

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██		GRADE A1C	AFSN/SSAN ████████████████████			
TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		NOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A92.21 A93.01 A92.01	A67.10	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			
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
			TAPE RECORDING OF PERSONAL APPEARANCE			
HEARING DATE	CASE NUMBER					
14 Apr 2004	FD-2003-00277					
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, and the right to submit an application to the AFBCMR.</p> <div style="border: 1px dashed black; height: 100px; width: 100%; margin-top: 20px;"></div>						
ENDORSEMENT		DATE: 4/1/2004				
TO:	FROM:					
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

CASE NUMBER

FD-2003-00277

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

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) at Fort Gillem, Georgia, in April 2004, but failed to respond to formal notification of the hearing date and did not request a postponement.

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.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, a vacation of suspended punishment, four Letters of Reprimand, and a Letter of Counseling for misconduct. His infractions included failure to maintain his dormitory room to standards, financial irresponsibility, failure to go, and misuse of his government travel card. Applicant contends he was young and immature. The DRB recognized the applicant was 23 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB further surmised that through the unit's many 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 and the characterization of the discharge received by the applicant was appropriate.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. However, they found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issues 3 and 4 apply to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, this does not provide a basis of inequity or impropriety that justifies and upgrade. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 12 Sep 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 19 May 79. Enlmt Age: 19 8/12. Disch Age: 23 3/12. Educ: HS DIPL. AFQT: N/A. A-58, E-67, G-55, M-66. PAFSC: 2A353B - Tactical Aircraft Maintenance. DAS: 3 Jan 00.

b. Prior Sv: (1) AFRes 29 Jan 99 - 20 Apr 99 (2 Months 23 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 21 Apr 99 for 6 yrs. Svd: 3 Yrs 4 Mos 23 Das, all AMS.

b. Grade Status: A1C - 14 Mar 02 (Vacation of Article 15, 24 Apr 02)
 SRA - 11 Oct 01
 A1C - 11 Jun 99

c. Time Lost: None.

d. Art 15's: (1) 24 Apr 02, Vacation, Spangdahlem AB, GE - Article 86. You did, on or about 20 Mar 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (No appeal) (No mitigation)

(2) 14 Mar 02, Spangdahlem AB, GE - Article 86. You did, on or about 13 Feb 02, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, who knew of your duties at or near Spangdahlem AB, Germany, on or about 8 Dec 01, were derelict in the performance of those duties in that you negligently failed to use your government travel card for official purposes only, as it was your duty to do. You, who knew of your duties at or near Trier, Germany, on or about 10 Dec 01, were derelict in the performance of those duties in that you negligently failed to use your government travel card for official purposes only, as it was your duty to do. You, who knew of your duties at or near Galway, Ireland, on or about 28 Dec 01, were derelict in the performance of those duties in that you negligently failed to use your government travel card for official purposes only, as it was your duty to do. Suspended reduction to A1C, forfeiture of \$100.00 pay

per month for 2 months, and a reprimand. (No appeal)
(No mitigation)

- e. Additional: LOR, 17 APR 02 - Late for work and failure to meet mandatory appointments.
LOR, 13 FEB 02 - Failed dormitory room inspection.
RIC, 13 FEB 02 - Late for work.
LOR, 23 JAN 02 - Failure to go and late for work.
LOR, 11 APR 00 - Financial irresponsibility.
LOC, 24 MAR 00 - Failure to maintain dormitory room in an acceptable condition.
- f. CM: None.
- g. Record of SV: 21 Apr 99 - 20 Dec 00 Spangdahlem AB 4 (Initial)
21 Dec 00 - 20 Dec 01 Spangdahlem AB 5 (Annual)
- (Discharged from MacDill AFB)
- h. Awards & Decs: AFTR, AFEM, NDSM, AFOUA, MBB.
- i. Stmt of Sv: TMS: (3) Yrs (7) Mos (15) Das
TAMS: (3) Yrs (4) Mos (23) Das

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

Issue 1: I feel that my discharge was unjust as I performed my duties to the best of my ability and received marks and supporting documentation from my supervisors that attest to the fact. The receipt of a "General discharge" was for minor infractions that are recorded on the attached memorandum however, the infractions were not a reflection of my pride and professionalism while on duty but, more duly were a result of my youth and immaturity. Both SSGT [REDACTED] and SrA [REDACTED] provided statements to this fact (see attachments).

