

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> <b>AB</b>	<b>AFSN/SSAN</b> [REDACTED]			
<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>		<b>X RECORD REVIEW</b>			
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</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>				
		<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
[REDACTED]						<b>X</b>
[REDACTED]						<b>X</b>
[REDACTED]						<b>X</b>
[REDACTED]						<b>X</b>
[REDACTED]						<b>X</b>
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
<b>A93.01</b>		<b>A67.90</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>		<b>CASE NUMBER</b>		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
<b>21 Aug 2003</b>		<b>FD-2003-00275</b>		TAPE RECORDING OF PERSONAL APPEARANCE		
<p align="center"><small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</small></p>						
<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]			<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]			
<b>INDORSEMENT</b>				<b>DATE: 08/21/2003</b>		
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002			

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	<b>CASE NUMBER</b> <b>FD-2003-00275</b>
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**GENERAL:** The applicant appeals for upgrade of discharge to Honorable, change the Reason and Authority for the discharge, and to change the RE code.

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. The records indicated the applicant received two Article 15s, the first one for discharging a fire extinguisher causing the automatic fire alarm to activate. The second one for consuming alcoholic beverages while under the age of twenty-one and for damaging government property. He also received a Vacation action under the UCMJ for failure to obey an order and for willfully failing to refrain from entering an establishment with false identification with the purpose of consuming alcoholic beverages. The applicant states that he has matured as well as learned from his mistakes. However, he submits no documentation to this fact and he has only been out of the Air Force for one year and four months. 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]  
[REDACTED]  
(Former AB) (HGH AMN)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Apr 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 22 Aug 82. Enlmt Age: 17 10/12. Disch Age: 19 7/12. Educ: HS DIPL. AFQT: N/A. A-54, E-47, G-64, M-49. PAFSC: 3E731 - Fire Protection Apprentice. DAS: 24 Mar 01.

b. Prior Sv: (1) AFRes 18 Jul 00 - 25 Sep 00 (2 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Sep 00 for 4 yrs. Svd: 1 Yrs 6 Mo 9 Das, all AMS.

b. Grade Status: AB - 23 Jan 02 (Article 15, 23 Jan 02)  
AMN - 26 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 18 Mar 02, Vacation, Little Rock AFB, AR - Article 92. You, having knowledge of a lawful order issued by LtCol [REDACTED], to wit: item 6c of your Article 15 dated 23 Jan 02 restricted you to Little Rock AFB until 22 Feb 02, an order which it was your duty to obey, did, at or near Jacksonville, Arkansas, on 19 Feb 02, fail to obey the same by wrongfully leaving Little Rock AFB. You, who knew of your duties at or near Little Rock AFB, between on or about 24 Mar 01 and on or about 25 Jan 02, were derelict in the performance of those duties in that you willfully failed to refrain from entering an establishment with false identification with the purpose of consuming alcoholic beverages, as it was your duty to do. Forfeiture of \$552.00 pay. (No appeal) (No mitigation)

(2) 23 Jan 02, Little Rock AFB, AR - Article 92. You, who knew of your duties at Little Rock AFB, AR, on or about 14 Dec 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of twenty-one, as it was your duty to do. Article 108. You, did, at or near Little Rock AFB, AR, on or about 10 Dec 01, without proper authority, through neglect damage by backing without a spotter military property of

the United States the amount of said damage being in the sum of about \$1,500.00. Reduction to AB, forfeiture of \$552.00 pay per month for 2 months, suspended forfeiture in excess of \$252.00, 30 days restriction, and a reprimand. (No appeal) (No mitigation)

- (3) 22 Aug 01, Little Rock AFB, AR - Article 134. You, were, at or near Little Rock AFB, AR, on or about 29 Jul 01 disorderly by the unauthorized discharge of a fire extinguisher at building 718 causing the automatic fire alarm to activate. Suspended reduction to AB. Forfeiture of \$100.00 pay, and a reprimand. (No appeal) (No mitigation)

- e. Additional: None.  
f. CM: None.  
g. Record of SV: None.

(Discharged from Little Rock AFB)

- h. Awards & Decs: AFTR, AFOUA.  
i. Stmt of Sv: TMS: (1) Yrs (8) Mos (17) Das  
TAMS: (1) Yrs (6) Mos (9) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 May 03.

(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: I [REDACTED] am requesting a change of discharge from, General under honorable (sic) conditions, To (sic) Honorable discharge. I am requesting a change do (sic) to the fact that I did make some mistakes early in my career but I have matured as well as learned from my mistakes. I wish to continue my career with the United States Air Force, as well as show that the mistakes I made were juvenille (sic) and therefore lead by example. Everyone makes mistakes we are only human But (sic) I believe a true leader learns from his mistakes and tries to correct them. That is why I am submitting this form today. Please take the time to approve my request and I assure you that I will not make these mistakes again. As well as anybody who surrounds me, I beleive (sic) your decision is in the best intrest (sic) of the United States Air Force and I thank you for your time.

**ATCH**  
None.

8JUL03/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 314TH AIRLIFT WING (AETC)  
LITTLE ROCK AIR FORCE BASE, ARKANSAS

MAR 22 2002

MEMORANDUM FOR AB [REDACTED]

FROM: 314 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force IAW AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, *A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline*. If my recommendation for discharge is approved, the separation authority may characterize your service as either Honorable or Under Honorable Conditions (General). I will recommend characterizing your service as Under Honorable Conditions (General).

2. My reasons for this action are:

a. On or about 23 January 2002 you were restricted to base until 22 February 2002. On or about 19 February 2002, you failed to obey the same order by wrongfully leaving the base. Also, between on or about 24 March and on or about 25 March 2002, you failed to refrain from entering an establishment with false identification with the purpose of consuming alcoholic beverages. For your actions, you received Vacation of Suspended Nonjudicial Punishment under Article 15, UCMJ. (Atch 1-1)

b. On or about 10 December 2001, you caused \$1,500 in damage to government property by failing to use a spotter while backing up. Also, on or about 14 December 2001, you failed to refrain from consuming alcoholic beverages while under the age of 21. For your actions, you received Nonjudicial Punishment under Article 15, UCMJ. (Atch 1-2)

c. On or about 29 July 2001, you discharged a fire extinguisher in building 718 causing the automatic fire alarms to activate. For your actions, you received Nonjudicial Punishment under Article 15, UCMJ. (Atch 1-3)

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 higher authority will decide whether you will be discharged or retained in the Air Force and, if discharged, how your service will be characterized. 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. I have made an appointment for you to consult Capt [REDACTED] Area Defense Counsel, Bldg 1255, Rm 201, Telephone 7-3260 on **22 March 2002** at 1000 hours. 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 within **(3) workdays** or **(72) hours** unless you request and receive an extension for good cause shown. I will forward any statements you submit 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 have been scheduled for a medical examination. You must report to Little Rock AFB Clinic at **1200 hours** on **22 March 2002** for the examination.
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 the Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]  
[REDACTED] Lt Col, USAF  
Commander

**Attachments:**

- 1-1 Vacation, 11 Mar 02
  - Member's Response, 14 Mar 02
  - MFR (MSgt [REDACTED]), 5 Mar 02
- 1-2 Article 15, 11 Jan 02
  - Member's Response, 14 Jan 02
- 1-3 Article 15, 13 Aug 01
  - Member's Response, 17 Aug 01
  - SFS Blotter, not dated
  - AF Form 1168, 3 Jul 01