

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; height: 1.2em; width: 100%;"></div>		GRADE AB	AFSN/SSAN <div style="background-color: black; height: 1.2em; width: 100%;"></div>			
TYPE	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	DENY
<div style="background-color: black; height: 1.2em; width: 100%;"></div>						X
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ISSUES A01.00;A95.00		INDEX NUMBER A67.90		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		
HEARING DATE 18 Jul 03		CASE NUMBER FD2003-00246		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 RECORDING OFFICER <div style="background-color: black; height: 1.2em; width: 100%;"></div>				SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; height: 1.2em; width: 100%;"></div>		
INDORSEMENT				DATE: 18 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		

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00246

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

The applicant's issues are listed in the attached brief.

ISSUE. The Board finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the board was able to identify none. The records indicated the applicant received a Special Courts Martial conviction without a punitive discharge, two Articles 15, three Letters of Reprimand, and four Letters of Counseling for misconduct. The misconduct included willfully destroying U.S. government property, underage drinking, wrongfully possessing another military members identification card, communicating a threat, late for duty, dereliction of duty, failure to go, and possessing contraband while in correctional custody. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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.

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, 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]
(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 2 Oct 98 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Mar 78. Enlmt Age: 18 2/12. Disch Age: 20 6/12. Educ: HS DIPL. AFQT: N/A. A-70, E-43, G-46, M-34. PAFSC: 4A031 - Health Service Management Apprentice. DAS: 9 Aug 97.

b. Prior Sv: (1) AFRes 31 May 96 - 15 APR 97 (10 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Apr 97 for 4 yrs. Svd: 1 Yrs 5 Mo 17 Das, all AMS.

b. Grade Status: AB - 28 Apr 98 (Article 15, Vacation, 28 May 98)
AMN - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 20 May 98, Vacation, Lackland AFB, TX - Article 92. You, having knowledge of a lawful order issued by SSgt [REDACTED] not to possess any contraband while assigned to the Correctional Custody Facility, an order which it was your duty to obey, did, on or about 10 May 98, fail to obey the same by possessing a stolen Gerber multipurpose pocket knife. Article 121. You did, on or about 10 May 98, steal a Gerber multipurpose pocket knife, military property, of a value of about \$29.95, the property of the United States Government. Reduction to AB. (No appeal) (No mitigation)

(2) 28 Apr 98, Lackland AFB, TX - Article 86. You did, on or about 9 Apr 98, from about 0645 hours to about 0745 hours, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to AB, 21 days correctional custody, and forfeiture of \$100.00 pay. (No appeal) (No mitigation)

e. Additional: LOR, 11 MAY 98 - Dereliction of duty and found with stolen contraband inside wall locker.
LOR, 19 MAR 98 - Late for duty.

LOC, 13 FEB 98 - Late for duty.
 LOC, 13 FEB 98 - Dereliction of duty.
 LOR, 05 FEB 98 - Late for duty.
 LOC, 09 JAN 98 - Late for duty.
 LOC, 25 SEP 97 - Communicating a threat to two co-workers.

f. CM: Special Court Martial Order No.3 - 4 Aug 98

CHARGE I: Article 108.

Specification: Did, on or about 16 May 98, without authority, willfully destroy by burning a telephone, of a value of about \$28.00, and a microwave oven, of a value of about \$28.00, and a microwave oven, of a value of about \$117.69, military property of the United States. Plea: Guilty. Finding: Guilty.

CHARGE II: (Withdrawn after pleas).

CHARGE III: Article 92.

Specification: Who knew of his duties, on or about 16 May 98, was derelict in the performance of those duties in that he willfully failed to refrain from drinking alcoholic beverages while under the age of 21, as it was his duty to do. Plea: Guilty. Finding: Guilty.

CHARGE IV: Article 134.

Specification: Did, at or near San Antonio, Texas between on or about 1 Mar 98 and on or about 3 Jun 98, wrongfully possess the Military Identification Card (DD Form 2) issued in the name of TSgt [REDACTED] which he, the said AB [REDACTED] then well knew to be unauthorized. Plea: Guilty. Finding: Guilty. Sentence adjudged on 13 Jul 98: Confinement for five months and forfeiture of \$615.00 pay per month for five months.

g. Record of SV: None.

(Discharged from Lackland AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (2) Das
 TAMS: (1) Yrs (5) Mos (17) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 16 May 03.
 (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

FD2003-00246

ATCH
None.

