

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		
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>				YES
YES	No			
	X			

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

ISSUES A94.06	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		
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
			TAPE RECORDING OF PERSONAL APPEARANCE		

HEARING DATE 06 Dec 2003	CASE NUMBER FD-2003-00197	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Randolph AFB, Texas.

Advise applicant of the decision of the Board, 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: 12/6/2003
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

FD2003-00197

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 to Honorable is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an impropriety that would justify upgrade of the discharge.

ISSUE: Applicant contends discharge was inequitable because "it was too harsh". The information provided by the applicant and contained in his records was carefully reviewed by the DRB. The records indicated the applicant received one Article 15, three Letters of Reprimand, and seven Records of Individual Counseling and two Letters of Admonishment. The misconduct included absent without leave, late for mobility processing, late for duty, failure to go, dereliction of duty, failure to follow instructions, failed dress and appearance standards and failure to report. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The DRB recognized the fact that the applicant had served six years total service before the discharge was initiated, but concluded the applicant's misconduct outweighed the positive aspects of his time in the Air Force. The Board noted the applicant was entitled to request an administrative discharge board but chose not to exercise this right. 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, 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 A1C) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 27 APR 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 1 May 72. Enlmt Age: 22 2/12. Disch Age: 28 11/12. Educ: HS DIPL. AFQT: N/A. A-86, E-84, G-70, M-85. PAFSC: 4T051 - Medical Laboratory Journeyman. DAS: 23 Nov 96.

b. Prior Sv: (1) AFRes 5 Jul 94 - 27 Sep 94 (2 months 23 days) (Inactive).

(2) Enlisted as A1C 28 Sep 94 for 4 yrs. Svd: 3 yrs 3 months 18 days, all AMS. SrA - 28 Jan 97. EPRs: 4,4,3.

3. SERVICE UNDER REVIEW:

a. Reenlisted as SrA 16 Jan 98 for 4 yrs. Svd: 3 Yrs 3 Mo 11 Das, all AMS.

b. Grade Status: A1C - 8 Feb 01 (Article 15, 8 Feb 01)

c. Time Lost: None.

d. Art 15's: (1) 8 Feb 01, Lackland AFB, TX - Article 86. You, did, on or about 13 Jan 01, without authority, absent yourself from your unit, and did remain so absent until on or about 17 Jan 01. Reduction to A1C. (No appeal) (No mitigation)

e. Additional: LOR, 30 NOV 00 - Late for mobility processing, dereliction of duty, and failure to obey a lawful order.

LOR, 15 NOV 00 - Failure to obey a lawful order.

RIC, 29 SEP 00 - Late for duty and failure to follow instructions.

RIC, 05 JUL 00 - Failure to go.

MFR, 01 MAR 00 - Failed dress and appearance standards.

LOR, 22 JUN 99 - Dereliction of duty and failure to go.

LOA, 08 MAR 99 - Failure to obey a direct order.

RIC, 24 NOV 98 - Late for duty.

RIC, 04 JAN 99 - Late for duty.

LOA, 12 MAY 98 - Failure to go.

RIC, 16 MAR 98 - Dereliction of duty.

RIC, 09 MAR 98 - Late for duty.

RIC, 09 MAR 98 - Dereliction of duty.

RIC, 21 JAN 98 - Late for duty.

f. CM: None.

g. Record of SV: 23 Nov 97 - 22 Nov 98 Lackland AFB 3 (Annual)
23 Nov 98 - 22 Nov 99 Lackland AFB 2 (Annual)REF

(Discharged from Lackland AFB)

h. Awards & Decs: AFLSAR, AFTR, NDSM, AFOUA W/1 BOLC, AFGCM W/1 BOLC.

i. Stmt of Sv: TMS: (6) Yrs (9) Mos (23) Das
TAMS: (6) Yrs (7) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Mar 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. DD Form 214.
2. Applicant's Statement.

3JUN03/ia

DEPARTMENT OF THE AIR FORCE
WILLFORD HALL MEDICAL CENTER (AETC)

FD 2003-00 197

2 MAR 01
DATE

MEMORANDUM FOR AIC [REDACTED]

FROM: 859 MDTs/CC

SUBJECT: Notification Memorandum – Board Hearing

1. I am recommending your discharge from the United States Air Force for **Minor Disciplinary Infractions**. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, under the provisions of paragraph 5.49. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. On or about 13 Jan 01, you did, without authority, absent yourself from your unit and did remain absent until on or about 17 Jan 01. For this offense you received Article 15 punishment and were reduced in grade to E-2 with a new date of rank of 8 Feb 01.

b. On or about 17 Nov 00, you did, fail to go to mobility processing after an exercise recall at approximately 0530 hrs. You reported 15 minutes late and failed to have your military I.D. card with you for mobility processing. On or about 20 Nov 00, you willfully disobeyed a lawful order when an NCO instructed you to clean your boots. For these offenses you were served an LOR, a UIF was established and you were placed on a control roster effective 30 Nov 00.

c. On or about 27 Sep 00, you failed to report to duty at time directed and you also failed to follow instructions. You were instructed by [REDACTED], GS-11 Technical Supervisor Virology Section, to complete the testing of specimens from the previous day, to enter all results from the specimens tested and to generate a new work document that would reflect the specimens of the current day. Your failure to follow instructions resulted in a 24-hour delay in reporting patient results, which could negatively impact patient care. It also resulted in the waste of valuable test reagents. For this offense you received individual counseling, documented on AF 174, dated 29 Sep 00.

