

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>		GRADE AMN	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>												
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> <td rowspan="3" style="width: 50%; vertical-align: top;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td colspan="3" rowspan="3" style="width: 40%; vertical-align: top;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td style="width: 10%; text-align: center;">YES</td> <td style="width: 10%; text-align: center;">No</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL			YES	No		X				
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ISSUES A94.05	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 28 Oct 2003	CASE NUMBER FD-2003-00189		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE												
			TAPE RECORDING OF PERSONAL APPEARANCE												
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE															
<p>Case heard at Washington, D.C.</p> <p>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</p>															
SIGNATURE OF RECORDER <div style="background-color: black; width: 100%; height: 1.2em;"></div>		<div style="background-color: black; width: 100%; height: 1.2em;"></div>													
INDORSEMENT		DATE: 10/28/2003													
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-2003-00189**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and change the reenlistment code.

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, change of reason and authority, and change of reenlistment code 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:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for failure to go on four separate occasions, a Vacation action under the UCMJ for failure to go on three occasions, being disrespectful in language and deportment toward a TSgt, and for failing to refrain from wearing civilian clothes and riding in a POV. In addition, he received four Letters of Reprimand for failure to report on three occasions, violation of Phase restrictions, being disrespectful to an NCO, substandard behavior and unprofessional conduct and language. He also received one Letter of Counseling for failure to report and eight AETC Form 341s for various misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

**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

MISSING MEDICAL RECORDS  
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 17 Jan 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, Change to Reentry Code, and Reason and Authority.

2. **BACKGROUND:**

a. DOB: 1 Oct 81. Enlmt Age: 18 7/12. Disch Age: 30 3/12. Educ: HS DIPL. AFQT: N/A. A-86, E-82, G-84, M-79. PAFSC: 3E331 - Structural Apprentice. DAS: 21 Apr 01.

b. Prior Sv: (1) AFRes 25 May 00 - 31 Jul 00 (2 Months 7 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AMN 1 Aug 00 for 6 yrs. Svd: 1 Yr 5 Mos 17 Das, all AMS.

b. Grade Status: AMN - 8 Mar 01 (Vacation of Article 15, 3 Aug 01)  
A1C - 22 Sep 00

c. Time Lost: None.

d. Art 15's: (1) 3 Aug 01, Vacation, Fort Gordon, GA - Article 86. You, did, on or about 30 May 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Physical Conditioning Formation. You, did, on or about 31 May 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Charge of Quarters Briefing. You, did, on or about 28 Jun 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Charge of Quarters Briefing. Article 91. You, on or about 30 May 01, were disrespectful in language and deportment toward [REDACTED] an NCO, then known by you to be a superior NCO, who was then in the execution of her office, by using profanity, refusing to answer a question, and failing to use the appropriate facing movements when leaving the office. You, who knew of your duties, on or about 28 Jun 01, were derelict in the performance of those duties in that you willfully failed to abide by 2<sup>nd</sup> Air Force Phase Program restrictions, by failing to refrain from wearing civilian clothes, as it was your duty to do. You, who knew of your duties, on or about 28 Jun 01, were derelict in the performance of those duties in that you willfully failed to abide by 2nd Air Force Phase Program

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Apr 03.

(Upgrade Discharge to Honorable, Change Reentry Code, and Reason and Authority)

Issue 1: I have been a good citizen since my discharge.

Issue 2: My ability to serve was impaired by my youth and immaturity.

Issue 3: My record of an Artical (sic) 15 indicates only isolated or minor offenses.