20JUN03/ia

DEPARTMENT OF THE AIR FORCE
59th Medical Wing (AETC)

16 SEPT 98

MEMORANDUM FOR AB [REDACTED]


FROM: 759 MDOS/CC

SUBJECT: Notification Memorandum


1. I am recommending your discharge from United States Air Force for **Conduct Prejudicial to Good Order and Discipline**. The authority for this action is AFPD 36-32 and AFI 36-3208, Paragraph 5.50.2. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as **Under Honorable Conditions (General)**.
2. My reasons for this action are:
 - a. On or about 16 May 98, without proper authority, you willingly destroyed by burning a telephone and a microwave oven, the property of the United States. Also, you were derelict in the performance of your duties in that you willingly consumed alcohol while under the age of 21. Further, on or about 1 Mar 98 and on or about 3 Jun 98, you wrongfully possessed a Military Identification Card (DD Form 2) issued in the name of TSgt [REDACTED]. For these offenses, you were tried by Special Courts-Martial and sentenced to confinement for 5 months and forfeitures of \$615.00 per month for 5 months.
 - b. On or about 17 Sep 97, you used provoking speeches and gestures, to wit: you communicated a threat to two of your co-workers. For this infraction, you received a Letter of Counseling (LOC) on 25 Sep 97.
 - c. On or about 9 Oct 97, you were derelict in the performance of your duties, to wit: you failed to complete AF Form 259, Third Party Collection, on several patients. For this infraction, you received a Letter of Reprimand (LOR) on 9 Oct 97.
 - d. On or about 8 Jan 98, you failed to report to your place of duty, to wit: you arrived at your duty section after your prescribed time for duty. For this infraction, you received a LOC on 9 Jan 98.
 - e. On or about 5 Feb 98, you failed to report to your place of duty, to wit: you arrived at your duty section after your prescribed time for duty. For this infraction, you received a LOR on 5 Feb 98.

- f. On or about 12 Feb 98, you were derelict in the performance of your duties, to wit: you failed to render assistance to a patient who was standing in front of you. For this infraction, you received a LOC on 13 Feb 98.
 - g. On or about 13 Feb 98, you failed to report to your place of duty, to wit: you arrived at your duty section after your prescribed time for duty. For this infraction, you received a LOC on 13 Feb 98.
 - h. On or about 5 Mar 98, you failed to report to your place of duty, to wit: you arrived at your duty section at 0805 when your duty hours began at 0645. For this infraction, you received a LOR on 19 Mar 98 with an Unfavorable Information File (UIF) on 31 Mar 98.
 - i. On or about 9 Apr 98, you failed to report to your place of duty, to wit: you arrived at your duty section at 0745 when your duty hours began at 0645. For this infraction, you received an Article 15 on 16 Apr 98. Your nonjudicial punishment was 21 days correctional custody, a suspended reduction to the grade of Airman Basic (E-1), and forfeiture of \$100.00 pay.
 - j. On or about 10 May 98, you were derelict in the performance of your duties, to wit: you were found with stolen contraband inside of your wall locker. For this infraction, you received a LOR on 11 May 98, elimination from the correctional custody program on 11 May 98, and vacation of Article 15 punishment consisting of a reduction to the grade of Airman Basic (E-1), effective 20 May 98.
3. Copies of this 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.
4. You have the right to counsel. Military Legal Counsel has been obtained for you. I have made an appointment for you to consult Capt [REDACTED] at Building #7024, on 16 Sep at 1030 hours. You may consult civilian counsel at your own expense. If employed, civilian counsel must be readily available.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me with **three workdays**, unless you request and receive an extension for good cause shown. I will send them to the separation authority.
6. 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.

7. You have been scheduled for a medical examination. You must report to Building #6612, Room 502, **Monday through Friday, between 1300 - 1500 hours** with your medical, immunization, and dental records for the examination.
8. 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 at the 59th Medical Operations Group Orderly Room.


Col, USAF, MC
Commander, 759 MDOS

Attachments:

- 1a. AF Form 1359, 13 Jul 98
- 1b. LOC, 25 Sep 97
- 1c. LOR, 9 Oct 97
- 1d. LOC, 9 Jan 98
- 1e. LOR, 5 Feb 98
- 1f. LOC, 13 Feb 98
- 1g. LOC, 13 Feb 98
- 1h. AF Form 1058, 31 Mar 98
- 1i. LOR, 19 Mar 98
- 1j. Memorandum for MSgt  1 Apr 98
- 1k. Memorandum for Record, 9 Apr 98
- 1l. AF Form 3070, 28 Apr 98
- 1m. LOR, 11 May 98
- 1n. Memorandum for 759 MDOS/CC, 11 May 98
- 1o. AF Form 366, 20 May 98
2. Airman's Receipt of Notification Memorandum