

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

	Upgrade Discharge
[REDACTED]	Deny
[REDACTED]	Deny
[REDACTED]	Deny
[REDACTED]	Deny
[REDACTED]	Deny

ISSUES 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 12 Aug 2003	CASE NUMBER FD-2003-00258		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
			TAPE RECORDING OF PERSONAL APPEARANCE

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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]
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INDORSEMENT **DATE** 08/13/2003

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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL
RATIONALE**

CASE NUMBER

FD-2003-00258

GENERAL: The applicant appeals for upgrade of discharge to honorable.

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 is denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15 for being derelict in the performance of his duties in that he willfully failed to wear a bicycle helmet while operating a bicycle and for failure to go. He also received a Vacation action under the UCMJ for being derelict in the performance of his duties in that he willfully failed to maintain his dormitory room in accordance with Air Force standards. Additionally, he received six Letters of Reprimand for being apprehended for driving with a suspended license and no vehicle registration, reporting late for work, not shaving, lying, failure to obey an order, possession of an unauthorized pet in his dorm room, failure to report to duty, sleeping on duty and failure to perform his duties. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of 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

[REDACTED]
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 SEP 02 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 10 Feb 83. Enlmt Age: 17 2/12. Disch Age: 19 6/12. Educ: HS DIPL. AFQT: N/A. A-21, E-41, G-37, M-66. PAFSC: 2A733 - Aircraft Structural Maintenance Apprentice. DAS: 2 Jan 02.

b. Prior Sv: (1) AFRes 24 Apr 00 - 11 Jun 01 (1 Year 1 Month 19 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Jun 01 for 6 yrs Svd: 1 Yr 2 Mos 24 Das, all AMS.

b. Grade Status: AMN - 30 Jul 02 (Article 15, 30 Jul 02)
A1C - 27 Jul 01

c. Time Lost: None.

d. Art 15's: (1) 9 Aug 02, Vacation, Offutt AFB, NE - Article 92. You, who knew of your duties, on or about 7 Aug 02, were derelict in the performance of those duties in that you willfully failed to maintain your dormitory room in accordance with Air Force standards, as it was your duty to do. Forfeiture of \$200.00. (No appeal) (No mitigation)

(2) 30 Jul 02, Offutt AFB, NE - Article 92. You, who knew of your duties, on divers occasions, between on or about 12 Jul 02 and on or about 22 Jul 02, were derelict in the performance of those duties in that you willfully failed to wear a bicycle helmet while operating a bicycle, as it was your duty to do. Article 86. You, did, on or about 25 Jul 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn, fourteen days extra duty, and a suspended forfeiture of \$200.00 pay. (No appeal) (No mitigation)

e. Additional: LOR, 12 AUG 02 - Apprehended for driving with a suspended license and no vehicle registration. Reporting late for extra duty job,

reporting to duty without properly shaving, and lying.
LOR, 09 AUG 02 - Failure to obey an order.
LOR, 19 JUL 02 - Possession of an unauthorized pet in dorm room.
LOR, 17 MAY 02 - Late for work.
LOR, 11 MAR 02 - Failure to report to SF Augmentee training.
LOR, 21 FEB 02 - Sleeping on duty and failure to perform duties.
Traffic Ticket, 10 FEB 02 - Failure to use turn signal and failure to dim headlights.
Traffic Ticket, 07 FEB 02 - Inoperable headlight.

f. CM: None.

g. Record of SV: None.

(Discharged from Offutt AFB)

h. Awards & Decs: NDSM.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (12) Das
TAMS: (1) Yrs (2) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 May 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

23JUN03/ia



DEPARTMENT OF THE AIR FORCE
Headquarters, 55th Wing (ACC)
Offutt Air Force Base, Nebraska

22 AUG 02

MEMORANDUM FOR AMN [REDACTED], 55 MXS (ACC)

FROM: 55 MXS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Pattern of Misconduct. The authority for my recommendation 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 general.

