

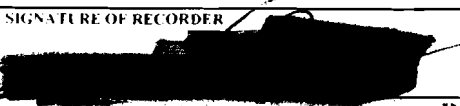
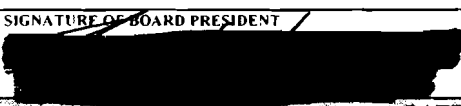


# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 				GRADE		AFSN/SSAN 		
TYPE	<b>X</b>	PERSONAL APPEARANCE			RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	No							
	<b>X</b>							
MEMBER SITTING				VOTE OF THE BOARD				
				HON	GEN	UOHC	OTHER	DENY
								X
								X
								X
								X
ISSUES <b>A94.53</b>		INDEX NUMBER <b>A67.10</b>		EXHIBITS SUBMITTED TO THE BOARD				
				<b>1</b>	ORDER APPOINTING THE BOARD			
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE			
				<b>3</b>	LETTER OF NOTIFICATION			
				<b>4</b>	BRIEF OF PERSONNEL FILE			
					COUNSEL'S RELEASE TO THE BOARD			
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
HEARING DATE <b>18 Nov 2003</b>		CASE NUMBER <b>FD-2003-00255</b>		TAPE RECORDING OF PERSONAL APPEARANCE				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE								
<p>Case heard at Washington, D.C.</p> <p>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</p>								
SIGNATURE OF RECORDER 				SIGNATURE OF BOARD PRESIDENT 				
INDORSEMENT				DATE: 11/26/2003				
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				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2003-00255**

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable, change of reason for discharge and change of reenlistment eligibility code.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB, MD on November 18, 2003.

The following additional exhibits were submitted at the hearing:

Exhibit 6: Letter of recommendation from NC A&T University

Exhibit 7: Letter of reference from Bennett College

Exhibit 8: Character reference letter

Exhibit 9: Police report

**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 that would justify a change of discharge.

**ISSUES:** The applicant's issues are listed in the attached brief and contends his discharge was too harsh for the record of misconduct, characterizing many of the incidents of misconduct as trivial. He also contended a hostile work environment was created by his supervisor. The applicant requests upgrade of his discharge in order to reenter the Armed Services. The applicant was discharged with an under honorable conditions (general) discharge for minor disciplinary infractions after 9 months and 13 days of service. The member received two Articles 15 and a vacation action for fraudulently charging long distance phone calls to his roommate's telephone account, dereliction of duty, and failure to obey orders. He also received 6 Letters of Counseling and one Letter of Reprimand for failure to appear in civilian court, driving without a valid driver's license, financial irresponsibility, failure to go, unsatisfactory duty performance, and disrespect to superiors.

After evaluating the evidence of the record and the applicant's testimony The Board did not conclude that the misconduct was trivial and did not find convincing evidence of a hostile work environment.

The applicant requested a second chance to serve based on the change in his character since discharge and the DRB was impressed with the applicant's post service educational accomplishments. However, no inequity or impropriety in his discharge was found in the course of the hearing.

**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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 31 Mar 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 31 Jul 79. Enlmt Age: 17 5/12. Disch Age: 18 8/12. Educ: HS DIPL. AFQT: N/A. A-76, E-49, G-50, M-21. PAFSC: 1C032 - Operations Resource Management. DAS: 18 Sep 97.

b. Prior Sv: (1) AFRes 31 Dec 96 - 18 Jun 97 (5 months 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 19 Jun 97 for 4 yrs. Svd: 0 Yrs 9 Mo 13 Das, all AMS.

b. Grade Status: AB - 20 Mar 98 (Article 15, 20 Mar 98)  
AMN - 9 Feb 98 (Article 15, Vacation, 13 Mar 98)

c. Time Lost: None.

(Examiner's Note: The following Article 15s were completed out of sequence; however, the date of rank to AB of 20 Mar 98 is correct).

d. Art 15's: (1) 20 Mar 98, Pope AFB, NC - Article 92. You did, at or near San Antonio, Texas, on divers occasions between on or about 9 Nov 97 and on or about 4 Jan 98, with intend to defraud, falsely pretend to American Telephone and Telegraph Company that certain long distance calls were properly billable to [REDACTED] Pope AFB, NC, then knowing that the pretenses were false, and by means thereof, did, wrongfully obtain from American Telegraph Company long distance telephone services, of a value of about \$796.82. Suspended reduction to Amn. Suspended forfeiture of \$350.00 pay per month for two months. Thirty days restriction, and 30 days extra duty. (No appeal) (No mitigation)

(2) 13 Mar 98, Vacation, Pope AFB, NC - Article 92. You, who knew of your duties at or near Building 397, Maverick Street, Pope AFB, NC, from on or about 14 Feb 98 to on or about 16 Feb 98, were derelict in the performance of those duties in that you failed to

complete the tasks that you were given as it was your duty to do. Reduction to Airman. (No appeal) (No mitigation)

