

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN		
[REDACTED]		A1C	[REDACTED]		
TYPE GEN	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	OTHER
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES A92.21, A94.53		INDEX NUMBER A67.00		EXHIBITS SUBMITTED TO THE BOARD	
				1	ORDER APPOINTING THE BOARD
HEARING DATE 25 JULY 2003		CASE NUMBER FD2003-00222		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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.					
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT		
INDORSEMENT			DATE: 25 JULY 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 FD2003-00222
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>Issues. Applicant was discharged for misconduct, discreditable involvement with military or civil authorities. He had an Article 15, eleven Letters or Records of Individual Counseling, and three Letters of Reprimand. His misconduct included at least three instances of failure to go or being late for work or appointments, a dress and appearance violation, financial irresponsibility and failure to pay just debts, and dereliction of duty. Member also had at least four unsatisfactory progress periods on the weight management program. At the time of the discharge, member consulted counsel and submitted a conditional waiver of his right to an administrative discharge board hearing conditioned on receipt of no less than a general (under honorable conditions) discharge, which was granted. The Board noted member had had at least five separate opportunities to improve his behavior over a 12-month period during the enlistment from which he was discharged, and he was age 24 and 25 when his offenses occurred, the same age as other airmen who adhere to standards. He was counseled repeatedly in an effort to help him correct his deficiencies. In spite of those rehabilitative efforts, he was unwilling or unable to improve his behavior. The Board concluded applicant knew right from wrong and was responsible for his actions, and therefore was held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.</p> <p>Applicant cited his post-service conduct and good citizenship since discharge. However, this evidence is not relevant to the period of service under review and therefore, does not provide a basis for an upgrade. Although applicant has matured and his conduct may have improved, this alone is insufficient to overcome the factors that were the basis for discharge.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
[REDACTED]
(Former A1C) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 2 Jul 91 UP AFR 39-10, para 5-47a (Pattern of Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Dec 65. Enlmt Age: 18 9/12. Disch Age: 25 6/12. Educ: HS DIPL. AFQT: N/A. A-41, E-36, G-41, M-40. PAFSC: 62350 - Services Specialist. DAS: 7 Nov 85..

b. Prior Sv: (1) AFRes 28 Sep 84 - 13 Jun 85 (8 months 17 days) (Inactive).

(2) Enlisted as AB 14 Jun 85 for 4 yrs. Svd: 3 yrs 9 months 9 days, all AMS. AMN - Dec 85. A1C - Jun 86. SRA - 14 Jun 88. 9,9,9,9.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 24 Mar 89 for 6 yrs. Svd: 2 Yrs 3 Mo 8 Das, all AMS.

b. Grade Status: A1C - 21 Dec 90 (Article 15, 21 Dec 90)
SGT - Jun 89.

c. Time Lost: None.

d. Art 15's: (1) 21 Dec 90, Lackland AFB, TX - Article 134. You, being indebted to Century 21, American National, in the sum of four hundred and fifty dollars for rent, which amount became due and payable on or about 1 Oct 90, did, at or near San Antonio, TX, from on or about 19 Nov 90 to on or about 10 Dec 90, dishonorably fail to pay said debt. Reduction to A1C, forfeiture of \$400.00 pay per month for one month, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 14 FEB 91 - Failure to meet weight standards and missing scheduled appointments.

LOR, 02 JAN 91 - Failure to go.

LOR, 11 AUG 90 - Failure to go.

LTR, 26 JUN 90 - Financial irresponsibility.

LTR, 09 MAR 90 - Failure to comply with financial responsibilities.

RIC, 05 JAN 90 - Dereliction of duty.

RIC, UNDATED - Failure to meet appointments and unsatisfactory duty performance.

RIC, 06 DEC 89 - Lost weight control card.

LOC, 01 FEB 89 - Exceeding maximum allowable weight standards.

