

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE AMN	AFSN/SSAN <b>[REDACTED]</b>				
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	UOTBC	OTHER	DENY
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			
HEARING DATE 4 NOV 03			CASE NUMBER FD2003-0220				
			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 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 <b>[REDACTED]</b>			SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>				
INDORSEMENT				DATE: 4 NOV 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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD03-0220

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

**ISSUE:** The applicant submitted no issues and requested that the review be completed based on the available service record. 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 records indicated applicant had an Article 15 for failure to go. He also had six Letters of Reprimand and five Record of Individual Counseling for unsatisfactory performance, disrespectful attitude, missed appointments, late for duty, failure to use a seatbelt, failed room inspection, and dereliction of duty. The Board concluded the 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 26 FEB 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Jul 76. Enlmt Age: 18 10/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-72, E-67, G-55, M-78. PAFSC: 2W031 - Munitions Systems Apprentice. DAS: 22 Jul 96.

b. Prior Sv: (1) AFRes 17 May 95 - 11 Jul 95 (1 month 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Jul 95 for 4 yrs. Svd: 2 Yrs 7 Mo 15 Das, all AMS.

b. Grade Status: AMN - 13 Jan 98 (Article 15, 13 Jan 98)  
A1C - 12 Nov 96  
AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) 13 Jan 98, Pope AFB, NC - Article 86. You did, on or about 29 Dec 97, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 04 FEB 98 - Unsatisfactory performance and disrespectful attitude.  
LOR, 09 OCT 97 - Missed appointments.  
LOR, 25 SEP 97 - Late for commander's call.  
LOR, 15 AUG 97 - Late for duty.  
RIC, 13 AUG 97 - Failure to use seatbelt.  
LOR, 17 JUL 97 - Failure to go.  
LOR, 17 APR 97 - Late for duty.  
RIC, 24 MAR 97 - Late for duty.  
RIC, 24 MAR 97 - Dereliction of duty.  
RIC, 12 NOV 96 - Failed room inspection.  
RIC, 12 SEP 96 - Late for work.

f. CM: None.

g. Record of SV: 12 Jul 95 - 11 Mar 97 Pope AFB 3 (Initial)  
12 Mar 97 - 15 Oct 97 Pope AFB 2 (CRO) REF

(Discharged from Pope AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA, AFEM.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (10) Das  
TAMS: (2) Yrs (7) Mos (15) Das

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

NO ISSUES SUBMITTED.

**ATCH**

1. Inspector General Report.

11JUN03/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 43D AIRLIFT WING (AMC)  
POPE AIR FORCE BASE NORTH CAROLINA

FD 2003-00220

17 FEB 1998

MEMORANDUM FOR AMN [REDACTED], 23 MXS

FROM: 23 MXS/CC


SUBJECT: Notification Memorandum

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. The most severe type of discharge authorized in this case is an under other than honorable conditions discharge. I am recommending that your service be characterized as general.
2. My reasons for this action are:
  - a. On or about 2 Feb 98, you asked if you could "blow off" your CDCs in anticipation of your early separation from the Air Force and on or about 3 Feb 98, your attitude was disrespectful after being placed on a mandatory study program for CDC progression by SSgt [REDACTED]. You stated that the two hours of mandatory study were a "crock of shit." Both incidents are documented by a Letter of Reprimand, dated 4 Feb 98.
  - b. On or about 29 Dec 97, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 23d Maintenance Squadron, Munitions Flight as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 13 Jan 98.
  - c. On or about 7 Oct 97, you scheduled an appointment with SrA [REDACTED] for an equipment inventory and failed to show. At 1330hrs you were briefed on your responsibilities, and the appointment was rescheduled for 8 Oct 97 at 0830hrs. You also failed to show for this appointment, and then asked to be rescheduled again for later that afternoon. Once again, you failed to show for this appointment, and you were then sent home to get the required equipment and ordered to go to the appointment as documented by a Letter of Reprimand, dated 9 Oct 97.
  - d. On or about 24 Sep 97, you failed to go to your appointed place of duty at the time prescribed as documented by a Letter of Reprimand, dated 25 Sep 97.
  - e. On or about 15 Aug 97, you failed to go to your appointed place of duty at the time prescribed as documented by a Letter of Reprimand, dated 15 Aug 97.
  - f. On or about 13 Aug 97, you were seen by SMSgt [REDACTED] driving without a seat belt as documented by an AF Form 174, Record of Individual Counseling, dated 13 Aug 97.

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- g. On or about 17 Jul 97, you failed to go to your appointed place of duty at the time prescribed as documented by a Letter of Reprimand, dated 17 Jul 97.
  - h. On or about 17 Apr 97, you failed to go to your appointed place of duty at the time prescribed as documented by a Letter of Reprimand, dated 17 Apr 97.
  - i. On or about 24 Mar 97, you failed to go to your appointed place of duty at the time prescribed as documented by an AF Form 174, Record of Individual Counseling, dated 24 Mar 97.
  - j. Between on or about 22 Mar 97 and on or about 23 Mar 97, you were derelict in the performance of your duties in that you failed to contact your immediate supervisor after returning from leave as documented by an AF Form 174, Record of Individual Counseling, dated 24 Mar 97.
  - k. On or about 12 Nov 96, you were derelict in the performance of your duties in that your dormitory room was left in a unsatisfactory condition as documented by an AF Form 174, Record of Individual Counseling, dated 12 Nov 96.
  - l. On or about 12 Sep 96, you failed to go to your appointed place of duty at the time prescribed as documented by an AF Form 174, Record of Individual Counseling, dated 12 Sep 96.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Wing Commander, who exercises 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. Contact SSgt [REDACTED] (extension 4-2362) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult Capt [REDACTED] the Area Defense Counsel. You may consult civilian counsel at your own expense. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
  5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 20 FEB 98 at 1575 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 in three days, your failure will constitute a waiver of your right to do so.
  7. You have been scheduled for a physical examination. Report to physical exams on 19 Feb 98 at 0730. In addition, report to physical exams/Lab ASAP for HIV screening.

8. 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 orderly room.

  
Commander

Major, USAF

Attachments:

1. LOR, dated 4 Feb 98
2. AF Form 3070, dated 13 Jan 98
3. LOR, dated 9 Oct 97
4. LOR, dated 25 Sep 97
5. LOR, dated 15 Aug 97
6. AF Form 174, dated 13 Aug 97
7. LOR, dated 17 Jul 97
8. LOR, dated 17 Apr 97
9. AF Form 174, dated 24 Mar 97
10. AF Form 174, dated 24 Mar 97
11. AF Form 174, dated 12 Nov 96
12. AF Form 174, dated 12 Sep 96