

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

	Upgrade Discharge
██████████	Deny
██████████	Deny
██████████	Deny
██████████	Deny
██████████	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-2003-00291		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
			TAPE RECORDING OF PERSONAL APPEARANCE

APPLICANT'S NAME AND THE BOARD'S DECISION, AS TO WHAT ARE DISCUSSED IN THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISION, IS A MATTER OF PUBLIC RECORD.

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 BOARD MEMBER ████████████████████	SIGNATURE OF BOARD PRESIDENT ████████████████████
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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-2003-00291

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 two Article 15s for DWI and for having a minor in his dormitory room. He also received a Vacation action under the UCMJ for failure to go. Additionally, he received one Letter of Reprimand and three Letters of Counseling for an unauthorized absence, unsatisfactory CDC performance, dereliction of duty, unprofessional conduct and using profane language, and for wearing an earring on a military installation. 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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 22 Aug 00 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 10 Jul 76. Enlmt Age: 19 6/12. Disch Age: 24 1/12. Educ: HS DIPL. AFQT: N/A. A-55, E-57, G-57, M-58. PAFSC: 3E351 - Structural Journeyman. DAS: 22 Aug 98.

b. Prior Sv: (1) AFRes 9 Feb 96 - 13 Feb 96 (5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Feb 96 for 4 yrs. Extended 6 Apr 98 for 6 months. Extended 12 Jul 99 for 12 months. Svd: 4 Yrs 6 Mo 9 Das, all AMS.

b. Grade Status: AMN - 01 May 00 (Vacation of Article 15, 29 Jun 00)
A1C - 17 Feb 00 (Article 15, 17 Feb 00)
SRA - (EPR Indicates): 17 Jun 98 - 16 Jun 99
A1C - 14 Jun 97
AMN - 14 Aug 96

c. Time Lost: None.

- d. Art 15's: (1) 29 Jun 00, Vacation, Kadena AB, Japan - Article 86. You did, on or about 10 Jun 00, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. (No appeal) (No mitigation)
- (2) 01 May 00, Kadena AB, Japan - Article 92. You did, on divers occasions between on or about 1 May 99, and on or about 7 Sep 99, fail to obey a lawful general regulation, to wit: 18th Wing Instruction 32-6002, dated 23 Oct 96, by having [REDACTED] a visitor under 18 years of age and not an active duty member, of the United States Armed Forces, in your dormitory room. Suspended reduction to Amn, suspended forfeiture of \$200.00 pay per month for 2 months, 45 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)
- (3) 17 Feb 00, Kadena AB, Japan - Article 111. You did, on the island of Okinawa, Japan, on or about 30 Jan 00, at or near Kuter Boulevard in Kadena Air Base, physically control a vehicle, to wit: a passenger car, while drunk.

Reduction to A1C, forfeiture of \$200.00 pay per month for 2 months. Restriction to the confines of Kadena AB, Okinawa, Japan and from any and all facilities that serve alcoholic beverages for 45 days, and 45 days extra duty. (Appeal/Denied) (No mitigation)

- e. Additional: RIC, 22 NOV 99 - Wearing an earring on a military installation.
 LOR, 21 OCT 99 - Dereliction of duty, unprofessional conduct, and using profane language with the Service Call Controller.
 RIC, 04 OCT 99 - Unsatisfactory CDC performance.
 RIC, 04 OCT 99 - Unauthorized absence.

f. CM: None.

- g. Record of SV: 14 Feb 96 - 13 Oct 97 Hill AFB 5 (Initial)
 14 Oct 97 - 16 Jun 98 Hill AFB 5 (CRO)
 17 Jun 98 - 16 Jun 99 Kadena AB 5 (Annual)
 17 Jun 99 - 16 Jun 00 Kadena AB 2 (Annual)REF

(Discharged from Columbus AFB)

h. Awards & Decs: AFAM, AFOSLTR, AFGCM, AFLSAR, AFTR.

