

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL.) <div style="background-color: black; width: 100%; height: 1.2em;"></div>		GRADE AMN	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></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
<div style="background-color: black; width: 100%; height: 1.2em;"></div>					X
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ISSUES A93.01		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD	
HEARING DATE 13 AUG 03		CASE NUMBER FD2003-0250		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 <div style="background-color: black; width: 100%; height: 1.2em;"></div>			SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 1.2em;"></div>		
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		

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL
RATIONALE**

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

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, change of reason and authority for discharge, and change of reenlistment code are denied.

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.

ISSUE: Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The record indicates the applicant received an Article 15 for being derelict in the performance of his duties in that he willfully failed to refrain from using his government credit card while not on official orders. Additionally, he received three Letters of Reprimand and four Letters of Counseling for failure to pay court charges, traffic violation fine, and to attend traffic school; being late for work and lying, financial irresponsibility, disobeying a direct order, trying to defraud a business and for failure to go. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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 14 Feb 02 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 19 Feb 81. Enlmt Age: 19 0/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-77, E-71, G-70, M-63. PAFSC: 2A313B - Tactical Aircraft Maintenance Apprentice. DAS: 19 Feb 01.

b. Prior Sv: (1) AFRes 2 Mar 00 - 16 May 00 (2 Months 15 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 17 May 00 for 6 yrs. Svd: 1 Yr 8 Mos 29 Das, all AMS.

b. Grade Status: AMN - 6 Nov 01 (Article 15, 6 Nov 01)
A1C - 30 Jun 00

c. Time Lost: None.

d. Art 15's: (1) 6 Nov 01, Cannon AFB, NM - Article 92. You, who knew of your duties at or near Cannon AFB, NM, from on or about 2 Sep 01 to on or about 24 Sep 01. were derelict in the performance of those duties in that you willfully failed to refrain from using your Government-Sponsored Visa credit card while not on official government orders, as it was your duty to do. Reduction to AMN, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 22 JAN 02 - Failure to pay court charges, traffic violation fine, and to attend traffic school.

LOR, 13 NOV 01 - Late for work and lying.

RIC, 11 OCT 01 - Financial irresponsibility.

LOR, 03 OCT 01 - Late for work.

RIC, 02 JUL 01 - Disobeying a direct order.

LOR, 27 JUN 01 - Failure to obey an order or regulation, and trying to defraud a business.

RIC, 18 JUN 01 - Late for work.

RIC, 04 JUN 01 - Failure to go.

f. CM: None.

g. Record of SV: 17 May 00 - 30 Nov 01 Cannon AFB 3 (Initial)

(Discharged from Cannon AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (13) Das
TAMS: (1) Yrs (8) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 19 Mar 03.

(Upgrade Discharge to Honorable, and Change to Reentry Code, Reason and Authority)

Issues: My undesirable discharge was iniquitable because I am young still learnning (sic) about life, but I need to have another chance. I feel I deserve another chance to prove I am compatible with the military. I learned from my mistakes and want the chance to prove it. Everything I did was very immature.

ATCH

1. DD Form 214.

20Jun03/cr



FD2003-00250

DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 27th FIGHTER WING (ACC)
CANNON AIR FORCE BASE NEW MEXICO

04 FEB 2002

MEMORANDUM FOR AMN [REDACTED] 523 FS

FROM: 523 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, discreditable involvement with military or civil authorities and a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.1 and 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 general.

2. My reasons for this action are:

a. On or about 7 Jan 02, a warrant had been issued for your arrest due to a contempt of court charge for an unpaid traffic violation fine. After a court appearance you were sentenced to traffic school, which you failed to attend. Additionally, you failed to contact the Magistrate's office or your duty section about the missed class. This misconduct is evidenced by a Letter of Reprimand, dated 11 Jan 02, and an AF Form 1058 (Unfavorable Information File Action), dated 25 Jan 02. (Atch 1a)

b. On or about 9 Nov 01, you failed to report for duty at the time prescribed, as evidenced by a Letter of Reprimand, dated 13 Nov 01, and an AF Form 1058 (Unfavorable Information File Action), dated 27 Nov 01. (Atch 1b)

c. On or about 11 Oct 01, you were 60 days delinquent on your [REDACTED] government travel card, as evidenced by an AF Form 174 (Record of Individual Counseling), dated 11 Oct 01. (Atch 1c)

d. On or about 10 Sep 01, you failed to report for duty at the time prescribed, as evidenced by a Letter of Reprimand, dated 3 Oct 01, an AF Form 1058 (Unfavorable Information File Action), dated 3 Oct 01. (Atch 1d)

e. From on or about 2 Sep 01 to on or about 24 Sep 01, you used your [REDACTED] government travel card while not on official government orders, as evidenced by an Article 15 action, dated 6 Nov 01. (Atch 1e)

f. On or about 29 Jun 01, you failed to obey an order to turn in all of your tools and to give a brief to your swing-shift counterpart. Additionally, on or about 2 Jul 01, you failed to obey an order to perform necessary maintenance on an aircraft. This misconduct is evidenced by an AF Form 174 (Record of Individual Counseling), dated 2 Jul 01. (Atch 1g)

g. On or about 18 Jun 01, you failed to report for duty at the time prescribed, as evidenced by an AF Form 174 (Record of Individual Counseling), dated 18 Jun 01. (Atch 1g)

h. On or about 2 Jun 01, you failed to report for weekend duty at the specified time, as evidenced by an AF Form 174 (Record of Individual Counseling), dated 4 Jun 01. (Atch 1h)

i. On or about 11 May 01, you unlawfully left Nellis AFB, Nevada, on a commercial bus for Los Angeles, California, and returned on or about 13 May 01, as evidenced by a Letter of Reprimand, dated 27 Jun 01, and an AF Form 1058 (Unfavorable Information File Action), dated 28 Jun 01. (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, and any special pay, bonuses, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment will be made for you to consult with a military legal counsel from the Cannon AFB Area Defense Counsel's Office at building 600, ext. 2915. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within **3 duty days** from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination at the 27th Medical Group on 05 FEB 2002 at 1300 hours.

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 in your unit orderly room, or you may download a copy from <http://afpubs.hq.af.mil/>.



Major, USAF

Commander, 523 FS

Attachments:

- 1a. Letter of Reprimand, dated 11 Jan 02
AF Form 1058 (Unfavorable Information File Action), dated 25 Jan 01
- 1b. Letter of Reprimand, dated 13 Nov 01
AF Form 1058 (Unfavorable Information File Action), dated 27 Nov 01
- 1c. AF Form 174 (Record of Individual Counseling), dated 11 Oct 01
- 1d. Letter of Reprimand, dated 3 Oct 01
AF Form 1058 (Unfavorable Information File Action), dated 3 Oct 01
- 1e. Article 15 action, dated 6 Nov 01
- 1f. AF Form 174 (Record of Individual Counseling), dated 2 Jul 01
- 1g. AF Form 174 (Record of Individual Counseling), dated 18 Jun 01
- 1h. AF Form 174 (Record of Individual Counseling), dated 4 Jun 01
- 1i. Letter of Reprimand, dated 27 Jun 01
AF Form 1058 (Unfavorable Information File Action), dated 28 Jun 01