3700 SVS/CCF LTR, 01 APR 88 - Financial irresponsibility.

RIC, 24 OCT 86 - Violation of AFR 35-10.

f. CM: None.

g. Record of SV: 16 Dec 88 - 08 Nov 89 Lackland AFB 4 (CRO)
09 Nov 89 - 08 Nov 90 Lackland AFB 3 (Annual)

(Discharged from Lackland AFB)

h. Awards & Decs: AFOUA W/3 BOLCS, AFGCM, NDSM, AFLSAR, NCOPMER, AFTR.

i. Stmt of Sv: TMS: (6) Yrs (9) Mos (5) Das
TAMS: (6) Yrs (0) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 May 03.
(Change Discharge to Honorable)

Issue 1: Due to the mistakes I made while I was an active duty member of the United States Air Force, for which I am very sorry for please consider the action I have requested. Due to the growing and maturing stages of life I have become a productive and positive member of the community I currently live in. Upon separating from the armed forces. I landed a job working at Techneglas Inc. of Columbus, Ohio. Entering 2003 I have 12 years of service to this company. I currently attend Columbus State Community College working towards a degree in Micro-computing technology. Thank you for your time in this matter.

ATCH

None.

12JUN03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 3700TH AIR BASE GROUP (ATC)
LACKLAND AIR FORCE BASE TX 78236-5000



REPLY TO
ATTN OF: 3700 SVS/CC

29 MAY 1991

SUBJECT: Notification Letter - Board Hearing

TO: A1C [REDACTED]

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct consisting of discreditable involvement with military or civil authorities according to AFR 39-10, under the provisions of paragraph 5-47a. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. You did, at Lackland Air Force Base, Texas, on or about 30 November 1990, without authority, fail to go at the time prescribed to your appointed place of duty, for which you were reprimanded on 2 January 1991;

b. You, being indebted to Century 21, American National, in the sum of four hundred and fifty dollars for rent, which amount became due and payable on or about 1 October 1990, did, at or near San Antonio, Texas, from on or about 19 November 1990 to on or about 10 December 1990, dishonorably fail to pay said debt, for which you were nonjudicially punished on 21 December 1990;

c. You did, at Lackland Air Force Base, Texas, between on or about 30 July 1990 and on or about 31 July 1990, without authority, fail to go at the time prescribed to your appointed place of duty, for which you were reprimanded on 11 August 1990;

d. You, being indebted to the Army and Air Force Exchange Service, in the sum of twenty-five dollars for uniform items, which amount became due and payable on or about 15 June 1990, did, at or near San Antonio, Texas, from on or about 15 June 1990 to on or about 26 June 1990, fail to pay said debt, as evidenced by a notice of overdue payment, dated 26 June 1990; and

e. You, having knowledge of your duties, at Lackland Air Force Base, Texas, on or about 23 December 1989, were derelict in the performance of those duties in that you failed to maintain a professional relationship with basic trainees detailed under your supervision, as it was your duty to do, for which you were counseled on 5 January 1990.

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive a general discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to Bldg 6612, at 1300 on 5 Jun 91 1991.

6. Military legal counsel, [REDACTED], building 6241, extension 3-2924, has been obtained to assist you. An appointment has been scheduled for you to consult counsel at 0900 on 30 May 91 1991. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who will also sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use at Orderly Room.

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

[REDACTED], USAF
Commander, 3700 SVS

- 3 Atch
1a. LOR, 2 Jan 91
b. AF 3070, 21 Dec 90
c. LOR, 11 Aug 90

- d. UCDPP ltr, 26 Jun 90
- e. AF Fm 174, 5 Jan 90
- 2a. 3700 SVS/CC ltr, 1 Oct 90
- b. AF Fm 174, undated
- c. AF Fm 174, 6 Oct 89
- d. ATC Fm 582, 17 Oct 90
- e. LOR, 1 Oct 90
- f. 3700 SVS/CCF ltr, 29 Mar 90
- g. 3700 SVS/CCF ltr, 29 Jun 89
- h. UCDPP ltr, 11 Mar 89
- i. Ace Finance Co ltr, 22 Apr 88
- j. 3700 SVS/CCF ltr, 1 Apr 88
- k. ATC Fm 18, 24 Oct 86
- l. 3700 SVS/CC ltr, 20 Feb 86
- m. WHMC/SGD ltr, 27 Jan 86
- n. LOR, 14 Feb 91
- o. LOC, 1 Feb 89
- 3. Airman's acknowledgment