

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		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 A94.53	INDEX NUMBER A67.90	EXHIBITS SUBMITTED TO THE BOARD	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
HEARING DATE 7 AUG 03	CASE NUMBER FD2003-0212	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

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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, 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: 7 AUG 03
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD03-0212

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change the Reason and Authority for discharge and to change the RE Code.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

ISSUE: Applicant does not contest his discharge, he states that he plans to continue his education until he achieves his Bachelor's in Nursing degree and that he would like to re-enlist in the military. The record indicates the applicant received three Article 15s, two of them for failure to go and the other one for willfully failing to stop during a routine traffic stop by a base Security Policeman. Additionally, he received three Letters of Reprimand for creating a disturbance in the dormitory and for failure to make satisfactory progress in the Weight Management Program, and a Record of Individual Counseling for being late for duty. 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. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the 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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 8 Jan 95 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 14 Mar 70. Enlmt Age: 19 5/12. Disch Age: 24 9/12. Educ: HS DIPL. AFQT: N/A. A-53, E-74, G-66, M-65. PAFSC: 2T151 - Vehicle Operator Dispatcher Journeyman. DAS: 9 Jun 94.

b. Prior Sv: (1) AFRes 13 Sep 89 - 10 Jan 90 (3 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Jan 90 for 6 yrs. Svd: 4 Yrs 11 Mo 29 Das, all AMS.

b. Grade Status: AMN - 24 May 95 (Article 15, 24 May 95)
A1C - 06 Jan 95 (Article 15, 06 Jan 95)
SRA - 27 Jun 92
A1C - 27 Feb 90

c. Time Lost: None.

- d. Art 15's: (1) 24 May 95, Lackland AFB, TX - Article 86. You did, on or about 3 May 95, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. (No appeal) (No mitigation)
- (2) 06 Jan 95, Lackland AFB, TX - Article 92. You, did, on or about 20 Nov 94, having knowledge of your duties, were derelict in the performance of those duties in that you willfully failed to stop during a routine traffic stop by SrA [REDACTED], Base Security Policeman, as it was your duty to do. Reduction to A1C, suspended forfeiture of \$567 pay per month for two months. (No appeal) (No mitigation)
- (3) 23 Feb 94, RAF Upper Hayford, UK - Article 86. You, did, on or about 31 Jan 94, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C, and forfeiture of \$100.00 per month for two months. (No appeal) (No mitigation)

- e. Additional: LOR, 23 MAY 95 - Creating a disturbance in the dormitory.
 LOR, 09 MAY 95 - Failure to make satisfactory progress in the Weight Management Program.
 LOA, 04 MAY 95 - Failure to make satisfactory progress in the Weight Management Program.
 LOR, 22 DEC 94 - Apprehended for a domestic disturbance and intoxication.
 RIC, 23 NOV 94 - Late for duty.

f. CM: None.

- g. Record of SV: 11 Jan 90 - 19 Nov 91 RAF Upper Hayford 4 (Initial)
 20 Nov 91 - 19 Nov 92 RAF Upper Hayford 5 (Annual)
 20 Nov 92 - 27 Sep 93 RAF Upper Hayford 5 (CRO)
 28 Sep 93 - 01 Mar 94 RAF Upper Hayford 3 (CRO)REF
 02 Mar 94 - 02 Mar 95 Lackland AFB 2 (Annual)REF

(Discharged from Lackland AFB)

h. Awards & Decs: AFAM W/1 OLC, AFOUA W/1 OLC, AFGCM, NDSM, AFOSLTR, AFLSAR, AFTR.

- i. Stmt of Sv: TMS: (5) Yrs (3) Mos (27) Das
 TAMS: (4) Yrs (11) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 25 Apr 03.

(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: Plan to continue education until I achieve my Bachelor's in Nursing degree.

Issue 2: After recieving (sic) my BSN I would like to re-inlist (sic) in the military to be a flight medic.

Issue 3: I have continued to support my country and not said anything against my country or the military.

ATCH

1. College Transcript.
2. Health Professions Certification.

5JUN03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

30 MAY 1995

MEMORANDUM FOR Amn [REDACTED] 37 TRANS

FROM: 37 TRANS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your discharge will be described as 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. On or about 31 Jan 94, you did at RAF Upper Heyford, Oxfordshire, United Kingdom Failed to go at the time prescribed to your appointed place of duty, for which you received an Article 15 dated 23 Feb 95, Reduction to the grade of Airman First Class and forfeiture of \$100.00 pay for two months; reduction to Airman first class is suspended until 21 Aug 94, after which time it will be remitted without further action unless sooner vacated

b. On or about 15 Jul 94, you failed to show for the Info Expo as it was your duty to do so.

c. On or about 2 Aug 94, you were counseled about receiving a Dishonored Check Notification From AAFES Stating that you had 3 checks returned for Insufficient Funds for a total of \$147.24

d. On or about 23 Nov 94, you were late for duty one hour and thirty-five minutes, for which you received an AF FORM 174 Record of Counseling dated 23 Nov 94.

e. On or about 26 Nov 94, you were apprehended for a domestic disturbance by the Bexar County Sheriff and at the time of apprehension you were very intoxicated and had a strong smell of an alcoholic beverage omitting from your person. It was further stated by your wife that you had returned home drunk and started arguing with her, for which you received a Letter of Reprimand dated 22 Dec 94.

f. On or about 20 Nov 94, you were derelict in the performance of your duties in that you willfully failed to stop during a routine traffic stop by SrA [REDACTED] as it was your duty to do so, for which you received an Article 15 dated 6 Jan 95, with a reduction to the grade of Airman First Class with a new date of rank of 6 Jan 95.

g. On or about 3 Apr 95, you failed to make satisfactory progress in Phase I of the Weight Management Program, for which you received a Letter of Admonition dated 4 May 95.

h. On or about 4 May 95, you failed to make satisfactory progress in Phase I of the Weight Management Program (third unsatisfactory period), for which you received a Letter of Reprimand dated 9 May 95.

i. On or about 8 May 95, at approximately 2300 hours, you were creating a disturbance while in the Tech Training Dormitory Building 112, As a permanent party member of Lackland AFB, your presence in the Tech Training dormitory is unauthorized unless in the performance of your duty, for which you received a Letter of Reprimand dated 23 May 95.

j. On or about 3 May 95, you did at Lackland AFB, without authority, failed to go at the time prescribed to your appointed place of duty, for which you received an Article 15 dated 24 May 95, with a reduction to the grade of Airman with a new date of rank of 24 May 95.

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.

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 (ADC) at Bldg 7024 2nd floor _____ at _____. 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 (allow 3 workdays) 2 JUN 95 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 Bldg 6612, room 502, on 30 May 95 at 1300 hrs for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFR 36-3208, is available for your use in the RAPIDS Discharge Office..

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



Lt Col, USAF

Commander

Attachments:

1. Article 15 dated 23 Feb 95
2. No Show Letter dated 19 Jul 94
3. AAFES FORM 7200-75 Dishonored Check Notification dated 2 Aug 94
4. AF Form 174 Record of Individual Counseling dated 23 Nov 94
5. Letter of Reprimand dated 22 Dec 94
6. Article 15 w/atch dated 6 Jan 95
7. Letter of Admonition dated 4 May 95
8. Letter of Reprimand dated 9 May 95
9. Letter of Reprimand dated 23 May 95
10. Article 15 dated 24 May 95
11. Airman's receipt of notification memorandum