d. On or about 3 Jul 00, you did not show up for ward rounds. You had to be called in by the ward round supervisor, SSG [REDACTED]. For this offense you received individual counseling, documented on AF 174 dated 5 Jul 00.

e. On or about 5 Apr 00, you were counseled by TSgt [REDACTED]. You were told that you needed a haircut. You were counseled on respect for authority and that telling senior technician to "shut up" was unacceptable behavior. Counseling was documented on an MFR dated 5 Apr 00.

f. On or about 1 Mar 00, you were in violation of uniform standards. You went to a restaurant off-base for lunch, driving with no BDU shirt on. You got out of the vehicle to put shirt on. Also, you were not wearing your hat. You were counseled by your First Sergeant to, in the future, wear shirt to and from work or to and from restaurant. Also, that you needed to wear a hat under overhang, unless installation commander designated the area as "No Hat". Counseling was documented on an MFR dated 1 Mar 00.

g. On or about 22 May 99, you were derelict of your duties and failed to go to a mandatory AFSC specific training. Attendance to the training was required to satisfy annual training requirements. You had been notified of the training in two separate occasions through CHCS and you acknowledge with reply of scheduled training. For this offense you received an LOR and UIF. UIF was established effective 28 Jun 99.

h. On our about 1 Mar 99, you were derelict of your duties and failed to follow a direct order. You also displayed a lack of respect. For this offense you received a letter of admonishment dated 8 Mar 99.

i. On or about 4 Jan 99, you were late for work. You were called and ordered to come in to work. TSgt [REDACTED] sent out an e-mail on 24 Dec 98 to all new night technicians for clarification which you acknowledged the same day. This was the second time within 60 days that you had been late. For this offense you received individual counseling documented on an AF 174 dated 4 Jan 99.

j. On or about 24 Nov 98, you reported 25 minutes late for work. You received individual counseling and had previously, in several occasions, been made aware of the importance of arriving to work on time. Counseling was documented on an AF 174 dated 24 Nov 98.

k. On or about 6 May 98, you failed to attend a mandatory military meeting. Also, on 28 Apr 98, you failed to make your mandatory military appointment for WAPS. For this offense you received a Letter of Admonishment dated 12 May 98.

l. On or about 19 Mar 98, you failed to attend a mandatory scheduled appointment. You were a no show for cycle ergometry assessment. You were counseled on meeting military appointments. Counseling was documented by a form letter dated 30 Mar 98.

m. On or about 11 Mar 98, you were derelict of your duties. You failed to record the ace test controls in the logbook for the night shift. You were reminded by SSgt [REDACTED] and SSgt [REDACTED] to be sure and complete your duties. You acknowledged that you would finish the task prior to leaving duty. The job was not done. This was the second incident of dereliction of duty within a week. For this offense you received individual counseling documented on an AF 174, dated 16 Mar 98.

n. On or about 8 Mar 98, you were late for duty. You received individual counseling documented on AF 174 dated 9 Mar 98.

o. On or about 7 and 8 Mar 98, you failed to perform maintenance duty. You failed to perform and record the electrode slope maintenance on the Nova Stat 3 in the ED Lab. You were counseled to refer to Core and Stat Lab responsibilities forms clearly posted in each of the Laboratories that list the responsibilities of each shift and section. Counseling was documented on AF 174 dated 9 mar 98.

p. On or about 17 Jan 98, you failed to go. You were scheduled for ward rounds at 0500. You arrived at 0540 after being called by the ward round supervisor. You were 30 and 40 minutes late respectively. For this offense you received individual counseling documented on AF 174 dated 21 Jan 98.

3. This action could result in your separation with an Under Other Than Honorable Condition (UOTHC) service characterization. I am recommending that you receive an Under Honorable Conditions (General) discharge. The commander exercising special court-martial jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces, and any special pay, bonus or education assistance funds may be subject to recoupment.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be presented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to Building 6612 Rm 502, **Monday through Friday, between 1300-1500** with your medical, immunization, and dental records for the examination.

6. Military Legal Counsel has been obtained to assist you. An appointment has been scheduled for you to consult Capt [REDACTED] at the Area Defense Counsel (ADC) at Building 1000. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will

sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver to the right to the board hearing.

8. 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 59th Diagnostics & Therapeutics Group orderly room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present in the hearing.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

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



Colonel, USAF, BSC

Commander

Attachments:

1. AF Form 3070, 8 Feb 01
2. AF Form 1058, 30 Nov 00
3. AF Form 174, 29 Sep 00
4. AF Form 174, 5 Jul 00
5. MFR, 5 Apr 00
6. MFR, 1 Mar 00
7. AF Form 1058, 28 Jun 99
8. LOA, 8 Mar 99
9. RIC, 4 Jan 99
10. AF Form 174, 24 Nov 98
11. LOA, 12 May 98
12. MFR, 30 Mar 98
13. AF Form 174, 16 Mar 98
14. AF Form 174, 9 Mar 98
15. AF Form 174, 9 Mar 98
16. RIC, 21 Jan 9