

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AIC	AFSN/SSAN [REDACTED]
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TYPE	X	PERSONAL APPEARANCE		RECORD REVIEW
YES	No	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
X		[REDACTED] AMERICAN LEGION	[REDACTED] NW WASHINGTON DC 20006	

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

ISSUES A13.00	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 DATE 13 Nov 2003	CASE NUMBER FD-2003-00245	
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APPLICANT'S NAME AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE OPEN-HEAR AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Washington, D.C.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

*Change reason and authority to secretarial authority.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00245

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

The applicant appeared before the Discharge Review Board (DRB) at Andrews AFB, MD, on November 13, 2003, and was represented by Mr. [REDACTED] of the American Legion. Also present as witnesses for the applicant were [REDACTED], the applicants wife, and [REDACTED] a former co-worker.

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 the applicant substantiates an inequity or 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 contends discharge was inequitable because it was based primarily on his unsatisfactory progress in the Weight Management Program (WMP), which, in and of itself, cannot be used as the basis for a pattern of misconduct. The records indicated the applicant received an Article 15, six Letters of Reprimand, and two Letters of Counseling; however, all but one of these (a LOR for dereliction of duty in that he, as barracks bay chief, failed to post a bay orderly schedule) occurred during the six month period after the applicant was returned from Airman Leadership School for reporting overweight and his subsequent discharge for misconduct. Additionally, all but two of these (one for failure to obey a lawful order and one for being intoxicated) were for WMP related incidents. Applicant stated that his unit did not weigh him prior to his departure for Airman Leadership School and that the school did not do a body fat measurement. He further stated that there was a marked change in his unit's attitude towards him after his return, that he was a marked man and every little event was documented. The Board took note that in only one of the LORs/LOCs given to the applicant during this six month period was he given the opportunity to offer a formal rebuttal. The applicant took full responsibility for his actions and stated that he just basically gave up once his unit's attitude changed towards him. Since his separation, he has become involved in his community and has done quite well in the private sector, rising to the rank of Lieutenant in his civilian job. 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 for 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. 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 14 Oct 92 UP AFR 39-10, para 5-47 (Misconduct - A Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 27 Mar 70. Enlmt Age: 17 2/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-65, E-62, G-62, M-52. PAFSC: 81152 - Law Enforcement Specialist. DAS: 24 Jun 88.

b. Prior Sv: (1) AFRes 26 Jun 87 - 11 Dec 87 (5 Months 16 Days) (Inactive).

(2) AFRes 9 Jan 88 - 24 Jan 88 (16 Days) (Inactive).

(3) Enld as AB 25 Jan 88 for 4 yrs. Svd: 3 Yrs 4 Mos 10 Das, all AMS. AMN - (APR Indicates): 25 Jan 88 - 24 Jan 89. A1C - (EPR Indicates): 24 Jan 89 - 24 Sep 89. SRA - 25 Jan 91. APR: 9. EPRs: 3,3.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 4 Jun 91 for 4 yrs. Svd: 1 Yr 4 Mos 11 Das, all AMS.

b. Grade Status: A1C - 17 Jun 92 (Article 15, 17 Jun 92)

c. Time Lost: None

d. Art 15's: (1) 17 Jun 92, Bolling AFB, DC - Article 86. You did, on or about 20 May 92 and on or about 29 May 92, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C, suspended forfeiture of \$521.00 pay per month for 2 months, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 11 SEP 92 - Failure to meet weight management standards.

LOR, 09 SEP 92 - Drinking excessive amount of alcohol that caused vomiting of blood and to be hospitalized.

LOC, 22 AUG 92 - Failure to comply with weight management standards and missing exercise classes.

LOR, 19 JUN 92 - Failure to meet weight management standards.

LOR, 05 MAY 92 - Failure to meet weight management standards.

LOC, 04 MAY 92 - Failure to obey a lawful order and dereliction of duty.

