

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

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

ISSUES A93.10 A93.08 A93.02	INDEX NUMBER A67.10	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-2003-00183		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 5 COMMAND DR, EE WING, 3RD FLOOR DREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00183

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.

ISSUES:

Issue 1. The applicant was discharged with a General discharge for misconduct - minor disciplinary infractions. He received two Articles 15, three Letters of Reprimand, and five Records of Individual Counseling. His misconduct included failure to go, willfully disobeying a direct order, financial irresponsibility, late for work, failing dormitory inspection, and having unauthorized alcoholic beverages in dorm room. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The DRB was pleased to see that the applicant was doing well and striving to be a good citizen.

Issue 2. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on September 13, 1999) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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 A1C) (HGH SRA)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 22 Aug 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Jul 80. Enlmt Age: 17 11/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-41, E-53, G-41, M-48. PAFSC: 2A651A - Jet Engines Aerospace Propulsion Journeyman. DAS: 7 Feb 00.

b. Prior Sv: (1) AFRes 17 Jun 98 - 27 Jul 99 (1 yr 1 month 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Jul 99 for 6 yrs. Svd: 3 Yrs 0 Mo 26 Das, all AMS.

b. Grade Status: A1C - 15 Jul 02 (Vacation of Article 15, 5 Aug 02)
SRA - 24 Jan 02
A1C - 24 Sep 99

c. Time Lost: None.

d. Art 15's: (1) 05 Aug 02, Vacation, Seymour Johnson AFB, NC - Article 86. You did, on or about 20 Jul 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C, and 10 days extra duty. (No appeal) (No mitigation)

(2) 15 Jul 02, Seymour Johnson AFB, NC - Article 90. You, having received a lawful order from Major [REDACTED] a superior commissioned officer, then known by you to be a superior commissioned officer, to refrain from driving your car until it had proper registration and insurance, did at or near Goldsboro, North Carolina, on or about 28 Jun 02, willfully disobey the same. Suspended reduction to A1C, and suspended 10 days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 26 JUN 02 - Violation of a direct order not to operate a POV until it was insured, had a current inspection, and registration.

LOR, 24 JUN 02 - Financial irresponsibility.

LOR, 07 JUN 02 - Financial irresponsibility.

RIC, 03 JUN 02 - Financial irresponsibility.
 RIC, 07 MAY 02 - Financial irresponsibility.
 RIC, 20 FEB 02 - Financial irresponsibility.
 RIC, 14 SEP 01 - Late for work.
 LOR, 08 JUN 01 - Failing dorm room inspection and having
 unauthorized alcoholic beverages in the
 refrigerator.

f. CM: None.

g. Record of SV: 28 Jul 99 - 27 Mar 01 Seymour Johnson AFB 5 (Initial)
 28 Mar 01 - 02 Nov 01 Seymour Johnson AFB 4 (CRO)

(Discharged from Seymour Johnson AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (4) Yrs (2) Mos (6) Das
 TAMS: (3) Yrs (0) Mos (26) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 12 Apr 03
 (Change Discharge to Honorable)

Issue 1: I joined the Air Force with the hope that I could further myself in life. Only towards the last six months of my service was there much of a problem, due to the fact that I had taken up residence in off base accomodations. I honestly felt that I could handle the responsibilities of living off base, but due to poor judgement (sic) on my part (ie (sic) choice of roomates, and entering and agreement that I could not afford to take on myown (sic) if nessisary (sic)) that I was in so much financial turmoil. If you will note that most everything leading up to my discharge had significant financial ties to it (ex, (sic) order not to operate my vehicle until it had been renewed and was legal to drive) which was my fault for placing myself and mt (sic) supervisors in that situation. I asked to be discharged from the Air Force, on the grounds that I was uncertain that nothing else were to happen for the remainder of my enlistement. I felt that is (sic) was better to save face and peacefully leave then risk anymore possibal (sic)embarrassment upon myself or to the Air Force.

The reason that I am asking you to consider an upgrage (sic), is that I went into the Air Force to better myself. This still holds true, I have been an outstanding worker, and have done all that I have been asked to the best of my abilities (sic) at work, it was just my personal life that interfered. I just want what I had set out for in the first place, money for school, in which I plan to work and obtain no less than a PhD in the field of Astrophysies. It is my understanding that in order to regain access to the Montgomery G.I. Bill, I need to have a dichage (sic) characterized as honorable. I ask you to consider this, and make a decision that will not only benifit (sic) me, but others as well. Thank you.