Issue 2: Overall, my military proficiency marks reflect my dedication and ability to perform my duties to a higher standard but, for my conduct off duty and my inability to appear at the appointed place and time for duty I feel that my service reflected growing commitment to the US Air Force.

Issue 3: Since my discharge I have considered my past errors and have made positive steps in becoming a viable citizen within my community. Recent progress to this fact are recorded in the attachments (enclosed) by individuals who oversee my progress in becoming a youth pastor as chosen career field.

Issue 4: I am requesting consideration to up grade (sic) my discharge as I feel I have made positive steps in solving problems of immaturity and decision making.

ATCH

1. Discharge Notification Letter.
2. Character References (2)
3. Enlisted Performance Reports.
4. Reference Letters (4)
5. DD*Form 214.

7Jul03/cr



DEPARTMENT OF THE AIR FORCE
52D FIGHTER WING (USAF)

FD2003-00277

JUL 08 2002

MEMORANDUM FOR SKA [REDACTED] 22 FS

FROM: 22 FS/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 AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation for discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. On 23 Mar 00, you failed to keep your room in acceptable condition. For this infraction, you received a Letter of Counseling (LOC) on 24 Mar 00 (Atch 1).
 - b. Between the dates of 3 Jan 00 and 10 Jan 00, you wrote a check to AAFES for \$197.34 and thereafter failed to maintain sufficient funds to pay said check. In addition, you were negligent in paying your AAFESS DPP card which was 90 days past due. For these infractions, you received a Letter of Reprimand (LOR) on 11 Apr 00 (Atch 2).
 - c. On 22 Jan 02, you failed to go to a scheduled appointment for M-16 training and did not show up for work at your scheduled time. As a result, you received an LOR on 23 Jan 02 (Atch 3).
 - d. On 12 Feb 02, you were late for duty. For this infraction, you received a Record of Individual Counseling (RIC) on 13 Feb 02 (Atch 4).
 - e. On 7 Feb 02, during a dorm inspection, your room was found to be in unsatisfactory condition. As a result, you received a LOR on 13 Feb 02 (Atch 5).
 - f. On or about 13 Feb 02, you failed to go to your appointed place of duty. Further it was found that on or about 8 Dec 01, 10 Dec 01, and 28 Dec 01, you negligently failed to use your government credit card for official purpose only, as it was your duty to do. For these actions, you received Article 15 Nonjudicial Punishment on 14 Mar 02. Your punishment included reduction to the grade of E-3 (Airman First Class), suspended until 13 Sep 02, forfeiture of \$100.00 pay per month for 2 months, and a reprimand (Atch 6).
 - g. On 5 Apr 02, you were several hours late for work. On 12 Apr 02, you did not show up for weapons explosive safety class. On 15 Apr 02, you did not show up for egress refresher, and you were 10 minutes late for work. As a result, you received a LOR on 17 Apr 02 (Atch 7), which was filed in your previously established Unfavorable Information File (Atch 8).

h. On or about 20 Mar 02, you failed to go at the time prescribed to your appointed place of duty. For this infraction, the suspended reduction to the grade of E-3 (Airman First Class) of your Article 15 Punishment was vacated on 24 Apr 02 (Atch 9).

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 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 re-enlistment 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 has been obtained to assist you. I have made an appointment for you with Capt [REDACTED] Spangdahlem AB, Germany, DSN 452-6607, on TBD at TBD hours. 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 within three duty days, unless you request and receive an extension in writing 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 within the time period prescribed, it will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the 52d Medical Group, PHYSICAL EXAMS ELEMENT on TBD at TBD hours. An appointment has also been made at FAMILY PRACTICE on TBD at TBD hours.

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 Commander's Support Staff office.

9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
 Lt Col, USAF
 Commander

Attachments:

1. LOC, 24 Mar 00
2. LOR, 11 Apr 00
3. LOR, 23 Jan 02
4. RIC, 13 Feb 02
5. LOR, 13 Feb 02
6. AF Form 3070, 14 Mar 02
7. LOR, 17 Apr 02
8. UIF, 17 Apr 02
9. AF Form 366, 24 Apr 02
10. Airman's Receipt of Notification Letter, located at Tab 2