


AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

| | | | | | |
|---|----------------------------|---|--|--------------|--------------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [] | | GRADE AB | AFSN/SSAN [] | | |
| TYPE | PERSONAL APPEARANCE | X RECORD REVIEW | | | |
| NAME OF COUNSEL AND OR ORGANIZATION | | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | |
| YES | No | | | | |
| | X | | | | |
| MEMBER SITTING | | HON | GEN | UOTHC | OTHER |
| [] | | | | | X |
| | | | | | X |
| | | | | | X |
| | | | | | X |
| | | | | | X |
| ISSUES | A94.53 A01.43 | INDEX NUMBER | A67.10 A42.00 | | |
| | | 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 | 24 Sep 2003 | CASE NUMBER | FD-2003-00292 | | |
| | | | ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE | | |
| | | | TAPE RECORDING OF PERSONAL APPEARANCE | | |
| <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> <div style="text-align: center; font-family: cursive; font-size: 1.2em; margin-bottom: 10px;">  </div> <div style="border: 1px dashed black; width: 60%; margin: 0 auto; height: 30px;"></div> | | | | | |
| 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

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.

Issues. Applicant was discharged for minor disciplinary infractions and a mental health disorder. He had two Articles 15, a vacation of suspended punishment, four Letters of Reprimand, and two Records of individual counseling. His misconduct included twice failure to go, failure to follow instructions, a dress and appearance violation, financial irresponsibility, and three instances of disobeying a lawful order not to drive his privately owned vehicle on base. Member's one Enlisted Performance Report was rated an overall "3" and noted he needed to be more receptive to his supervisor's comments and advice to be more productive. Member was also permanently decertified from the Personnel Reliability Program for failure to pay debts to six different loan institutions. Additionally, member was diagnosed with an anti-social personality disorder at that time. The copy of member's discharge file available to the Board for review was incomplete, therefore the Board was unable to ascertain further details about member's misconduct or mental health diagnosis. The Board also could not determine if member consulted counsel, although they noted he waived his right to submit statements on his own behalf at the time of the discharge. Lacking evidence from the applicant to the contrary, the Board relies on the presumption of regularity and finds the discharge proper and without basis for an upgrade. No inequity or impropriety could be found in this discharge in the course of the records review.

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)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 9 Aug 00 UP AFI 36-3208, para 5.49 & 5.11.1 (Misconduct - Minor Disciplinary Infractions and Mental Disorder). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Oct 80. Enlmt Age: 17 10/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-86, E-72, G-82, M-40. PAFSC: 2W051 - Munitions Systems Journeyman. DAS: 3 Apr 99.

b. Prior Sv: (1) AFRes 31 Aug 98 - 17 Nov 98 (2 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 18 Nov 98 for 4 yrs. Svd: 1 Yrs 8 Mo 23 Das, all AMS.

b. Grade Status: AB - 26 Jul 00 (Article 15, 26 Jul 00)
 Amn - 7 Jun 00 (Vacation of Article 15, 19 Jul 00)

c. Time Lost: None.

d. Art 15's: (1) 26 Jul 00, Barksdale AFB, LA - Article 90. You, having received an order from Col [REDACTED], your superior commissioned officer, then known by you to be your superior commissioned officer, prohibiting you from operating any type of motor vehicle on Barksdale AFB, LA, and all other installations for an additional 2 years, or words to that effect, did, at Barksdale AFB, LA, on or about 11 Jul 00, willfully disobey the same. Reduction to AB, and forfeiture of \$100.00 pay. (No appeal) (No mitigation)

(2) 19 Jul 00, Vacation, Barksdale AFB, LA - Article 92. You, having received an order from Col [REDACTED], your superior commissioned officer, then known by you to be your superior commissioned officer, prohibiting you from operating any type of motor vehicle on Barksdale AFB, LA, and all other installations for a period of 6 months, or words to that effect, did, at Barksdale AFB, LA, on or about 3 Jul 00, willfully disobey the same. Reduction to Airman. (No appeal) (No mitigation)

(3) 7 Jun 00, Barksdale AFB, LA - Article 92. You, having

Richards, not to drive your vehicle on base until you obtained a valid driver's license, or words to that effect, an order which it was your duty to obey, on Barksdale AFB, LA, on or about 17 May 00, fail to obey the same by wrongfully driving your vehicle on base. Suspended reduction to Airman, forfeiture of \$100.00 pay per month for 2 months, and 30 days extra duty.
(No appeal) (No mitigation)

