieval Letter
4. RIC, dated 25 May 01
5. RIC, dated 11 Jun 01
6. RIC, dated 13 Jun 01
7. LOR, dated 20 Jul 01
8. RIC, dated 18 Sep 01
9. AF Form 3070, dated 27 Sep 01
10. LOR, dated 28 Nov 01
11. RIC, dated 3 Jan 02
12. RIC, dated 9 Jan 02
13. LOR, dated 23 Jan 02
14. LOR, dated 4 Feb 02
15. AF Form 366, dated 15 Feb 02