

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AB

TYPE

PERSONAL APPEARANCE

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

X

X

X

X

X

ISSUES

A95.00

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-2003-00207

APPLICANT'S STATE 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 RECORD

SIGNATURE OF BOARD PRESIDENT

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

FD-2003-00207

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) in San Antonio, Texas, but failed to appear. The DRB considered the applicant's request based on a review of his record.

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 specific issues other than to state the he agrees his conduct while on active duty was not acceptable and that he would like another chance to serve in the military. The record indicates that the applicant served on active duty for 1 year and 6 months during which time he received nonjudicial punishment for making a false official statement and dereliction of duty, 7 letters of reprimand for various types of misconduct (including an arrest by civil authorities for public intoxication), 4 records of individual counseling, and a memo for record for counseling related to financial irresponsibility. 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 DRB opined that through these administrative actions, the applicant had ample opportunities to change his repetitive negative behavior.

The Board concluded the applicant's multiple 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 Oct 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 8 Mar 75. Enlmt Age: 20 1/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-48, E-56, G-42, M-52. PAFSC: 3E431 - Utilities Systems Apprentice. DAS: 6 Oct 95.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 20 Apr 95 for 4 yrs. Svd: 1 Yrs 6 Mo 5 Das, all AMS.

b. Grade Status: AB - 30 Sep 96 (Article 15, 30 Sep 96)
AMN - 20 Oct 95

c. Time Lost: None.

d. Art 15's: (1) 30 Sep 96, Altus AFB, OK - Article 92 and 107. You did, on or about 17 Sep 96, with intent to deceive, make to your First Sergeant, an official statement to the effect that you did not have a young lady in the dormitory room with you and that [REDACTED] had not been with you the previous night, which statement was totally false, and was then known by you to be so false. You, who knew of your duties, on or about 17 Sep 96, were derelict in the performance of those duties in that you willfully failed to refrain from having a female in the dormitories that was not a family member and who was under the age of 18. Reduction to AB, 15 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 09 SEP 96 - Failure to obey a lawful order.
LOR, 09 SEP 96 - Failure to answer service calls in the proper amount of time.
LOR, 09 SEP 96 - Civil arrest and incarceration for public intoxication.
LOR, 03 JUL 96 - Late for work.
RIC, 01 JUL 96 - Failure to respond to standby call.
LOR, 23 APR 96 - Misuse of government credit card.
LOR, 22 APR 96 - Financial irresponsibility.

RIC, 22 APR 96 - Misuse of government time.
LOR, 17 APR 96 - Financial irresponsibility.
MFR, 16 APR 96 - Financial irresponsibility.
RIC, 28 DEC 95 - Late for work.
RIC, 23 OCT 95 - Late for work.

f. CM: None.

g. Record of SV: None.

(Discharged from Altus AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (6) Mos (5) Das
TAMS: (1) Yrs (6) Mos (5) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 26 Feb 03.
(Change Discharge to Honorable)

Issue 1: My conduct while in the armed forces was not exceptable (sic) while I was serving, but my grandfather was in the military and I just want a chance to prove what kind of man I really am. I need the military in my life and this will be my last chance. I would and without thought die for my country and just want a chance to have some honor in my life. So at this time I am requesting one chance to show what I am capable of. I lost my wife while I was in the military and I was young and didn't understand.

What I had at the time, year after year, I realize what I had and want it back; give me that chance. I have valuable training that could still come to great use.

ATCH
None.

10JUN03/ia

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND
ALTUS AIR FORCE BASE, OKLAHOMA 73523

2001 146

MEMORANDUM FOR AMN ^{AB} [REDACTED]

FROM: 97 CES/CC

SUBJECT: Notification Letter

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 honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 17 September 1996, you did, with intent to deceive, make to your First Sergeant, an official statement to the effect that you did not have a young lady in the dormitory room with you and that [REDACTED] had not been with you the previous night, which statement was totally false, and was then known by you to be so false. Additionally, on or about 17 September 1996, you were derelict in the performance of those duties in that you willfully failed to refrain from having a female in the dormitories that was not a family member and who was under the age of 18. For this misconduct, you received an Article 15 which was placed in your Unfavorable Information File.

b. On or about 9 September 1996, you failed obey a lawful order from the First Sergeant to report your new address and phone number to your Orderly Room for the Alpha Roster. You received a Letter of Reprimand which was placed in your existing Unfavorable Information File.

c. On or about 7 September 1996, you were not available for service calls while on standby for Zone 2. You received a letter of reprimand which was placed in your existing Unfavorable Information File.

d. On or about 6 September 1996, you were involved in a confrontation with the Altus City Police which led to your arrest for public intoxication. You received a Letter of Reprimand which was placed in your existing Unfavorable Information File.

e. On or about 5 September 1996, you failed to return from an appointment at 1300 at the Behavioral Health Clinic which lasted until 1445. For this misconduct, no action was taken.

f. On or about 3 July 1996, you violated Article 86 of the UCMJ by arriving two hours late for work. You received a Letter of Reprimand.

g. On or about 29 June 1996, you failed to respond to a standby call after being paged by the Fire Department. You received a Letter of Counseling.

h. On or about 8 May 1996, you wrote a dishonorable check for the amount of \$17.30 at the Altus Air Force Base Commissary. For this misconduct, you were verbally counseled.

i. On or about 22 April 1996, you violated Article 92 of the UCMJ by failing to obey a lawful regulation by using your Government American Express card while not being TDY. You received a Letter of Reprimand which was placed in your Unfavorable Information File.

j. On or about 22 April 1996, you violated Article 134 of the UCMJ for writing numerous dishonorable checks. You received a Letter of Reprimand which was placed in your Unfavorable Information File and you were placed on the Control Roster.

k. On or about 19 April 1996, you abused your privilege to perform aerobics between 1530 and 1630. Instead you went to your dorm room. You received a Letter of Counseling.

l. On or about 15 April 1996, you violated Article 134 of the UCMJ by writing several checks without having sufficient funds. You received a Letter of Reprimand, a Memorandum For Record, and received a written order to surrender your checking account to your First Sergeant.

m. On or about 28 December 1995, you were late for work. You received a Letter of Counseling.

n. On or about 23 October 1995, you were late for work. You received a Letter of Counseling.

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 and any special pay, bonus, or education 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 Captain [REDACTED] at Building 45 on 2 OCT 96 at 1330. 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 05 OCT 1996 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 base hospital, physical exams, at 0730 on 3 OCT 96.

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 unit orderly room.

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

[REDACTED]
Lt Col, USAF
Commander, 97 CES

Atchs

1. Supporting Documents

- a. Article 15, dtd. 19 Sep 96
- b. LOR, dtd. 9 Sep 96
- c. LOR, dtd. 9 Sep 96
- d. LOR, dtd. 9 Sep 96
- e. Letter, dtd 9 Sep 96
- f. LOR, dtd 3 Jul 96
- g. LOC, dtd 1 Jul 96
- h. Letter, dtd 8 May 96
- i. LOR, dtd 23 Apr 96
- j. LOR, dtd 22 Apr 96

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- k. LOC, dtd 22 Apr 96
- l. LOR, dtd 17 Apr 96
- m. LOC, dtd 28 Dec 95
- n. LOC, dtd 23 Oct 95
- 2. Airman's Acknowledgment