

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]		
TYPE	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
					X
					X
					X
					X
					X
ISSUES A94.05		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
HEARING DATE 18 Jul 03		CASE NUMBER FD2003-00216			
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, 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]		
INDORSEMENT				DATE: 18 JUL 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

FD2003-00216

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

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 the evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

ISSUE. Applicant contends discharge was inequitable because "it was too harsh". The information provided by the applicant and contained in his records was carefully reviewed by the DRB. The records indicated the applicant received one Article 15, six Letters of Reprimand, two Letters of Counseling, and two Memorandums for Record for misconduct. The misconduct included financial irresponsibility, late for duty, lying, failure to go, failure to inform supervisor of illness, drinking underage, absent from assigned quarters while placed on quarters, unprofessional behavior, and failure to check mailbox daily. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the unexcused absences and misconduct outweighed the otherwise satisfactory performance of this member.

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, 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 5 Jul 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Jul 94. Enlmt Age: 17 10/12. Disch Age: 19 11/12. Educ: HS DIPL. AFQT: N/A. A-41, E-76, G-68, M-52. PAFSC: 2T231 - Traffic Management Journeyman. DAS: 17 Oct 93.

b. Prior Sv: (1) AFRes 26 May 92 - 20 Sep 92 (3 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Sep 92 for 4 yrs. Svd: 1 Yrs 9 Mo 15 Das, all AMS.

b. Grade Status: AB - 15 Jun 94
AMN - 21 Mar 93

c. Time Lost: None.

d. Art 15's: (1) 15 Jun 94, Scott AFB, IL - Article 134. In that you, being indebted to Scott Gate Quick Mart, in the sum of \$144.67, for seven dishonored checks, which amount became due and payable on 6 Jun 94, did, at or near Shiloh, Illinois from 31 May 94 to 6 Jun 94, dishonorably fail to pay said debt. Article 134. In that you, being indebted to The Blue Dolphin, in the sum of \$82.75, for check #108, which amount became due and payable on 6 Jun 94, did, at or near Belleville, Illinois, from 31 May 94, to 6 Jun 94, dishonorably fail to pay said debt. Reduction to Airman Basic. Suspended forfeiture of \$400.00 pay. (No appeal) (No mitigation)

e. Additional: LOR, 26 MAY 94 - Financial irresponsibility.
LOR, 29 MAR 94 - Failure to check mailbox daily.
LOR, 21 MAR 94 - Failure to go.
LOR, 16 MAR 94 - Unprofessional behavior.
MFR, 07 MAR 94 - Late for work.
MFR, 01 MAR 94 - Financial irresponsibility.
LOR, 23 FEB 94 - Late for duty.
LOR, 15 DEC 93 - Failure to go, failure to inform supervisor of illness, drinking underage, and absent from assigned quarters while placed on quarters.

LOC, 07 DEC 93 - Late for duty.
LOC, 19 NOV 93 - Late for duty and lying.

f. CM: None.

g. Record of SV: 21 Sep 92 - 20 May 94 Scott AFB 2 (Initial)

(Discharged from Scott AFB)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (1) Mos (10) Das
TAMS: (1) Yrs (9) Mos (15) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 Apr 03.
(Change Discharge to Honorable)

Issue 1: My discharge was due to financial negligence (sic), on my behalf. For this I was reprimanded and eventually discharged. However, I understood I was going to receive (sic) an honorable discharge. This incident is something I have learned from and dealt with for nearly ten years. It is something that will stay with my name forever, and therefore, would appreciate any consideration. I had not filed this earlier, due to DD214 being stolen in brief case shortly after my discharge. I truly thought it was honorable, until I bought my house. The local Reserve Recruiters also mentioned an upgrade possibility.

Thank you in advance for any consideration you give this application. After all it was my ignorance for military character that began this. Through budget counsilers (sic) and life experience I fill (sic) this upgrade is only appropriate.

ATCH

1. DD Form 214.

9JUN03/ia

FD 2003-00216



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 375TH AIRLIFT WING (AMC)

24 JUN 1994

MEMORANDUM FOR AB: [REDACTED]

FROM: 375 TRNS/CC

SUBJECT: Notification Letter - ACTION MEMORANDUM

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 of discharge is approved, your service may 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 Nov 93, you failed to report to work on time. For this offense, you received a Letter of Counseling (LOC) dated 19 Nov 93, with an Unfavorable Information File (UIF) entry.

b. On or about 6 Dec 93, you failed to report to work on time. For this offense, you received an LOC dated 7 Dec 93, with a UIF entry.

c. On or about 13 Dec 93, you failed to go to your appointed place of duty, Bldg 3660. For this offense you received a Letter of Reprimand (LOR) dated 15 Dec 93, with a UIF entry.

d. On or about 15 Feb 94, you failed to report for duty on time. For this offense you received an LOR dated 23 Feb 94.

e. On or about 23 Feb 94, your supervisor received a call from [REDACTED] of American Vision Center regarding your failure to pay a just debt. For this offense, you received a verbal counseling on 1 Mar 94, with a UIF entry.

f. On or about 7 Mar 94, you again failed to report to work on time and when you did report to work, you were not within AFR 35-10 standards. For this offense you received a verbal counseling on an 7 Mar 94, with a UIF entry.

g. On or about 14 Mar 94, you behaved in a most unprofessional manner with an attitude bordering on insubordination and disrespect, during the Operational Readiness Inspection (ORI). For this offense, you received an LOR dated 16 Mar 94, with a UIF entry.

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h. On or about 18 Mar 94, you failed to attend an appointed meeting with your commander. For this offense you received an LOR dated 21 Mar 94, with a UIF entry.

i. You failed to check your mailbox on a regular basis, as previously counseled. For this offense you received an LOR dated 29 Mar 94, with a UIF entry.

j. You failed to maintain sufficient funds in two checking accounts, resulting in eight checks being returned for insufficient funds. For this offense you received an LOR dated 26 May 94, with a UIF entry.

k. On between or about 31 May 94 and on or about 6 Jun 94, you dishonorably failed to pay your debts. For this offense you received an Article 15 dated 15 Jun 94, with a UIF entry.

3. 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.

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 with the Area Defense Counsel, Building P-7, on 27 JUN 94, at 0830 hrs. You may consult civilian counsel at your own expense. CHAPEL 2

~~5. You have been scheduled for a medical examination. You must report to the 375th Medical Group, Physical Examinations Section, at ___ hrs on _____ for the examination.~~

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by unless you request and receive an extension for good cause shown. I will send them to the separation authority. IN 5 DAYS (WEDNESDAY, 29 JUN 94, 1030 HRS)

7. 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.

8. 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 squadron orderly room.

[REDACTED]

Major, USAF
Commander

Attachments:

1. LOC, dated 19 Nov 93, with a UIF entry.
2. LOC, dated 7 Dec 93, with a UIF entry.
3. LOR, dated 15 Dec 93, with a UIF entry.
4. LOR, dated 23 Feb 94.
5. Memo for Verbal Counseling, dated 1 Mar 94, with a UIF entry.
6. Memo for Verbal Counseling, dated 7 Mar 94, with a UIF entry.
7. LOR, dated 16 Mar 94, with a UIF entry.
8. LOR, dated 21 Mar 94, with a UIF entry.
9. LOR, dated 29 Mar 94, with a UIF entry.
10. LOR, dated 26 May 94, with a UIF entry.
11. Art 15, dated 15 Jun 94, with a UIF entry.
12. PFMP Ltr, dated 18 Jun 94.