**ATCH**

1. Applicant's Letter.
2. Congressional Inquiry.

2 Oct 03/cr



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD2003-00189

13 December 2001

MEMORANDUM FOR [REDACTED]

366 TRS DET 6

FROM: 366 TRS DET 6/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as an 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, at or near Gulfport MS, on or about 9 Aug 01, fail to go at the time prescribed to your appointed place of duty, to wit: Charge of Quarters Briefing at 1800. For this misconduct you received a Letter of Reprimand (LOR) on 20 Aug 01.

b. You did, at or near Gulfport MS, on or about 28 Jun 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Charge of Quarters Briefing. For this misconduct and subparagraphs "c" through "g" below, your suspended Article 15 punishment was vacated on 3 Aug 01. In addition, for this misconduct you received an LOR on 2 Jul 01.

c. You, who knew of your duties at or near Gulfport MS, on or about 28 Jun 01, were derelict in the performance of those duties in that you willfully failed to abide by Second Air Force Phase Program restrictions, by failing to refrain from wearing civilian clothes, as it was your duty to do. For this misconduct and subparagraph "d" below you received an LOR on 2 Jul 01.

d. You, who knew of your duties at or near Gulfport MS, on or about 28 Jun 01, were derelict in the performance of those duties in that you willfully failed to abide by Second Air Force Phase Program restrictions, by failing to refrain from operating or riding in a privately-owned vehicle while in Phase I status, as it was your duty to do.

e. You did, at or near Gulfport MS, on or about 31 May 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Charge of Quarters Briefing. For this misconduct you received an AF Form 174, Record of Individual Counseling, on 1 Jun 01.

f. You did, at or near Gulfport MS, on or about 30 May 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Physical Conditioning Formation. For this misconduct and subparagraph "g" below you received an LOR on 13 Jun 01.

g. You were, at or near Gulfport MS, on or about 30 May 01, disrespectful in language and department toward [REDACTED] a noncommissioned officer. Then known by you to be a superior noncommissioned officer, who was then in the execution of her office, by using profanity, refusing to answer a question, and failing to use the appropriate facing movements when leaving the office.

h. You did, at or near Fort Gordon GA, on or about 28 Feb 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Morning Formation, Building 25702, 338 Training Squadron, Detachment 1. For this misconduct and subparagraphs "i" through "k" below you received an Article 15 on 8 Mar 01.

i. You did, at or near Fort Gordon GA, on or about 27 Feb 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Charge of Quarters, Building 25702, 338 Training Squadron, Detachment 1.

j. You did, at or near Fort Gordon GA, on or about 27 Feb 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Physical Conditioning Formation, Building 25702, 338 Training Squadron, Detachment 1.

k. You did, at or near Fort Gordon GA, on or about 23 Feb 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Physical Conditioning Formation, Building 25702, 338 Training Squadron, Detachment 1.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 and probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

3. 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 the Area Defense Counsel at Keesler AFB 377-3722, on 17 Dec 01 at 1430 hrs. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1500 hrs on 18 Dec 01 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the Keesler Medical Center, Adult Ambulatory Care Clinic with your medical records at 0900 on 14 Dec 01 for the examination.

7. 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 366th Training Squadron, Detachment 6, Commander's Support Staff Office, Bldg 344 Rm 4.

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



Attachments:

1. LOR, 20 Aug 01
2. AF Form 366, 3 Aug 01
3. Response to AF Form 366, 27 Jul 01
4. LOR, 2 Jul 01
5. LOR, 2 Jul 01
6. AF Form 174, 1 Jun 01
7. AETC Forms 341, 31 May 01 and 1 Jun 01
8. LOR, 13 Jun 01
9. MFR, [redacted] undated
10. Statement, Undated and Unsigned
11. AF Form 3070, 8 Mar 01
12. Response to Article 15, undated
13. Appeal to Article 15, undated
14. 338 TRS Det 1/CC Memo, 14 Mar 01
15. AETC Form 341, 23, 27, and 28 Feb 01
16. 366 TRS/CMTL Memo, 15 Jun 01
17. AETC Forms 341, 13 and 20 Jun 01
18. AETC Form 341, 8 Jun 01
19. AETC Forms 341, 3 and 30 May 01
20. AETC Form 341, 2 May 01
21. AETC Form 156, 2001023
22. AF Form 55, 27 Jul 01
23. Student Grade History Report, 18 Jun 01
24. AETC Form 125A, 20 Feb 01
25. Student Training Report, 01001
26. AETC Form 156
27. Airman's Receipt of Notification Memorandum [redacted]