

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">COUNSEL</td> <td style="padding: 5px;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td style="padding: 5px;">YES</td> <td style="padding: 5px;">NO</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px; text-align: center;">X</td> <td style="padding: 5px;"></td> </tr> </table>	COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	YES	NO			X		ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION									
YES	NO										
	X										

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

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
		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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
INDORSEMENT	DATE: 13 AUG 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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL
RATIONALE**

CASE NUMBER

FD-2003-00230

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.

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 received an Article 15 for failure to go and for being derelict in the performance of his duties in that he willfully possessed alcohol while under the age of 21. Additionally, he received a Letter of Reprimand and five Letters of Counseling for being late for duty and for financial irresponsibility. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community. 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 8 Apr 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 29 Apr 77. Enlmt Age: 17 7/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-50, E-50, G-48, M-52. PAFSC: 2A754 - Survival Equipment Journeyman. DAS: 5 Jan 96.

b. Prior Sv: (1) AFRes 5 Dec 94 - 14 Jun 95 (6 Months 10 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 15 Jun 95 for 4 yrs. Svd: 2 Yrs 9 Mos 25 Das, all AMS.

b. Grade Status: AMN - 18 Mar 98 (Article 15, 18 Mar 98)
A1C - 15 Oct 96
AMN - 15 Dec 95

c. Time Lost: None.

d. Art 15's: (1) 18 Mar 98, Langley AFB, VA - Article 86. You, did, on or about 5 Mar 98, without authority fail to go at the time prescribed to your appointed place of duty. Article 92. You, who knew of your duties, on or about 5 Mar 98, were derelict in the performance of those duties in that you willfully possessed alcohol while under the age of 21, as it was your duty not to do. Reduction to AMN. (No appeal) (No mitigation)

e. Additional: LOR, 28 JAN 98 - Late for duty.
LOC, 20 JAN 98 - Late for duty.
LOC, 11 DEC 97 - Failure to obey an order.
LOC, 26 NOV 97 - Late for duty.
LOC, 11 SEP 97 - Late forduty.
LOC, 31 JUL 96 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 15 Jun 95 - 14 Feb 97 Langley AFB 5 (Initial)
15 Jan 97 - 14 Jan 98 Langley AFB 4 (Annual)

(Discharged from Langley AFB)

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

i. Stmt of Sv: TMS: (3) Yrs (4) Mos (4) Das
TAMS: (2) Yrs (9) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 May 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
None.

126Jun03/cr



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA

MEMORANDUM FOR AMN [REDACTED]

MAR 26 1998

FROM: 1 EMS/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 AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. If my recommendation is approved, your service will be characterized with either an honorable or under honorable conditions (general) discharge. I am recommending that your service be characterized with an under honorable conditions (general) discharge.

2. My reasons for this action are:

a. You, being indebted to the Deferred Payment Plan (DPP) in the sum of \$20.00, which amount became due and payable on or about 31 July 1996, did at Langley Air Force Base, Virginia, dishonorably fail to pay said debt. For this incident, you received a letter of counseling on 31 July 1996. (Attachment 1)

b. You, did at Langley Air Force Base, Virginia, on or about 11 September 1997, without authority, fail to go at the time prescribed to your appointed place of duty. For this incident, you received a letter of counseling on 11 September 1997. (Attachment 2)

c. You, did at Langley Air Force Base, Virginia, from on or about 25 November 1997 to on or about 26 November 1997, without authority, fail to go at the time prescribed to your appointed place of duty. For these incidents, you received a letter of counseling on 26 November 1997. (Attachment 3)

d. You, who knew or should have known of your duties at Langley Air Force Base, Virginia, on or about 11 December 1997, were derelict in the performance of those duties in that you failed to take your line badge test, as it was your duty to do. For this incident, you received a letter of counseling on 11 December 1997. (Attachment 4)

e. You, did at Langley Air Force Base, Virginia, on or about 20 January 1998, without authority, fail to go at the time prescribed to your appointed place of duty. For this incident, you received a letter of counseling on 20 January 1998. (Attachment 5)

f. You, did at Langley Air Force Base, Virginia, on or about 16 January 1998, without authority, fail to go at the time prescribed to your appointed place of duty. For this incident, you received a letter of reprimand on 22 January 1998 and an Unfavorable Information File (UIF) was established on 28 January 1998. (Attachment 6)

g. You, did at Langley Air Force Base, Virginia, on or 5 March 1998, without authority fail to go at the time prescribed to your appointed place of duty.

h. You, who knew of your duties at Langley Air Force Base, Virginia, on or about 5 March 1998, were derelict in the performance of those duties in that you willfully possessed alcohol while under the age of 21, at it was your duty not to do. For the incidents listed in paragraphs 2g and 2h you received nonjudicial punishment consisting of reduction to the grade of airman (E-2). (Attachment 6)

Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The Commander exercising 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 and 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 Captain [REDACTED] Area Defense Counsel, 56 Willow Street, Suite 101, Ext 5607 at 0830 hours on 27 MAR 1998. 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 31 MARCH 1998 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 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 1st Medical Group, Physical Exam Section at 1100 hours on 30 MAR 1998 and an additional examination will be scheduled if necessary.

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 unit orderly room.

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

[REDACTED]
[REDACTED] Lt Col, USAF
Commander, 1 EMS

Attachments:

1. LOC (31 Jul 96)
2. LOC (11 Sep 97)
3. LOC (26 Nov 97)
4. LOC (11 Dec 97)
5. LOC (20 Jan 98)
6. LOR (22 Jan 98) and UIF (28 Jan 98)
7. Art 15 (18 Mar 98)
8. Receipt of Notification Memorandum