

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN				
[REDACTED]		AB	[REDACTED]				
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	X						
MEMBERS SITTING			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
ISSUES		INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A92.15, A94.05, A92.31		A67.10	1	ORDER APPOINTING THE BOARD			
			2	APPLICATION FOR REVIEW OF DISCHARGE			
			3	LETTER OF NOTIFICATION			
HEARING DATE		CASE NUMBER	4	BRIEF OF PERSONNEL FILE			
7 AUGUST 03		FD2003-00203		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 Washington, D.C.

Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE	SIGNATURE OF BOARD PRESIDENT
[REDACTED]	[REDACTED]
INDORSEMENT	DATE: 7 AUG 03
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

CASE NUMBER

FD2003-00203

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

The applicant was offered a personal appearance before the Discharge Review Board 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 the discharge.

Issues. Applicant was discharged for misconduct, minor disciplinary infractions. He had two AETC Forms 173, "Student Record of Academic/Nonacademic Counseling and Comments," a Record of Individual Counseling, two Letters of Reprimand, and an Article 15. His misconduct included technical training phase violations such as smoking in uniform and failing to wear his uniform when required, as well as failing to properly maintain his uniforms and personal hygiene, and failing to complete his class requirements and workbook assignments. His Article 15 was for a 19-day absence without leave (AWOL) during which he was classified a deserter. Numerous attempts to physically locate him or learn of his whereabouts through friends and family were unsuccessful. Member eventually turned himself in at his home station. Member had apparently made a conscious choice to leave military control and not return until it appeared the consequences were worsening. During subsequent treatment in the mental health clinic, member stated his unit would not allow him to attend a friend's funeral, so he went anyway, and blamed his problems on his commander and the military. The Board noted that applicant had also received 3 days in-patient mental health treatment during the 10 days before he went AWOL, after displaying signs of distress during a counseling session. Although he was diagnosed with a phase-of-life problem, it was determined he did not suffer from any disabling mental health condition, and that he clearly desired to be released from the Air Force. It was also learned he had been treated for attention deficit hyperactivity disorder from age 3 to 14, a condition apparently not revealed on his enlistment documents. The applicant's enlistment record further reflects he required a moral waiver before being allowed to enter the military because he had numerous traffic offenses, multiple underage drinking incidents, and pre-service marijuana use. At the time of the discharge processing, member waived his right to consult counsel or to submit statements in his own behalf. Applicant now contends his classroom grades indicate he was doing well in technical school, and implies his discharge was too harsh. The Board found no merit in this contention, noting member's failure of one of his block examinations, and repeated failure to complete classroom and workbook requirements. Furthermore, his misconduct was very serious and not compatible with Air Force standards. The records indicate member was counseled repeatedly and given several opportunities to improve his behavior and was either unwilling or unable to do so. The Board noted he was of the same age and maturity as most first-term airmen who abide by Air Force standards, and there was no evidence he did not know right from wrong. The Board could find no inequity or impropriety in the processing of his case, and therefore no justification to change his 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 AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 15 Nov 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 4 Jan 82. Enlmt Age: 20 1/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-44, E-62, G-53, M-59. PAFSC: 2W111E - Aircraft Armament Systems Helper. DAS: 4 Mar 02.

b. Prior Sv: (1) AFRes 31 Oct 00 - 31 Aug 01 & 4 Jan 02 - 14 Jan 02 (10 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Jan 02 for 6 yrs. Svd: 0 Yrs 10 Mo 1 Das, of which AMS is 9 months 13 days (excludes 18 days lost time).

b. Grade Status: None.

c. Time Lost: 28 Jun 02 - 15 Jul 02 (18 days).

d. Art 15's: (1) 14 Aug 02, Sheppard AFB, TX - Article 86. You did, on or about 28 Jun 02, without authority, absent yourself from your unit, and did remain so absent until on or about 16 Jul 02. Forfeiture of \$400.00 pay, 30 days correctional custody, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 11 OCT 02 - Dereliction of duty.
LOR, 01 OCT 02 - Dereliction of duty.
AETC 173, 03 JUN 02 - Dereliction of duty.
AETC 173, 26 APR 02 - Dereliction of duty.
RIC, 20 MAR 02 - Smoking in uniform while in Phase I.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (7) Mos (24) Das
TAMS: (0) Yrs (9) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Apr 03.
(Change Discharge to Honorable)

Issue 1: I believe that my class grades show that i (sic) was doing well in the school house setting. For this i (sic) would like to be upgraded to honorable.

ATCH

1. Student Training Report.
2. Basic Military Training Student Performance Summary.

2JUN03/ia

FD2003-00200

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND



NOV 12 2002

MEMORANDUM FOR AB [REDACTED] 363 TRS

FROM: 363 TRS/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 AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general) discharge. I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 14 Sep 02, were derelict in the performance of those duties in that you failed to remain in proper military uniform and not wear civilian clothes while off base in phase II, as it was your duty to do. For this misconduct you received a Letter of Reprimand (LOR) on 11 Oct 02.

b. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 13 Sep 02, were derelict in the performance of those duties in that you failed to remain in proper military uniform and not wear civilian clothes while in phase I, as it was your duty to do. For this misconduct you received an LOR on 1 Oct 02.

c. You did, on or about 28 Jun 02, without authority, absent yourself from your unit, to wit: 363rd Training Squadron, located at Sheppard AFB TX, and did remain so absent until on or about 16 Jul 02. For this misconduct you received Article 15 punishment on 14 Aug 02.

d. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 3 Jun 02, were derelict in the performance of your duties in that you failed to maintain proper military dress and appearance and proper personal hygiene, as it was your duty to do. For this misconduct you received an AETC Form 173, Student Record of Academic/Nonacademic Counseling and Comments, on 3 Jun 02.

e. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 26 Apr 02, were derelict in the performance of those duties in that you failed to complete your assigned homework, as it was your duty to do. For this misconduct you received an AETC Form 173 on 26 Apr 02.

1. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 19 Mar 02, were derelict in the performance of those duties in that you failed to refrain from smoking in uniform, as it was your duty to do. For this misconduct you received an AF Form 174, Record of Individual Counseling, on 20 Mar 02.

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 will probably be denied enlistment in any component of the armed forces.

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 Capt [redacted] 1400 on 13 Nov 02. 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 15 Nov 02 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 were scheduled for a medical examination on 13 Nov 02 @ 1600

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 in the Military Training Flight administration office.

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

[redacted]
[redacted] Lt Col, USAF
Commander

Attachments: (listed on next page)

Attachments:

1. LOR, 11 Oct 02
2. MFR, TSgt [REDACTED] 14 Oct 02
3. LOR, 1 Oct 02
4. AF Form 3070, 14 Aug 02
5. AF Form 2098, 11 Jul 02
6. AF Form 2098, 11 Jul 02
7. AF Form 2098, 17 Jul 02
8. MFR, Capt [REDACTED] 8 Jul 02
9. DD Form 553, 10 Jul 02
10. 363 TRS/CC Memo, 10 Jul 02
11. 363 TRS/CC Memo, 10 Jul 02
12. DD Form 616, 16 Jul 02
13. MFR, Capt [REDACTED] 16 Jul 02
14. AETC Form 173, 8 Mar 02 - 3 Jun 02
15. AF Form 174, 20 Mar 02
16. 82 MDOS/SGOHI Memo, 21 Jun 02
17. AETC Form 125A, 4 Nov 02
18. Student Training Report, 02019
19. MFR, TSgt [REDACTED] 18 Jun 02
20. LAFB Form 205, 28 Feb 02
21. Airman's Receipt to Notification Memorandum *wd*