FD2003-00183

ATCH
None.

22MAY03/ia



DEPARTMENT OF THE AIR FORCE
4TH FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

FD 2003 - 00183

08 AUG 2002

MEMORANDUM FOR AIC [REDACTED]

FROM: 4 LSS/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 my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. According to Table 1.3 of AFI 36-3208, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 15 May 2001, you failed to comply with SJAFBI 32-6005, *Airman Dormitories Standards, Conduct and Procedures*, in that your room was inspected during a scheduled dormitory inspection and it was well below the minimum acceptable standards. For this misconduct, you received a Letter of Reprimand, an Unfavorable Information File (UIF) was established, and you were placed on the Control Roster. These actions are documented by an AF Form 1058, dated 25 June 2001 with attachments (Tab 1a).

b. Between on or about 20 July 2001 and on or about 14 September 2001, you reported for duty late on four occasions. For these incidents of misconduct, you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 14 September 2001 (Tab 1b).

c. On or about 20 February 2002, you received a Record of Individual Counseling for financial irresponsibility in that you wrote two checks to your landlord for which you did not have sufficient funds in your account to cover. These actions are documented by an AF Form 174, dated 20 February 2002 (Tab 1c).

d. On or about 7 May 2002, you received a Record of Individual Counseling your Government Travel Card account being 30-days past due in the amount of \$159.18. These actions are documented by an AF Form 174, dated 7 May 2002 (Tab 1d).

e. On or about 3 June 2002, your Military Star Credit account was past due in the amount of \$48.00. For this misconduct, you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 3 June 2002 with attachment (Tab 1e).

f. On or about 5 June 2002, your Government Travel Card account was more than 60-days past due in the amount of \$159.18. For this misconduct, you received a Letter of Reprimand. These actions are documented by a Letter of Reprimand, dated 7 June 2002 (Tab 1f).

Global Power For America

g. On or about 31 May 2002, you failed to make payments on your loan in the amount of \$352.94. Additionally, on or about 1 June 2002, you failed to pay your rent in the amount of \$578.00. For these incidents of misconduct, you received a Letter of Reprimand that was placed in your existing UIF and you were placed on the Control Roster for the second time. These actions are documented by an AF Form 1058, dated 24 June 2002 with attachment (Tab 1g).

h. On or about 13 June 2002, you wrongfully operated your car without having automobile insurance, a current inspection, and a current registration for your car. For this misconduct, you were given a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 26 June 2002 (Tab 1h).

i. On or about 28 June 2002, you willfully failed to obey the lawful order of a commissioned officer in that you failed to refrain from driving your car until it had proper registration and insurance. For this misconduct, you received an Article 15. These actions are documented by an AF Form 3070, dated 9 July 2002 (Tab 1i).

j. On or about 20 July 2002, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Quality Assurance (QA), building 4502. For this misconduct, the Article 15 punishment you received on 15 July 2002 which called for the suspended reduction to the grade of Airman First Class was vacated. These actions are documented by an AF Form 366, dated 30 July 2002 (Tab 1j)

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. 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 Capt [redacted] Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 9 Aug 02 (date) at 0900 (time). 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 by 13 Aug 02 (allow three duty days) 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 in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a mandatory physical examination at the 4th Medical Group, Seymour Johnson AFB, Blue Team on 12 August 2002 at 0900 hours with Major [redacted] You must arrive 15 minutes prior to your scheduled appointment time.

8. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 9 Aug 02 August 2002 at 1300 hours. You must report to building 3602 for your TAPs counseling.

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 at the unit orderly room or the Area Defense Counsel office.

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

[REDACTED]
[REDACTED] Major, USAF
Commander, 4 LSS

Attachments:

Supporting Documentation:

- a. AF Form 1058, dated 25 June 2001 with attachments
- b. AF Form 174, dated 14 September 2001
- c. AF Form 174, dated 20 February 2002
- d. AF Form 174, dated 7 May 2002
- e. AF Form 174, dated 3 June 2002 with attachment
- f. Letter of Reprimand, dated 7 June 2002
- g. AF Form 1058, dated 24 June 2002 with attachment
- h. AF Form 174, dated 26 June 2002
- i. AF Form 3070, dated 9 July 2002
- j. AF Form 366, dated 30 July 2002