

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b>	<b>AFSN/SSAN</b> [REDACTED]			
<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>				
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<b>YES</b>	<b>No</b>					
	<b>X</b>					
<b>MEMBER SITTING</b>		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					<b>X</b>	
[REDACTED]					<b>X</b>	
[REDACTED]					<b>X</b>	
[REDACTED]					<b>X</b>	
[REDACTED]					<b>X</b>	
<b>ISSUES</b>	A94.05	<b>INDEX NUMBER</b>	A49.00 A67.90	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
				<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		
<b>HEARING DATE</b>	28 Oct 2003	<b>CASE NUMBER</b>	FD-2003-00272	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						
<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>						
<b>SIGNATURE OF RECORDER</b>						
[REDACTED SIGNATURE]						
<b>INDORSEMENT</b>				<b>DATE: 10/29/2003</b>		
<b>TO:</b>			<b>FROM:</b>			
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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**

**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 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 discharge was inequitable because it was too harsh. He believes he should have been separated due to failure in the Career Development Course and not for a pattern of misconduct. The records indicated the applicant received an Article 15 for being derelict in the performance of his duties in that he willfully failed to refrain from consuming alcohol within 8 hours of reporting for duty, and with intent to deceive, made a false official statement that his vehicle had been stolen. In addition, he received six Letters of Reprimand and one Letter of Counseling for failure to go on several occasions, failure to follow a General Order and dereliction of duty. And, he did fail his End of Course Examination twice. The failure of the Course Examination twice is grounds for dismissal. However, when there is misconduct, as in this case, the correct characterization of a General Discharge for Unsatisfactory Performance and a Pattern of Misconduct is appropriate. 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 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 16 Dec 02 UP AFI 36-3208, para 5.26.3 & 5.50.2 (Unsatisfactory Performance & Pattern of Misconduct - Conduct Prejudicial to Good Order & Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 27 Aug 82. Enlmt Age: 17 8/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-77, E-86, G-84, M-87. PAFSC: 3P031 - Security Forces Apprentice. DAS: 24 Feb 01.

b. Prior Sv: (1) AFRes 12 May 00 - 25 Sep 00 (4 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Sep 00 for 6 yrs. Svd: 2 Yrs 2 Mo 21 Das, all AMS.

b. Grade Status: AB - 11 Sep 02 (Article 15, 11 Sep 02)  
A1C - 10 Nov 00

c. Time Lost: None.

d. Art 15's: (1) 11 Sep 02, RAF Lakenheath, UK - Article 92. You, who knew of your duties, on or about 11 Aug 02, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol within 8 hours of reporting for duty, as it was your duty to do. Article 107. You did, on or about 11 Aug 02 and on or about 12 Aug 02, with intent to deceive, make to [REDACTED], a Security Forces officer acting in his official capacity, an official statement, to wit: that your vehicle had been stolen, which statement was totally false, and was then known by you to be so false. Reduction to AB, suspended forfeiture of \$250.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: EOC, 08 AUG 02 - CDC End of Course Examination failure.  
LOR, 11 JUL 02 - Failure to go.  
LOR, 31 MAY 02 - Late for work.  
LOR, 14 APR 02 - Late for work.  
EOC, 12 APR 02 - CDC End of Course Examination failure.  
LOR, 20 MAR 02 - Failure to follow a General Order.  
LOR, 16 NOV 01 - Dereliction of duty and false official statement.

LOR, 13 NOV 01 - Late for work.  
 LOC, 23 SEP 01 - Late for work.

f. CM: None.

g. Record of SV: 26 Sep 00 - 25 May 02 RAF Lakenheath 3 (Initial)  
 26 May 02 - 15 Oct 02 RAF Lakenheath 2 (HAF Dir)

(Discharged from Wright Patterson AFB)

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

i. Stmt of Sv: TMS: (2) Yrs (7) Mos (5) Das  
 TAMS: (2) Yrs (2) Mos (21) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Jun 03.  
 (Change Discharge to Honorable)

Issue 1: I was never notified of the actual reason for discharge to be printed on DD Form 214. I was notified of discharge from the military due to failure to progress in my career status due to failure of the Career Development Course for my career field by my immediate commander during an appointment with him for the actual decision of separation. Not for a pattern of misconduct for numerous pieces of paperwork recieved (sic) for being late for work and an Article 15 for an alcohol related incident.

Issue 2: I was told of the option that my commander had to give me an Honorable or General (Under Honorable Conditions) discharge. I was given the chance to present my opinion of what kind of discharge I thought I should recieve (sic). He made his decision and I was not notified in time to appeal to the next commander in my chain of command to recieve (sic) a somewhat fair and unbiased opinion.

**ATCH**

None.

