

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UO/HC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A93.09	INDEX NUMBER A67.50	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 30 JUL 03	CASE NUMBER FD2003-0235			

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: 30 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD03-0235

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

ISSUE: Applicant does not contest his discharge. He states that the things he did wrong had to do with personal issues. The record indicates the applicant received two Article 15s, one for failure to go and the other one for using his government travel card for other than official government travel. In addition, he received a Vacation action of a suspended action under the UCMJ for failure to go; one Letter of Reprimand for lying to a commissioned officer and to the chain of command; two Letters of Admonishment for fleeing the scene of an altercation and for financial irresponsibility; and three Letters of Counseling for exceeding the authorization for alcohol purchases, financial irresponsibility and for failure to go. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the 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

MISSING MEDICAL RECORDS
(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 25 Jun 02 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 24 Apr 78. Enlmt Age: 19 1/12. Disch Age: 24 2/12. Educ: HS DIPL. AFQT: N/A. A-34, E-43, G-36, M-56. PAFSC: 2A654 - Aircraft Fuel Systems Journeyman. DAS: 9 Feb 01.

b. Prior Sv: (1) AFRes 30 May 97 - 14 Oct 97 (4 months 15 days) (Inactive).

(2) Enlisted as Amn 15 Oct 97 for 4 yrs. Svd: 3 yrs 1 month 29 days, all AMS. A1C - 15 Aug 98. SRA - 15 Oct 00. EPRs: 2(REF), 3.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 15 Dec 00 for 6 yrs. Svd: 1 Yrs 6 Mo 10 Das, all AMS.

b. Grade Status: AB - 13 May 02 (Article 15, 13 May 02)
A1C - 12 Apr 02 (Article 15, Vacation, 6 May 02)

c. Time Lost: None.

d. Art 15's: (1) 13 May 02, Osan AB, Korea - Article 92. You, who knew of your duties, on divers occasions, between on or about 5 Apr 01, and on or about 10 Apr 02, were derelict in the performance of those duties in that you willfully failed to refrain from using your Government Travel Card for other than official government travel, as it was your duty to do. Reduction to AB, 45 days restriction, and 45 days extra duty (suspended). (No appeal) (No mitigation)

(2) 6 May 02, Vacation, Osan AB, Korea - Article 86. You, did, on or about 26 Apr 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (No appeal) (No mitigation)

(3) 12 Apr 02, Osan AB, Korea - Article 86. You, did, on divers occasions between on or about 23 Mar 02, and on or about 24 Mar 02, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C, forfeiture of 150.00 pay per month for two months, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 25 FEB 02 - Lying to commissioned officer and chain of command.
LOA, 22 OCT 01 - Financial irresponsibility.
LOA, 01 OCT 01 - Fleeing the scene of an altercation.
LOC, 13 AUG 01 - Failure to go.
RIC, 18 SEP 01 - Financial irresponsibility.
RIC, 18 JUN 01 - Exceeding the authorization alcohol purchase limit.
- f. CM: None.
- g. Record of SV: 15 Jun 00 - 25 Nov 00 Cannon AFB 4 (CRO)
26 Nov 00 - 25 Nov 01 Osan AB 4 (Annual)

(Discharged from Osan AB)
- h. Awards & Decs: AFTR, NDSM, SWASM.
- i. Stmt of Sv: TMS: (5) Yrs (0) Mos (27) Das
TAMS: (4) Yrs (8) Mos (11) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 8 May 03.
(Change Discharge to Honorable)

Issue 1: I just want to say that the things I did wrong had to do with me involving my personnel issues with my military life. Now I am getting my life back on track. I would really like you to consider upgrading my discharge.

ATCH

1. DD Form 214.

18JUN03/ia



PD 2003-00235

DEPARTMENT OF THE AIR FORCE
51ST Maintenance Squadron (PACAF)
UNIT 2059
APO AP 96278-2059

- 6 JUN 2002

MEMORANDUM FOR AB [REDACTED] 51 MXS

FROM: 51 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force based upon a Pattern of Misconduct. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.50. If my recommendation is approved, then your service may be characterized as Honorable, Under Honorable Conditions (General) or Under Other Than Honorable Conditions (UOTHC). I am recommending that your service be characterized as General.