- e. Additional: (Examiner's Note: Actual documents are missing from the file)
 LOR, 27 APR 00 - Missed appointment.
 LOR, 27 APR 00 - Failure to attend a mandatory commanders call.
 LOR, 27 APR 00 - Financial irresponsibility.
 RIC, 25 FEB 00 - Failure to maintain military dress and appearance standards.
 LOR, 15 OCT 99 - Willfully failed to follow instructions regarding the proper wear of Chemical Warfare Mask.
 RIC, 10 JUN 99 - Traffic ticket for speeding.
- f. CM: None.
- g. Record of SV: 18 Nov 98 - 15 Apr 00 Barksdale AFB 3 (HAF Dir)
 (Discharged from Barksdale AFB)
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (1) Yrs (11) Mos (10) Das
 TAMS: (1) Yrs (8) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Jun 03.
 (Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
 None.

21JUL03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LOUISIANA

FD 2003 - 00 29Z

21 July 2000

MEMORANDUM FOR AMN:

FROM: 2 MUNS/CC

SUBJECT: Notification Letter - Administrative Discharge

1. I am recommending that you be discharged from the United States Air Force for Minor Disciplinary Infractions and a Mental Disorder. The authority for this action is AFPD 36-32 and AFI 36-3208, para 5.49 and 5.11.1. If my recommendation is approved, your service may be characterized as UNDER HONORABLE CONDITIONS (GENERAL). I am recommending that your service be characterized as UNDER HONORABLE CONDITIONS (GENERAL) and that Minor Disciplinary Infractions be the primary basis for discharge.

2. My reason(s) for this action is/are as follows:

a. On or about 11 Jul 00, you drove onto Barksdale Air Force knowing that your on-base driving privileges had been suspended, as evidenced by a Vacation Action dated 21 July 00. (atch a); ✓

b. On or about 7 Jul 00, you were diagnosed with an Antisocial Personality Disorder, as evidenced by a PRP Recommendation Letter dated 7 Jul 00. (atch b); ✓

c. On or about 17 May 00, you willfully failed to refrain from driving on base without a valid drivers license, as evidenced by an Article 15 dated 8 Jun 00. (atch c); ✓

d. On or about 18 Apr 00, you failed to go to a mandatory appointment, as evidenced by a Letter of Reprimand (LOR) dated 27 Apr 00 (atch d); ✓

e. On or about 20 Apr 00, you failed to attend a mandatory commanders call, as evidenced by an LOR dated 27 Apr 00 (atch d); ✓

f. On or about 21 Apr 00, you failed to pay your debt to American Cash Advance, as evidenced by an LOR dated 27 Apr 00 (atch d); ✓

g. On or about 21 Apr 00, you were counseled regarding your failure to maintain military dress and appearance standards, as evidenced by a Record of Individual Counseling (RIC) dated 25 Feb 00 (atch e); ✓

h. On or about 4 Oct 99, you willfully failed to follow instructions regarding the proper wear of your Chemical Warfare Mask, as evidenced by an LOR dated 15 Oct 99 (atch f); ✓

Global Power For America

i. On or about 5 Jun 99, you were given a traffic ticket from 2d security Forces for exceeding the posted speed limit, as evidenced by a RIC dated 10 Jun 99. (atch g);

3. Copies of the document(s) referenced above have been attached and will be forwarded to the separation authority in support of this recommendation. 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.

4. Military legal counsel, Capt [redacted]; Area Defense Counsel for Barksdale AFB, Extension 6-8355, Building 4714 (gym annex building), third floor, has been obtained to assist you. An appointment has been scheduled for you to consult with him on 26 July at 0900 hrs. You may consult civilian counsel at your own expense.

5. You have been scheduled for a medical examination. You must report to Flight Medicine **with your medical records** for the appointment. Your appointment is on 24 July at 1230 hours.

6. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me within three (3) duty days unless you request and receive an extension for good cause. I will send any statements that you provide to the separation authority.

7. You have been scheduled for a Pre-separation Counseling briefing. You must report to the Family Support Center, Bldg 4713, at 0800 on 27 July for the briefing.

8. If you fail to consult counsel or fail to submit statements in your behalf, you will waive the right to do so.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, the AFI governing this action, is available for your use in your unit Orderly room.

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



Commander, 2 MUNS

Attachments:

- a. Vacation Action, dated 21 Jul 00
- b. PRP Recommendation Letter, dated 7 Jul 00
- c. Article 15, dated 8 Jun 00
- d. LOR, dated 27 Apr 00
- e. RIC, dated 25 Feb 00
- f. LOR, dated 15 Oct 99
- g. RIC, dated 10 Jan 99
- h. Receipt of Notification