

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
ISSUES A95.00	INDEX NUMBER A67.10	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 21 Aug 2003	CASE NUMBER FD-2003-00268	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE				
		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

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: 08/21/2003

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-2003-00268

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 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 two Article 15s for failure to go and for being AWOL for 3 days. Additionally, he received three Letters of Reprimand and two Letters of Counseling for being late for work, failing his dorm room inspections, failure to go and failure to obey an order. 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

(Former AB) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 27 Sep 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 6 Dec 74. Enlmt Age: 17 3/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-95, E-78, G-76, M-70. PAFSC: 3P031 - Security Apprentice. DAS: 16 Dec 92.

b. Prior Sv: (1) AFRes 31 Mar 92 - 03 Aug 92 (4 months 4 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 4 Aug 92 for 4 yrs. Svd: 2 Yrs 1 Mo 24 Das, all AMS.

b. Grade Status: AB - 21 Sep 94 (Article 15, 21 Sep 94)
A1C - 14 Jun 94
Amn - 04 Feb 93

c. Time Lost: None.

d. Art 15's: (1) 21 Sep 94, Grand Forks AFB, ND - Article 86. You did, on or about 12 Sep 94, without authority, absent yourself from your place of duty at which you were required to be, and did remain so absent until you were contacted by your First Sergeant, MSgt [REDACTED] on or about 14 Sep 94. Reduction to AB, forfeiture of \$400.00 pay per month for two months. (No appeal) (No mitigation)

(2) 15 Dec 93, Grand Forks AFB, ND - Article 86. You, did, on or about 1 Dec 93, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to AB. Forfeiture of \$407.00 pay (in excess of \$100.00 suspended), and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 31 AUG 94 - Failure to go, failure to obey an order, and failed dorm room inspection.
LOR, 04 NOV 93 - Failure to go.
LOR, UNDATED - Late for work for the third time in three months.
LOC, UNDATED - Late for work and failed dorm room inspection.

LOC, UNDATED - Late for work and failed dorm room inspection.

f. CM: None.

g. Record of SV: 4 Aug 92 - 3 Apr 94 Grand Forks AFB 2 (Initial) **REF**
(Discharged from Grand Forks AFB)

h. Awards & Decs: AFAM, NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (28) Das
TAMS: (2) Yrs (1) Mos (24) Das

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

NO ISSUES SUBMITTED.

ATCH
None.

2JUL03/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 319TH AIR REFUELING WING (AMC)
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

7 SEP 1994

MEMORANDUM FOR AIC [REDACTED]

FROM: 321 OSS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. 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. You did, on or about 29 Aug 94, disobey a lawful order and you failed your dormitory room inspection. For these actions you received a LOR/UIF dated 31 Aug 94.

b. You did, on or about 1 Dec 93, fail to go at the time prescribed to your appointed place of duty, for which you received a Article 15, dated 15 Dec 93.

c. You did, on or about 27 Oct 93, fail to go at the time prescribed to your appointed place of duty, for which you received a LOR/UIF, dated 4 Nov 93.

d. You did, on or about 25 Aug 93, fail to go at the time prescribed to your appointed place of duty as well as fail to comply with AFR 35-10, for which a LOR was accomplished.

e. You did, on or about 20 Jul 93, fail to go at the prescribed time to your appointed place of duty and also fail to have your room in inspection order, for which a LOC was accomplished.

f. You did, on or about 14 Jun 93, fail to go at the prescribed time to your appointed place of duty and also fail to have your room in inspection order, for which a LOC was accomplished.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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. You have been scheduled an appointment at the Office of the Area Defense Counsel at Building 216 on 7 Sep 94 at 1400 hours. 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 12 Sep 94 at 0845 hours 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 319th Medical Group on 8 Sep 94 at 0730 hours for the examination.
7. Deliver to me immediately your military identification card and those of your dependents. I have requested that temporary identification cards be issued IAW AFR 30-20, paragraph 2-9. You will report to me by COB 7 Sep 94, to verify that issuance of Temporary Identification Card(s) has been accomplished.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Atch 2. A copy of AFR 39-10 is available for your use in the squadron orderly room.
9. Execute the attached acknowledgment and return it to me immediately.



, Lt Col, USAF

Commander, 321 OSS

4 Attachments

1. Supporting Documents
 - a. LOR/UIF, 31 Aug 94
 - b. Article 15, 15 Dec 93
 - c. LOR/UIF, 4 Nov 93
 - d. LOR
 - e. LOC
 - f. LOC
2. Airman's Acknowledgment
3. EPR
4. RIP