2. My reasons for this discharge action are as follows:

a. Between on or about 1 March 2001 and on or about 15 June 2001, at or near Osan Air Base, Republic of Korea, you exceeded the authorized alcohol purchase limit by nine bottles. ✓
For this misconduct you received a Record of Individual Counseling (RIC) dated 18 June 2001. (Atch 1a)

b. On or about 12 August 2001, at or near Osan Air Base, Republic of Korea, you failed to report for a no notice recall after several briefings that you were to inform someone of your whereabouts on the weekends. ✓
For this misconduct you received a Letter of Counseling (LOC) dated 13 August 2001. (Atch 1b)

c. Between on or about 20 July 2001 and on or about 27 July 2001, at or near Osan Air Base, Republic of Korea, you wrote two checks to the Mustang Club totaling about \$202.00 that were returned for insufficient funds. ✓
For this misconduct you received a RIC dated 18 September 2001. (Atch 1c)

d. On or about 23 September 2001, at or near Osan Air Base, Republic of Korea, you fled from the scene of an altercation when Security Forces arrived and in turn, you injured ✓
yourself. For this misconduct you received a Letter of Admonishment (LOA) dated 1 October 2001. (Atch 1d)

e. On or about 27 September 2001, at or near Osan Air Base, Republic of Korea, you were over 30 days delinquent on your Air Force Club Card. ✓
For this misconduct you received an LOA dated 22 October 2001, which was placed in your Unfavorable Information File (UIF). (Atch 1e)

f. On or about 24 January 2002, at or near Osan Air Base, Republic of Korea, you lied to Capt [REDACTED] by telling him that your port call date was on 5 February 2002 to avoid participating in an upcoming base exercise. Additionally, you further deceived your chain of command by trying to out-process the squadron on 5 February 2002, the day you should have left Osan Air Base, under the guise that you had just been informed that your actual port call date was later than 5 February 2002. For this misconduct, you received a Letter of Reprimand (LOR) dated 25 February 2002, which subsequently established your UIF and a control roster. (Atch 1f)

g. On divers occasions between on or about 23 March 2002 and on or about 24 March 2002, at or near Osan Air Base, Republic of Korea, you failed to go, at the time prescribed, to your appointed place of duty. For this misconduct, you received an Article 15, dated 12 April 2002 and it was placed in your UIF. (Atch 1g)

h. On or about 26 April 2002, at or near Osan Air Base, Republic of Korea, you failed to go, at the time prescribed, to your appointed place of duty. For this misconduct, your suspended Article 15, UCMJ punishment was vacated on 6 May 2002. (Atch 1h)

i. Between on or about 5 April 2001 and on or about 10 April 2002, at or near Osan Air Base, Republic of Korea, you were derelict in the performance of your duties in that you failed to refrain from using your Government Travel Card for other than official government travel. For this misconduct you received an Article 15 dated 13 May 2002 and it was placed in your UIF. (Atch 1i)

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, 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. Any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel is available to assist you. You may consult the Area Defense Counsel, Capt [REDACTED] Bldg 937, at 784-6774. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements that you want the separation authority to consider must reach me by 0700 hours on 6 Jun 2002 (three workdays) unless you request and receive an extension for good cause. I will forward any such statements to the separation authority.

6. If you fail to consult counsel or to submit statements on your own behalf, then your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the hospital at 0800 hours on 3 Jun 2002.

8. The Privacy Act of 1974 protects any personal information that you furnish in your rebuttal. A copy of AFI 36-3208 is available for your use at the Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.



Lt Col, USAF

Commander

Attachments:

1. Supporting documents:
 - a. RIC, dated 18 Jun 01, 1 page
 - b. LOC, dated 13 Aug 01, 1 page
 - c. RIC, dated 18 Sep 01, 1 page
 - d. LOA, dated 1 Oct 01, 1 page
 - e. LOA, dated 22 Oct 01, w/atchs, 3 pages
 - f. LOR, dated 25 Feb 02, w/atchs, 5 pages
 - g. Article 15 dated 12 Apr 02, w/atchs, 5 pages
 - h. Vacation Action, dated 6 May 02, w/atchs, 3 pages
 - i. Article 15 dated 13 May 02, 3 pages
2. Airman's Receipt of Notification Memorandum