LOR, 25 MAR 92 - Violation of Air Force standards by
reporting to PME in overweight status.
LOR, 28 OCT 91 - Dereliction of duty.
LOR, 07 DEC 90 - Failure to report for flu shots as
directed.

f. CM: None.

g. Record of SV: 27 Jul 90 - 26 Jul 91 Bolling AFB 3 (Annual)
27 Jul 91 - 26 Jul 92 Bolling AFB 2 (Annual)

(Discharged from Bolling AFB)

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

i. Stmt of Sv: TMS: (5) Yrs (2) Mos (22) Das
TAMS: (4) Yrs (8) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 May 03.
(Change Discharge to Honorable)

Issue 1: I received a letter of reprimand in a previous enlistment that was used as a part of my discharge.

Issue 2: Six of the infractions are related to weight management. I believe weight management issues are not considered misconduct.

Issue 3: I received an honorable discharge from my previous enlistment just one year prior to my discharge.

ATCH

1. Applicant's Letter.
2. Military Records.
3. Certificates and Letters.

20 Jun 03/cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1100TH AIR BASE GROUP (AFDW)
BOLLING AIR FORCE BASE DC 20332-5000

REPLY TO
ATTN OF: 1100 SPS/CC

SEP 18 1992

SUBJECT: Notification Letter

TO: ALC [REDACTED], 1100 SPS

1. I am recommending your discharge from the United States Air Force for Pattern of Misconduct. The authority for this action is AFR 39-10, section H, paragraph 5-47. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On or about 8 Sep 92, your Body Fat Measurement (BFM) was evaluated IAW AFR 35-11. Your BFM increased from 20 to 24 percent, your third failure. For this you received an LOR, dated 11 Sep 92.

b. On or about 29 Aug 92, you became so intoxicated you began vomiting blood, resulting in your being hospitalized. Investigation revealed your excessive consumption of alcohol contributed to your illness. For this you received an LOR, dated 9 Sep 92.

c. Since your enrollment in the WMP, 2 Apr 92, your attitude at best has been poor towards AF Standards, to wit your inability to comply with standards of weight, and missing several Weight Management Program classes. For this you received an LOC, dated 22 Aug 92.

d. On or about 4 Jun 92, your Body Fat Measurement (BFM) was evaluated IAW AFR 35-11. Your BFM increased from 22 to 24 percent, your second failure. For this you received an LOR, dated 19 Jun 92.

e. On or about 20 May and on or about 29 May 92, without authority, fail to go at the time prescribed to your appointed place of duty. For this you received an Article 15, dated 19 Jun 92.

f. On or about 4 May 92, your Body Fat Measurement (BFM) was re-evaluated and you were found to be two percent above your BFM. For this you received an LOR, dated 5 May 92, and an Unfavorable Information File Action (AF Form 1058), dated 12 May 92.

g. On or about 3 May 92, while on duty you were found to be in Blanchard Barracks, after you had been counseled that only personnel on official business conducting facility walk-throughs, would be in the dorm. For this you received an LOC, dated 4 May 92, and an Unfavorable Information File Action (AF Form 1058), dated 20 May 92.

h. On or about 23 Mar 92, you reported to Airman Leadership School, a Professional Military Education Course, in violation of Air Force Standards. For this you received an LOR, dated 25 Mar 92, and an Unfavorable Information File, 2 Apr 92.

i. On or about 23 Oct 91, you were derelict in your duty. For this you received an LOR, dated 28 Oct 91.

j. During the months of Oct and Nov 90, you were derelict in your duty. For this you received an LOR, dated 7 Dec 90.

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.

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 Capt [REDACTED] at Andrews AFB, Building 1430, on 23 Sep 92, at 1030. 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 23 Sep 92 (3 working days) 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 BAFB Clinic ⁰⁹³⁰ hrs, 21 Sep 92 for the examination.

7. 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 in your unit orderly room, BLDG P-21.

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

[REDACTED]
Maj, USAF
Commander