17JUL03/ia



DEPARTMENT OF THE AIR FORCE  
48TH FIGHTER WING (USAF)

MEMORANDUM FOR AB [REDACTED] 48 SFS

14 NOV 2002

FROM: 48 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance - Failure to progress in on-the-job training (OJT), and a Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, Sections 5E, and 5H, paragraphs 5.26.3 and 5.50.2, respectively. If my recommendation is approved, your service will be characterized as Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

a. On 26 Aug 02, you were notified that you failed your End-of-Course for the second time, as shown on the ECI Form 9, dated 8 Aug 02. You scored 39; the Air Force minimum passing score is 65.

b. On 17 May 02, you were notified that you failed your End-of-Course test for the first time, as shown on the ECI Form 9, dated 5 Apr 02. You scored 61; the Air Force minimum passing score is 65.

c. At or near RAF Lakenheath, UK, on or about 11 Aug 02, you, who knew or should have known of your duties, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol within 8 hours of reporting for duty, as it was your duty to do. For this you received Nonjudicial Punishment, dtd 11 Sep 02. This action also resulted in an Unfavorable Information File (UIF) entry.

d. At or near RAF Lakenheath, UK, on or about 11 Aug 02 and on or about 12 Aug 02, you, with intent to deceive, made to [REDACTED] a Security Forces officer acting in his official capacity, an official statement, to wit: that your vehicle had been stolen, which statement was totally false, and was then known by you to be so false. For this you received the same punishment as indicated in paragraph (c) *supra*.

e. At or near RAF Lakenheath, UK, on or about 28 Jun 02, you did without authority, fail to go at the time prescribed to your appointed place of duty, to wit: the armory for guard mount. For this you received a Letter of Reprimand (LOR), dtd 11 Jul 02. This action also resulted in a UIF entry.

f. At or near RAF Lakenheath, UK, on or about 31 May 02, you did without authority, fail to go at the time prescribed to your appointed place of duty at the appointed time. For this you received an LOR, dtd 31 May 02. This action also resulted in a UIF entry.

g. At or near RAF Lakenheath, UK, on or about 14 Apr 02, you having knowledge of a lawful order issued by [REDACTED] acting in his official capacity as your supervisor, an order which it was your duty to obey, failed to obey the same by wrongfully arriving to work late. For this you received an LOR, dtd 14 Apr 02. This action caused a UIF to be established.

h. At or near RAF Lakenheath, UK, on or about 20 Mar 02, you failed to follow General Order #1 to protect property and personnel until properly relieved, by allowing a vehicle into a restricted area without being inspected. For this you received an LOR, dtd 20 Mar 02.

i. At or near RAF Lakenheath, UK, on or about 16 Nov 01, you, who knew or should have known of your duties, were derelict in the performance those duties in that you willfully failed to properly complete your checklist, as it was your duty to do. You also, with intent to deceive, made to [REDACTED] a Security Forces Mobility NCO acting in his official capacity, an official statement, to wit: that you did not fill in the information on your checklist—someone else did, which statement was totally false, and was then known by you to be so false. For this you received an LOR, dtd 16 Nov 01.

j. At or near RAF Lakenheath, UK, on or about 12 Nov 01, you did without authority, fail to go at the time prescribed to your appointed place of duty at the appointed time. For this you received an LOR, dtd 13 Nov 01.

k. At or near RAF Lakenheath, UK, on or about 3 Sep 01, you did without authority, fail to go at the time prescribed to your appointed place of duty at the appointed time. For this you received an LOC, dtd 23 Sep 01.

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, 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, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel [REDACTED], bldg 948, ext 3608, has been obtained to assist you. An appointment has been scheduled for you to consult them at 10:30 hrs 14 Nov 02. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 19 Nov 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 in your own behalf, your failure will constitute a waiver of your right to do so.

7. You must report to the **Physical Exam** section at the 48th Medical Group between **1300-1400 hrs Monday thru Thursday**. At this time, an appointment at Family practice will be scheduled for you. If you wear eyeglasses, you must bring them with you. If you are unable to make any of your scheduled appointments, you must contact the First Sergeant immediately.

8. The Privacy Act Statement covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in your unit orderly room.

9. The separation authority will make the findings and recommendation required under 10 U.S.C 2005 (g).
10. Execute the attached acknowledgement and return it to me immediately.



Commander

Attachments:

1. Unsatisfactory Course Examination, dtd 8 Aug 02
2. Commander's Evaluation, dtd 17 Jun 02
3. Unsatisfactory Course Examination, dtd 5 Apr 02
4. Commander's Evaluation, dtd 17 Sep 02
5. Classification/On-The-Job-Training Action, dtd 1 Oct 02
6. AF Form 3070, dtd 11 Sep 02
7. LOR, dtd 11 Jul 02
8. LOR, dtd 31 May 02
9. LOR, dtd 14 Apr 02
10. LOR, dtd 20 Mar 02
11. LOR, dtd 16 Nov 01
12. LOR, dtd 13 Nov 01
13. LOC, dtd 23 Sep 01