

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE A1C	AFSN/SSAN [REDACTED]		
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NO	NONE			
	X				
MEMBERS SITTING			VOLE OF THE BOARD		
			HON	GEN	UOTHC
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES A94.53		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 14 AUGUST 03		CASE NUMBER FD2003-00213		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					
<p>Case heard at Washington, D.C.</p> <p>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.</p>					
SIGNATURE OF RECORDING OFFICER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INTENSEMENT			DATE: 14 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

FD-2003-00213

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 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.

Issue 1. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received three Letters of Reprimand, a Letter of Counseling, a verbal counseling, two Articles 15 and a vacation of suspended punishment, all but one for failure to go or being late to work. In a 10-month period, member failed to go or was late at least eight times. The medical records revealed he had been seen at the clinic for sleep problems and prescribed medication that apparently offered some relief. It also noted that member normally worked from 2300 to 0700 hours, but had a different sleep pattern on his days off. As a result the medical staff advised him to maintain the same sleep patterns 7 days per week. The DRB opined that through the administrative actions taken by the unit, combined with the advice of the medical staff, the applicant had ample opportunities to change his negative behavior and was unable or unwilling to do so. 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 10 Feb 92 UP AFR 39-10, para 5-46 (Pattern of Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Jul 71. Enlmt Age: 18 6/12. Disch Age: 20 6/12. Educ: HS DIPL. AFQT: N/A. A-32, E-55, G-48, M-60. PAFSC: 60535 - Apprentice Air Transportation Specialist. DAS: 21 Sep 90.

b. Prior Sv: (1) AFRes 18 Jan 90 - 30 May 90 (4 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Jun 90 for 4 yrs. Svd: 1 Yrs 8 Mo 10 Das, all AMS.

b. Grade Status: AMN - 4 NOV 91 (Article 15, 4 Nov 91)
 A1C - 1 Oct 91
 AMN - 1 Dec 90

c. Time Lost: None.

d. Art 15's: (1) 13 Jan 92, Vacation, Little Rock AFB, AR - Article 86. You did, on 31 Dec 91, without authority, fail to go at the time prescribed to your appointed place of duty. Forfeiture of \$197.00 pay per month for 1 month. (No appeal) (No mitigation)

(2) 04 Nov 91, Little Rock AFB, AR - Article 86. You did, on 20 Oct 91, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn, and suspended forfeiture of \$197.00 pay per month for 1 month. (No appeal) (No mitigation)

(3) 18 Oct 91, Little Rock AFB, AR - Article 86. You did, on 2 Oct 91, without authority, fail to go at the time prescribed to your appointed place of duty. Fourteen days restriction, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 02 JAN 92 - Late for duty.
 LOR, 20 AUG 91 - Failure to go.
 LOR, 13 AUG 91 - Late for duty.
 LOC, 06 MAY 91 - Late for duty.
 VBC, 24 APR 91 - Financial irresponsibility.

LOC, 19 MAR 91 - Late for duty.

f. CM: None.

g. Record of SV: None.

(Discharged from Little Rock AFB)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (0) Mos (24) Das
TAMS: (1) Yrs (8) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 Apr 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

6JUN03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 314TH AIRLIFT WING (MAC)
LITTLE ROCK AIR FORCE BASE, ARKANSAS 72099-5000

REPLY TO
ATTN OF: 2 MAPS/CC

29 January 1992

SUBJECT: Notification Letter

TO: Amn [REDACTED] 2 MAPS

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFR 39-10, paragraph 5-46. 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:

(1) On 31 Dec 91, you without authority failed to go at the time prescribed to your appointed place of duty, for which you received a vacation of suspended nonjudicial punishment, dated 16 Jan 92. (Atch 1-1)

(2) On 16 Dec 91, you without authority failed to go at the time prescribed to your appointed place of duty, for which you received a letter of reprimand, dated 2 Jan 92. (Atch 1-2)

(3) On 20 Oct 91, you without authority failed to go at the time prescribed to your appointed place of duty, for which you received nonjudicial punishment on 4 Nov 91. (Atch 1-3)

(4) On 2 Oct 91, you without authority failed to go at the time prescribed to your appointed place of duty, for which you received nonjudicial punishment on 18 Oct 91. (Atch 1-4)

(5) On 10 Mar, 6 May, 12 and 19 Aug 91, you failed to report to your appointed place of duty at the appointed time, for which you received a letter of reprimand on 20 Aug 91. (Atch 1-5)

(6) On 12 Aug 91, you failed to report to your appointed place of duty at the appointed time, for which you received a letter of reprimand on 13 Aug 91. (Atch 1-6)

(7) On 6 May 91, you failed to report to your appointed place of duty at the appointed time, for which you received a letter of counseling on 6 May 91. (Atch 1-7)

(8) On 24 Apr 91, you issued a check in the amount of \$15.00 to the Army and Air Force Exchange, without sufficient funds in your account, for which you received a verbal counseling. (Atch 1-8)

(9) On 19 Mar 91, you failed to report to your appointed place of duty at the appointed time, for which you received a letter of counseling.
(Atch 1-9)

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. 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 Capt [redacted] at Bldg 840 on 29 Jan 92 at 1300 hrs. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me by 3 Feb 92 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 statement 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 Physical Exams, Base Hospital at 1000 hours on 22 Jan 92 for examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the unit Orderly Room.

[redacted]
[redacted]
[redacted] Lt Col, USAF
Commander

- 8 Atch
- 1-1 Vacation of suspended nonjudicial punishment, dated 16 Jan 92
- 1-2 LOR, dated 2 Jan 91
- 1-3 Article 15 dated 4 Nov 91
- 1-4 Article 15 dated 18 Oct 91
- 1-5 LOR, dated 20 Aug 91
- 1-6 LOR, dated 13 Aug 91
- 1-7 LOC, dated 6 May 91
- 1-8 Dishonored check notification, dated 24 Apr 91
- 1-9 LOC, dated 19 Mar 91