

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> AB	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE</b> GEN	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>NAME OF COUNSEL AND OR ORGANIZATION</b> NONE		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b> A93.21, A93.13, A94.11, A01.13	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		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	

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 and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>PROCUREMENT</b>	<b>DATE: 14 AUG 03</b>
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<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2003-00214

**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 discharge.

Issues. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received two Articles 15, three Letters of Reprimand, two Letters of Counseling, and six Records of Individual Counseling. His misconduct included three missed appointments, insubordination toward a noncommissioned officer (NCO), two instances of reckless driving, three incidents of disrespect toward an NCO, disrespect toward a civilian employee, sleeping on duty, failure to perform assigned duties, dress and appearance violations, misuse of a government vehicle, twice late for work, and twice failure to go. Applicant contends discharge was inequitable for various reasons. Those include a medical problem with his foot that prevented his utilization in the aircraft maintenance career field, boredom in the alternative position he was put in, a perception of being singled out due to different religious and moral beliefs, and false accusations being brought against him. The Board noted that nine different people of various ranks had signed the array of disciplinary documents given to member. The Board could not find any merit in applicant's contentions of bias or false accusations against him. Although the Board noted the medical records included entries for applicant's foot problems, the record failed to disclose and causal connection between this medical problem and applicant's misconduct. The DRB opined that through the administrative actions taken, 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 AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 14 Dec 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Apr 79. Enlmt Age: 18 9/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-67, E-72, G-46, M-65. PAFSC: 2A251A - Aerospace Propulsion Jet Engines Journeyman. DAS: 31 Aug 98.

b. Prior Sv: (1) AFRes 6 Feb 98 - 24 Mar 98 (1 month 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Mar 98 for 4 yrs. Svd: 3 Yrs 8 Mo 20 Das, all AMS.

b. Grade Status: AB - 26 Nov 01 (Article 15, 26 Nov 01)  
A1C - 31 Oct 01 (Article 15, 31 Oct 01)  
SRA - 25 Mar 01  
A1C - 25 Jul 99  
AMN - 25 Sep 98

c. Time Lost: None.

d. Art 15's: (1) 26 Nov 01, Seymour Johnson AFB, NC - Article 86. You did, on or about 30 Oct 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB. (No appeal) (No mitigation)

(2) 31 Oct 01, Seymour Johnson AFB, NC - Article 86. You did, on or about 15 Oct 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (No appeal) (No mitigation)

e. Additional: LOR, 01 OCT 01 - Late for work and missed appointment.  
RIC, 19 SEP 01 - Late for work.  
RIC, 20 AUG 01 - Misuse of a government vehicle.  
RIC, 16 JUL 01 - Missed appointment.  
RIC, 06 JUL 01 - Improper wear of the uniform and disrespect to an NCO.  
RIC, 01 JUN 01 - Failure to perform assigned duties, sleeping on duty, and disrespect towards an NCO.  
RIC, 05 APR 01 - Disrespect towards a civilian worker.  
LOC, 17 NOV 00 - Careless driving and disrespect towards an

NCO.

LOC, 06 OCT 00 - Reckless driving and passenger making an obscene gesture to another driver/car.  
 LOR, 04 MAY 00 - Insubordinate conduct towards an NCO.  
 LOR, 14 JAN 00 - Missed appointment.

f. CM: None.

g. Record of SV: 25 Mar 98 - 24 Nov 99 Seymour Johnson AFB 4 (Initial)  
 25 Nov 99 - 24 Nov 00 Seymour Johnson AFB 3 (Annual)

(Discharged from Seymour Johnson AFB)

h. Awards &amp; Decs: AFTR, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (3) Yrs (10) Mos (9) Das  
 TAMS: (3) Yrs (8) Mos (20) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 May 03.  
 (Change Discharge to Honorable)

Issue 1: Entered military with aspirations to work on aircraft. When re-occurring (sic) foot problems caused me to be placed into a work environment which I was not enlisting for. Inability to wear steel toed boots kept me out of field of work and training. Once foot healed, I asked many times to be placed back into field of training and was promised many times to be placed back in field training and it never happened.

Issue 2: Placement into unchallenging (sic) position resulted in boredom which allowed no advancement. Due to differances (sic) of religious and moral beliefs, I feel that I was singled out and humiliated during work resulting in unfair treatment and punishment. Biased opinions and actions against me.

Issue 3: Had several false accusations brought against me which were unwarranted, and without merit. They were false. Me and supervisor were seperated (sic) due to complaints brought by me against supervisor resulting in removal of supervisor and relocation to different section of workshop.

Issue 4: No offers to cross-train into different field, or replacement back into original field of training.