2. My reasons for this action are:

a. On 7 February 2002, you received a traffic ticket for having an inoperable headlight. On 10 February 2002, you received a traffic ticket for failure to use your turn signal and failure to dim headlights. On 21 February 2002, you were sleeping while on duty as Bay Orderly and failed to perform your assigned tasks. For these incidents you received a Letter of Reprimand, dated 21 February 2002. (Atch 1-1)

b. On 4 March 2002, you failed to go to Security Forces Augmentee training. For this incident you received a Letter of Reprimand, dated 11 March 2002. In addition, this action established an Unfavorable Information File (UIF). (Atch 1-2)

c. On 17 May 2002, you were late for duty. For this incident you received a Letter of Reprimand, dated 17 May 2002. (Atch 1-3)

d. On 18 July 2002, you were found to have an unauthorized pet lizard in your dormitory room. For this incident you received a Letter of Reprimand, dated 19 July 2002. In addition, this action was placed in your existing UIF and you were placed on Control Roster. (Atch 1-4)

e. Between 12 July 2002 and 22 July 2002 on divers occasions, you failed to wear a bicycle helmet while operating a bicycle. On 25 July 2002, you failed to report to duty at the proper time. For these incidents you received Nonjudicial Punishment, dated 30 July 2002, consisting of reduction to the grade of Airman, with a new date of rank of 30 July 2002; fourteen days extra duty; and a forfeiture of \$200 pay, suspended through 29 January 2003. In addition, this action was placed in your existing UIF. (Atch 1-5)

f. On 9 August 2002, you failed to follow a direct order from MSgt [REDACTED]. You were to report to work with your uniform pressed with starch which you failed to do. For this incident you received a Letter of Reprimand, dated 9 August 2002. (Atch 1-6)

g. On 4 August 2002, you were late for duty. On 7 August 2002, you failed to maintain your dormitory room in accordance with Air Force standards. For these incidents you received Vacation of Nonjudicial Punishment, dated 9 August 2002, consisting of forfeiture of \$200 pay. (Atch 1-7)

h. On 10 August 2002, you were apprehended at Kenney Gate for driving with a suspended license and no proof of insurance. This apprehension resulted in you reporting late for duty. You also told MSgt [REDACTED] that you were not driving your vehicle, which was not true. For these incidents you received a Letter of Reprimand, dated 12 August 2002. In addition, this action was placed in your existing UIF. (Atch 1-8)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial 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 and probably any other branch of the military.

4. 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 Captain [REDACTED] Bldg 323C, Room 302, Phone 4-3939, at 0900 on 23 Aug 02. 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 by 27 Aug 02 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.

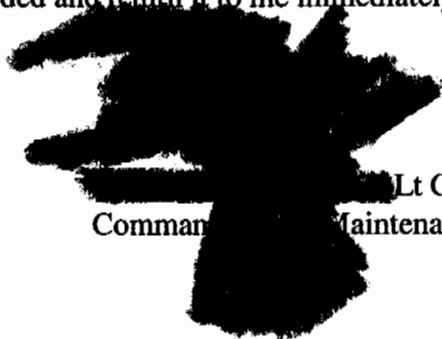
7. You have been scheduled for a medical examination. You must report to the 55th Medical Group, Red Team/Dr. Chocke, at 13451315 on 23 Aug 02 for the examination. Please pick up your medical records prior to your appointment.

8. You have been scheduled for an initial separation appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 1300 on 20 Aug 02 with your escort.

9. You have been scheduled for a pre-separation briefing. You must report to the Family Support Center at 0900 on 27 Aug 02 for the briefing.

10. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFM 36-3208 is available for your use in the unit orderly room.

11. Execute the acknowledgment provided and return it to me immediately.



Lt Col, USAF
Commander, Maintenance Squadron

Attachments:

- Atch 1-1; LOR, dated 21 Feb 02
- Atch 1-2; LOR, dated 11 Mar 02
- Atch 1-3; LOR, dated 17 May 02
- Atch 1-4; LOR, dated 19 Jul 02
- Atch 1-5; NJP, dated 30 Jul 02
- Atch 1-6; LOR, dated 9 Aug 02
- Atch 1-7; Vac of NJP, dated 9 Aug 02
- Atch 1-8; LOR, dated 12 Aug 02