

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE A1C	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		VOICE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]		X*				
[REDACTED]		X+				
[REDACTED]		X+				
[REDACTED]		X+				
[REDACTED]					X	
ISSUES A94.06 A01.14		EXHIBITS SUBMITTED TO THE BOARD				
		1	ORDER APPOINTING THE BOARD			
HEARING DATE 19 Aug 2003						
		2	APPLICATION FOR REVIEW OF DISCHARGE			
INDEX NUMBER A67.10						
		3	LETTER OF NOTIFICATION			
CASE NUMBER FD-2003-00223						
		4	BRIEF OF PERSONNEL FILE			
		COUNSEL'S RELEASE TO THE BOARD				
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE				
		TAPE RECORDING OF PERSONAL APPEARANCE				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>* Change Reason and Authority to: Adjustment Disorder</p> <p>+ Change Reason and Authority to: Secretarial Authority SPD: JFF</p> <p>Case heard at Washington, D.C.</p> <p>Advise applicant of the decision of the Board.</p>						
SIGNATURE OF RECORDER [REDACTED]		SIGNATURE OF BOARD PRESIDENT [REDACTED]				
INDORSEMENT		DATE: 8/19/2003				
TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00223

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: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's reason and authority for discharge inequitable.

Issue. Applicant infers discharge was inequitable because it was too harsh. He also contends a connection between asserted medical conditions and his discharge. The records indicated the applicant received three Letters of Reprimand and two Air Education and Training Command Forms 173, "Student Record of Academic/Nonacademic Counseling." His misconduct included failing to correct his homework as directed, failing to safeguard his room key, being late, smoking in uniform, and failure to wear his uniform when required. These incidents all occurred within a 6-week period. The record reflects member was "washed back" in technical training several times, some related to his misconduct, others apparently related to medical conditions, although the direct connection was not apparent through review of the medical records. Nevertheless, after a thorough and complete consideration of the information submitted by the applicant and contained in the records, the Board concluded there was sufficient mitigation to substantiate upgrade of, and change of reason and authority for the discharge. Specifically, while the Board did not condone member's misconduct, the Board did find the characterization of the discharge was too harsh.

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. However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority. The applicant's characterization and reason for discharge should be changed to Honorable and Secretarial Authority under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

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

(Former A1C) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 29 Jan 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 5 Apr 83. Enlmt Age: 18 7/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-84, E-77, G-80, M-78. PAFSC: 2A313B - Tactical Aircraft Maintenance Helper. DAS: 10 Jun 02.

b. Prior Sv: (1) AFRes 15 Nov 01 - 22 Apr 02 (5 months 8 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 23 Apr 02 for 6 yrs. Svd: 0 Yrs 9 Mo 7 Das, all AMS.

b. Grade Status: A1C - 7 Jun 02

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 24 OCT 02 - Failure to wear appropriate uniform while assigned to Phase I.
LOR, 10 OCT 02 - Smoking in uniform.
AETC 173, 9 OCT 02 - Late for duty.
LOR, 11 OCT 02 - Failure to safeguard room key.
AETC 173, 12 SEP 02 - Failure to obey by failing to correct previously assigned homework.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (2) Mos (15) Das
TAMS: (0) Yrs (9) Mos (7) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Apr 03.
(Change Discharge to Honorable)

Issue 1: I believe my discharge was due to my inability to continue working because of a waiver, recieved (sic) to me [REDACTED] on the date of 07 Jan 03, because the discharge emediately (sic) followed the duty restrictions and there were NO misconduct reports almost 3 months prevouse (sic) to discharge. I feel my discharge was due to a overlook (sic) in the prosses (sic). And I feel I served my country very honorably. If loosing (sic) a room key and smoking in uniform can label me with a record of misconduct, after not even a speeding ticket as a civilian. I think my case deserves a closer look into the medical aspect. Thank you.

ATCH
None.

30JUN03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2003-00223

JAN 22 2003

MEMORANDUM FOR AIC [REDACTED]

FROM: 362 TRS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infraction. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph(s) 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 23 Oct 02, were derelict in the performance of those duties in that you failed to wear appropriate military uniform while assigned to phase I, as it was your duty to do. For this misconduct you received a Letter of Reprimand (LOR) on 24 Oct 02.

b. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 8 Oct 02, were derelict in the performance of those duties in that you failed to refrain from smoking while in uniform, as it was your duty to do. For this misconduct you received an LOR on 10 Oct 02.

c. You did, at or near Sheppard AFB TX, on or about 8 Oct 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: formation. For this misconduct you received an AETC Form 173, Student Record of Academic/Nonacademic Counseling and Comments, on 9 Oct 02.

d. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 4 Oct 02, were derelict in the performance of those duties in that you failed to safeguard your room key, as it was your duty to do. For this misconduct you received an LOR on 11 Oct 02.

e. You, having knowledge of a lawful order issued by TSgt [REDACTED] to wit: an order which was your duty to obey, did, at or near Sheppard AFB TX, on or about 12 Sep 02, failed to obey the same by failing to make corrections to your previously assigned home work. For this misconduct you received an AETC Form 173 on 12 Sep 02.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 and will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

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 ~~CPT [REDACTED]~~ building 1638 on JAN 24 2003 0900. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by JAN 27 2003 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 statements 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 the 82d Medical Group, Bldg 1200, Physical Examinations, at 1500 hrs on 22 Jan 03.
7. 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 in the Commander's Support Staff Office.
8. Execute the attached acknowledgment and return it to me immediately.

~~[REDACTED]~~
2nd Lt, USAF
Squadron Section, Commander

Attachments:

1. LOR, 24 Oct 02
2. LOR, 10 Oct 02
3. AETC Form 173, 9 Oct 02
4. LOR, 11 Oct 02
5. AETC Form 173, 12 Sep 02
6. Memo, 82nd MDOS/SGOHO Memo, 16 Oct 02
7. AETC Form 125A, 14 Jan 03.
8. Student Training Report, 02006
9. AETC Form 173, 24 Jul 02
10. Lackland AFB Form 205, 7 Jun 02
11. Airman's Receipt of Notification Memorandum ~~[REDACTED]~~