- i. Stmt of Sv: TMS: (4) Yrs (6) Mos (14) Das
 TAMS: (4) Yrs (6) Mos (9) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 16 Jun 03.
 (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
 None.

18JUL03/ia

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES



MEMORANDUM FOR Amn [REDACTED]

5 July 2000

FROM: 18 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, then your service may be characterized as either honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general). If your discharge is approved, then I am further recommending that you not receive probation and rehabilitation.

2. My specific reasons for this action are:

a. On or about 1 Oct 99, you took a day off work after your NCOIC had told you that there were to be no comp days during the week of 27 Sept 99 - 1 Oct 99. As a result, you were formally counseled concerning your actions, and you received a Letter of Counseling on 4 Oct 99 (Tab 1-1).

b. On or about 4 Oct 99, you were formally counseled to take your formal training more seriously. As a result, you received a Letter of Counseling on 4 Oct 99 (Tab 1-2).

c. On or about 17 Oct 99, you failed to respond to an emergency work order in a timely manner, you acted unprofessionally in the performance of your assigned duties, and you used profane language with a Service Call Controller. As a result, you received a Letter of Reprimand on 21 Oct 99 (Tab 1-3).

d. On or about 20 Nov 99, you were observed wearing an earring at the Base Exchange. As a result, you were formally counseled and received a Letter of Counseling on 22 Nov 99 (Tab 1-4).

e. On or about 30 Jan 00, you did, on Kadena Air Base, drive a passenger car while drunk. As a result, you received nonjudicial punishment pursuant to Article 15, UCMJ. Punishment consisted of a reduction to the grade of airman first class, with a new date of rank of 17 Feb 00, forfeiture of \$200.00 pay per month for two months, restriction to the confines of Kadena Air Base and from any and all facilities that serve alcoholic beverages for 45 days, and 45 days extra duty. An Unfavorable Information File (UIF) was established, and a copy of this Article 15 action was placed in the UIF (Tab 1-5).

f. On divers occasions between on or about 1 May 99 and on or about 7 Sept 99, you failed to obey 18th Wing Instruction 32-6002, by having a visitor under 18 years of age and not a member of the U.S. Armed Forces in your dormitory room. As a result, you received nonjudicial punishment pursuant to Article 15, UCMJ. Punishment consisted of a suspended reduction to the grade of airman, a suspended forfeiture of \$200.00 pay per month for two months, 45 days extra duty, and a reprimand. A copy of the Article 15 action was placed in your existing UIF (Tab 1-6).

g. On or about 10 Jun 00, you failed to go at the time prescribed to your appointed place of duty. As a result, your suspended nonjudicial punishment was vacated pursuant to Article 15, UCMJ. You were reduced to the grade of airman, with a new date of rank of 1 May 00, effective 29 Jun 00 (Tab 1-7).

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 United States Air Force and, if you are discharged, how your service will be characterized. If you are discharged, then 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] at the Area Defense Counsel at Building 1460 on 6 Jul 00 at 1130 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in response to this action. Any statements that you want the separation authority to consider must reach me by 10 Jul 00 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, then 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 Physical Examination Section, 18th Medical Group, Kadena AB, Japan at 0815 on 10 Jul 00 for the examination.
8. The Privacy Act Statement of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use at the Area Defense Counsel's office.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
 [REDACTED] at Col, USAF
 Commander, 18th Civil Engineering Squadron

Attachments:

1. LOC, 4 Oct 99
2. LOC, 4 Oct 99
3. LOR, 21 Oct 99
4. LOC 22 Nov 99
5. AF Form 3070; Supporting Documents; Member's Response; AF Form 1137
6. AF Form 3070; Supporting Documents; Member's Response; AF Form 1137
7. AF Form 366; Supporting Documents
8. Statement of Understanding Regarding Recoupment of Education Assistance, Special Pay, or Bonuses
9. Airman's Receipt of Notification Memorandum