- (3) 9 Feb 98, Pope AFB, NC - Article 134. You, having knowledge of a lawful order issued by [REDACTED] not to drive your vehicle while under a suspended license, an order which it was your duty to obey, did, on or about 13 Mar 98, fail to obey the same by driving under suspended license. Reduction to AB. (No appeal) (No mitigation)

- e. Additional: LOR, 09 MAR 98 - Failure to appear in court, failure to notify supervisors of suspended drivers license, and driving without a license.  
 RIC, 04 MAR 98 - Unsatisfactory duty performance.  
 RIC, 21 JAN 98 - Failure to obey a lawful and direct order, disrespect to superiors, and lying.  
 RIC, 14 JAN 98 - Financial irresponsibility, tardiness, and violation of uniform standards.  
 LOC, 27 OCT 97 - Dereliction of duty.  
 RIC, 20 OCT 97 - Failure to obey a lawful and direct order.
- f. CM: None.
- g. Record of SV: None.

(Discharged from Pope AFB)

- h. Awards & Decs: AFTR.

- i. Stmt of Sv: TMS: (1) Yrs (3) Mos (1) Das  
 TAMS: (0) Yrs (9) Mos (13) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 May 03.  
 (Change Discharge to Honorable, and Change the RE Code.)

Issue 1: I am trying to have my RE Code changed to a reentry code that would allow me to go into the U.S. Army.

Issue 2: Commander stated that at the time he did not know the code would keep me from reentering armed forces, discharge will allow me to go back in, however RE Code will not.

**ATCH**

1. DD Form 149.
2. Congressional Correspondence.
3. DD Form 214.
4. Copy of Discharge Correspondence.

23JUN03/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 43D AIRLIFT WING (AMC)  
POPE AIR FORCE BASE NORTH CAROLINA

FD 2003-00255

MEMORANDUM FOR AB [REDACTED]

24 MAR 98

FROM: 43 OSS/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 AFD 36-32 and AFI 36-3208, paragraph 5.49. The most severe type of discharge authorized in this case is an under other than honorable conditions discharge. I am recommending that your service be characterized as general.

2. My reasons for this action are:

- a. On or about 13 Mar 98, you having knowledge of a lawful order issued by [REDACTED] not to drive your vehicle while under a suspended license, an order which it was your duty to obey, did at or near Pope AFB, NC, fail to obey the same by driving under suspended license as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 20 Mar 98.
- b. Between on or about 14 Feb 98 and on or about 16 Feb 98, you who knew of your duties at or near Bldg 397, Maverick Street, Pope AFB, NC, were derelict in the performance of those duties in that you failed to complete the tasks that you were given as it was your duty to do as documented by an AF Form 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 13 Mar 98.
- c. On 9 Mar 98 it was brought to the 43 OSS/CCF's attention that your NC driver's license was suspended indefinitely for failure to appear in court. Also, you failed to report this action to your supervisor and the 43 OSS/CCF as documented by a Letter of Reprimand, dated 9 Mar 98.
- d. On or about 4 Mar 98, you were derelict in the performance of your duties by failing to adequately perform your duties, as documented by an AF Form 174, Record of Individual Counseling, dated 4 Mar 98.
- e. Between on or about 9 Nov 97 and on or about 4 Jan 98, you did, on divers occasions, at or near San Antonio, TX, with intent to defraud, falsely pretend to AT&T that certain long distance calls were properly billable to [REDACTED], Pope AFB, NC, then knowing that the pretenses were false, and by means thereof, did, wrongfully obtain from AT&T long distance telephone services, of a value of about \$796.82 as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 9 Feb 98.
- f. On or about 20 Jan 98, you were derelict in the performance of your duties by failing to vacate your dorm room and turn in your dorm room key as documented by an AF Form 174 Record of Individual Counseling, dated 21 Jan 98.

AMC - Global Reach for America

- g. On or about 14 Jan 98, you were derelict in the performance of your duties as documented by an AF Form 174, Record of Individual Counseling, dated 14 Jan 98.
- h. On or about 23 Oct 97, you were derelict in the performance of your duties by failing to have your uniform in proper order as documented by a Letter of Counseling, dated 27 Oct 97.
- i. On or about 17 Oct 97, you failed to obey a lawful order as documented by an AF Form 174, Record of Individual Counseling, dated 20 Oct 97.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Wing Commander, who exercises SPCM jurisdiction, or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. Contact [REDACTED] (extension 4-2362) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult [REDACTED] the Area Defense Counsel. You may consult civilian counsel at your own expense. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 27 MAR 98 at 0800 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 in three days, your failure will constitute a waiver of your right to do so.
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 at the orderly room.

[REDACTED]

Commander

Attachments:

1. AF Form 3070, dated 20 Mar 98
2. AF Form 366, dated 13 Mar 98
3. LOR, dated 9 Mar 98
4. AF Form 174, dated 4 Mar 98
5. AF Form 3070, dated 9 Feb 98
6. AF Form 174, dated 21 Jan 98
7. AF Form 174, dated 14 Jan 98
8. LOC, dated 27 Oct 97
9. AF Form 174, dated 20 Oct 97