**ATCH**  
 None.

6JUN02/ia



DEPARTMENT OF THE AIR FORCE

4TH FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC

FD 2003 - 00 214  
06 DEC 2001

MEMORANDUM FOR AB [REDACTED]

FROM: 4 CRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force due to misconduct, specifically minor disciplinary infractions. The authority for my recommendation is AFD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.50. According to Table 1.3 of AFI 36-3208, you can be characterized as honorable, general, or under other than honorable conditions. I am recommending your discharge be characterized as general.

2. My reasons for this action are:

a. On or about 14 January 2000, you did not report for Annual Ready Team training for which you received a Letter of Reprimand. These actions are documented by a Letter of Reprimand, dated 14 January 2000 (Tab 1a).

b. On or about 25 April 2000, you exhibited insubordinate conduct towards a noncommissioned officer for which you received a Letter of Reprimand. These actions are documented by a Letter of Reprimand, dated 4 May 2000 and an AF Form 1168, dated 28 April 2000 (Tab 1b).

c. On or about 6 October 2000, you were observed driving recklessly and making obscene gestures to another driver for which you received a Letter of Counseling. These actions are documented by a Letter of Counseling, dated 6 October 2000 (Tab 1c).

d. On or about 17 November 2000, you were observed driving in a manner which put your safety and the safety of other in jeopardy. Also, when confronted about this incident, you were disrespectful towards a noncommissioned officer for which you received a Letter of Counseling. These actions are documented by a Letter of Counseling, dated 17 November 2000 (Tab 1d).

e. On or about 5 April 2001, you were disrespectful towards a co-worker in the propulsion flight for which you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 5 April 2001 (Tab 1e).

f. On or about 31 May 2000, you failed to perform your assigned duties on several pieces of equipment for which you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 1 June 2001 (Tab 1f).

g. On or about 6 July 2001, you failed to comply with Air Force Dress and Appearance standards in that you failed to conceal or remove your gold necklace for which you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 6 July 2001 (Tab 1g).

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h. On or about 12 July 2001, you failed to attend scheduled mandatory chemical warfare refresher training for which you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 16 July 2001 (Tab 1h).

i. On or about 16 August 2001, you used a government vehicle for other than official business for which you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 20 August 2001 (Tab 1i).

j. On or about 12 September 2001, you reported for duty without wearing your uniform. You then had to go home, which resulted in you reporting for duty late. You received a Record of Individual Counseling for your misconduct. These actions are documented by an AF Form 174, dated 19 September 2001 (Tab 1j).

k. On or about 20 September 2001, you failed to report for your scheduled appointment after being properly notified by TSgt [REDACTED]. On or about 25 and 26 September 2001, you reported late for duty. For these incidents of misconduct, you received a Letter of Reprimand and an Unfavorable Information File (UIF) was established. These actions are documented by an AF Form 1058, dated 17 October 2001 with attachments (Tab 1k).

l. On or about 15 October 2001, you failed to report for duty for which you received Article 15 punishment. These actions are documented by an AF Form 3070, dated 25 October 2001 (Tab 1l).

m. On or about 30 October 2001, you failed to go to your appointed place of duty for which you received Article 15 punishment. These actions are documented by an AF Form 3070, dated 15 November 2001 (Tab 1m).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Courts-Martial (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.

4. 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] Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 6 Dec 01 (date) at 1545 (time). You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 11 Dec 01/1445 (allow three duty days) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.

7. You have been scheduled for a mandatory medical examination at the Physical Examination Section, 4th Medical Group, Seymour Johnson AFB, at 0715 hours on 7 December 2001. You are scheduled for a mandatory follow-up examination at Family Practice (Gold Panel) at 0730 hours on 7 December 2001 with [REDACTED]
8. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 3 Dec 2001 at 1300 hours. You must report to MSgt [REDACTED] at building 3602 for your TAPs counseling.
9. 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 unit orderly room or the Area Defense Counsel office.
10. Execute the attached acknowledgement and return it to me immediately.

[REDACTED]  
Major, USAF  
Commander, 4 CRS

Attachments:

Supporting Documentation:

- a. Notice of Reprimand, dated 14 January 2000
- b. Letter of Reprimand, dated 4 May 2000 and AF Form 1168, dated 28 April 2000
- c. Letter of Counseling, dated 6 October 2000
- d. Letter of Counseling, dated 17 November 2000
- e. AF Form 174, dated 5 April 2001
- f. AF Form 174, dated 1 June 2001
- g. AF Form 174, dated 6 July 2001
- h. AF Form 174, dated 16 July 2001
- i. AF Form 174, dated 20 August 2001
- j. AF Form 174, dated 19 September 2001
- k. AF Form 1058, dated 17 October 2001 with attachments
- l. AF Form 3070, dated 25 October 2001
- m. AF Form 3070, dated 15 November 2001