

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████		<b>GRADE</b> ██████	<b>AFSN/SSAN</b> ██████████			
<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>				
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
NAME OF COUNSEL AND OR ORGANIZATION						
<b>YES</b>	<b>No</b>					
	<b>X</b>					
<b>MEMBER SITTING</b>  <div style="border: 1px dashed black; width: 200px; height: 100px; margin: 10px auto;"></div>		<b>VOTE OF THE BOARD</b>				
		<b>HON</b>	<b>GEN</b>	<b>UOHC</b>	<b>OTHER</b>	<b>DENY</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
<b>ISSUES</b> A94.53		<b>INDEX NUMBER</b> A67.10		<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
				<b>1</b>	ORDER APPOINTING THE BOARD	
<b>HEARING DATE</b> 08 Oct 2003		<b>CASE NUMBER</b> FD-2003-00294		<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
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
				TAPE RECORDING OF PERSONAL APPEARANCE		
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>						
<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="border: 1px dashed black; width: 70%; height: 40px; margin: 20px auto;"></div>						
<b>INDORSEMENT</b>				<b>DATE: 10/8/2003</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			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00294

**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 misconduct, minor disciplinary infractions. He had two Articles 15, three Letters of Reprimand, and a verbal counseling. His misconduct included five incidents of failure to go, lying about his whereabouts, failing a scheduled dormitory room inspection, and writing a bad check. At the time of the discharge, member consulted counsel and waived his right to submit a statement in his own behalf. Member was age 19 when his misconduct occurred, all during a 9-month period. There is no evidence he was immature or did not know right from wrong; he was essentially the same age as other airmen who adhere to the expected standards and are discharged honorably without any misconduct. The Board opined that through the unit's administrative actions, member had ample opportunity to correct his negative behavior, but he was either unable or unwilling to do so. After a through review of the records, the Board did not find any mitigation or extenuation to warrant an upgrade, and the records review disclosed no inequity or impropriety.

**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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 Apr 91 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 29 Apr 71. Enlmt Age: 18 2/12. Disch Age: 19 11/12. Educ:HS DIPL. AFQT: N/A. A-95, E-93, G-90, M-84. PAFSC: 45531A - Apprentice Avionics Guidance and Control Systems Specialist. DAS: 20 Apr 90.

b. Prior Sv: (1) AFRes 16 Feb 89 - 16 Jul 89 (5 Months 1 Day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 17 Jul 89 for 4 yrs. Svd: 1 Yr 9 Mos 8 Das, all AMS.

b. Grade Status: AB - 29 Mar 91 (Article 15, 29 Mar 91)  
AMN - 1 Mar 91 (Article 15, 1 Mar 91)  
A1C - 17 Nov 90  
AMN - Unknown

c. Time Lost: None

d. Art 15's: (1) 29 Mar 91, McGuire AFB, NJ - Article 86. You, did, on or about 25 Mar 91, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB. (No appeal) (No mitigation)

(2) 1 Mar 91, McGuire AFB, NJ - Article 86. You, did, on or about 15 Feb 91, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AMN. (No appeal) (No mitigation)

e. Additional: LOR, 27 FEB 91 - Failure to go.  
LOR, 04 FEB 91 - Failure to report for work and to meet a scheduled appointment.  
VERBAL COUNSELING, 6 AUG 90 - Financial irresponsibility.  
LOR, 31 JUL 90 - Failed dormitory room inspection.

f. CM: None.

g. Record of SV: None.

(Discharged from McGuire AFB)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (2) Mos (9) Das  
TAMS: (1) Yr (9) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 May 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

**ATCH**

None.

26 Aug 03/cr



DEPARTMENT OF THE AIR FORCE  
438TH AIRCRAFT GENERATION SQUADRON (MAC)  
McGUIRE AIR FORCE BASE, NEW JERSEY 08641-5496

REPLY TO:  
ATTN OF: CCQ

2 April 1991

SUBJECT: Letter of Notification

TO: Amn [REDACTED]

1. I am recommending your discharge from the United States Air Force for misconduct-Minor Disciplinary Infractions, under the provisions of AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending your service be characterized as General.

2. My reasons for this action are:

a. On 11 Jul 90, you wrote a check for \$20.00 that was dishonored by the Base Exchange, for which you were verbally counseled on 6 Aug 90. (Atch 1)

b. On 13 Jul 90, your dormitory room failed inspection, for which you received a letter of reprimand on 31 Jul 90. (Atch 2)

c. On 30 Jan 91, you failed to show for your scheduled chemical warfare defense training appointment, for which you received a letter of reprimand on 4 Feb 91. (Atch 3)

d. On 15 Feb 91, you failed to go at the time prescribed time to your appointed place of duty, for which you received non-judicial punishment on 21 Feb 91. (Atch 4)

e. On 27 Feb 91, you failed to report to the Section Commander's office at the prescribed time, for which you received a letter of reprimand on 27 Feb 91. (Atch 5)

f. On 25 Mar 91, you failed to go at the time prescribed time to your appointed place of duty, for which you received non-judicial punishment on 29 Mar 91. (Atch 6)

Copies of documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising jurisdiction, the 438 MAW/CC 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.

3. 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 [REDACTED] at 0900 on Wednesday, 3 Apr 91, at the ADC office, Bldg 2901, X2349. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want to be considered by the separation authority must reach me by 0900, Monday, 8 Apr 91, unless you request and receive an extension. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the USAF Clinic Flight Surgeon's Office, McGuire AFB at 0800 on Monday, 8 Apr 91. You must fast for 14 hours prior to the appointment, consume no alcohol 72 hours prior, and bring contacts if you wear them.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use, located in the 438 AGS Technical Administration Office, Bldg 22-19.

[Redacted signature block]

Section Commander

5 Atchs

- 1. Counseling documentation, dated 6 Aug 90
- 2. LOR, dated 31 Jul 90
- 3. LOR, dated 4 Feb 91
- 4. Art 15, 21 Feb 91
- 5. LOR, dated 27 Feb 91
- 6. Art 15, 29 Mar 91