

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A92.35 A92.11	INDEX NUMBER A67.10	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 24 Sep 2003	CASE NUMBER FD-2003-00297		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

APPLICANT'S ISSUES AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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 RECORDER [REDACTED] **SIGNATURE OF BOARD PRESIDENT** [REDACTED]

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

FD2003-00297

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change his reenlistment code.

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 and change of reenlistment code are 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 the discharge.

Issues. Applicant was discharged for misconduct, minor disciplinary infractions. He had four AETC Forms 173, "Student Record of Academic/Nonacademic Counseling and Comments," two Records of Individual Counseling, five Letters of Reprimand, and an Article 15. His misconduct included technical training phase violations such as smoking in uniform and failing to come to class prepared, as well as failure to go, lying to a noncommissioned officer, and falsifying a government document. His Article 15 was for a 5-day absence without leave (AWOL) after which he returned himself to military control, writing a bad check, failing to pay his military star account, and soliciting two other airmen to make false statements. The Board noted that applicant had also he had four training progress check failures and objective failures, was put in the Commander's Student Enrichment Program, and was washed back several times for both medical and academic reasons. At the time of the discharge processing, member waived his right to consult counsel or to submit statements in his own behalf. Applicant now contends he had no other incidents of misconduct other than the one AWOL, and that he never intended to remain absent. The Board found no merit in this contention, noting member's numerous incident of misconduct over a 6-month period. Furthermore, his misconduct was very serious and not compatible with Air Force standards. The records indicate member was counseled repeatedly and given several opportunities to improve his behavior and was either unwilling or unable to do so. The Board noted he was of the same age and maturity as most first-term airmen who abide by Air Force standards, and there was no evidence he did not know right from wrong. The Board could find no inequity or impropriety in the processing of his case, and therefore no justification to change his discharge.

Applicant cited his desire to return to military service. While the Board commends applicant on this aspiration, this is not relevant to the period of service under review and therefore, does not provide a basis for an upgrade.

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)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 23 Aug 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for an Honorable Discharge and to Change the RE Code.

2. BACKGROUND:

a. DOB: 17 Mar 83. Enlmt Age: 18 1/12. Disch Age: 19 5/12. Educ: HS DIPL. AFQT: N/A. A-77, E-70, G-80, M-76. PAFSC: 2A313B - Tactical Aircraft Maintenance Helper. DAS: 28 Jan 02.

b. Prior Sv: (1) AFRes 27 Apr 01 - 12 Dec 01 (7 months 16 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 13 Dec 01 for 6 yrs. Svd: 0 Yrs 8 Mo 11 Das, of which AMS is 8 months 6 days (excludes 5 days lost time).

b. Grade Status: AB - 5 Aug 02 (Article 15, 5 Aug 02)
A1C - 25 Jan 02

c. Time Lost: 19 Jun 02 thru 23 Jun 02 (5 days).

d. Art 15's: (1) 5 Aug 02, Sheppard AFB, TX - Article 86. You did, on or about 19 Jun 02, without authority, absent yourself from your unit, and did remain so absent until on or about 24 Jun 02. Article 92. You, who knew or should have known of your duties, between on or about 16 Jun 02 and on or about 18 Jun 02, were derelict in the performance of those duties in that you willfully failed to remain within the allowed mileage radius for Phase III, as it was your duty to do. Article 134. You did, on or about 9 Jun 02, make and utter to the Sheppard AFB Commissary a certain check, in words and figures as follows, to wit: check number 0083, in the amount of \$28.21, for the purchase of goods, and did thereafter dishonorably fail to place or maintain sufficient funds in the Fort Sill National Bank for payment of such check in full upon its presentment for payment. You, being indebted to Military Star Program in the sum of \$49.00 for goods and services, which amount became due and payable on or about 17 Jun 02, did, from 18 Jun 02 to 16 Jul 02, dishonorably fail to pay said debt. You did, on or about 18 Jun 02, wrongfully solicit Airman Basic [REDACTED] to make a false official statement, by telling MSgt [REDACTED] you were taking care of

your truck problems. Reduction to AB, forfeiture of \$350.00 pay, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 18 JUL 02 - Failure to go.
 LOR, 15 JUL 02 - Smoking in uniform.
 LOR, 16 JUL 02 - Missed medical appointment.
 LOR, 03 JUL 02 - Failure to go to mandatory appointment.
 LOR, UNDATED - Lying to an NCO and falsifying government documents.
 RIC, 18 MAR 02 - Unprepared for class.
 RIC, 15 MAR 02 - Late for duty.
 AETC 173, 11 JUN 02 - Failed objective I5-a.
 AETC 173, 21 MAR 02 - Failure of Progress Check 17a.
 AETC 173, 20 MAR 02 - Failure of Block II, objective 17a.
 AETC 173, 19 MAR 02 - Failure of Block II, objective 17a.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (3) Mos (22) Das
 TAMS: (0) Yrs (8) Mos (6) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 17 Mar 83.
 (Change Discharge to Honorable and Change the RE Code)

Issue 1: I request an upgrade in my character of discharge and reentry code for the purpose of re-enlistment. In eight months of service I achieved the rank of E-3 without any disciplinary incidents. I was Absent Without Leave only onetime (sic) and I never inteneded (sic) to remain absent. My intent was to resume my duties. My military service is important to me and I did not wish to shame the Air Force or myself. I look forward to your favorable reply.

ATCH

1. DD Form 214.

24JUL03/ia

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND



AUG 14 2002

MEMORANDUM FOR [REDACTED]

FROM: 362 TRS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infraction. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph(s) 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable condition (general).

2. My reasons for this action are:

a. You did, at or near Sheppard AFB TX, on or about 18 Jul 02, fail to go at the time prescribed to your appointed place of duty, to wit: Squadron details at 0700 hours. For this misconduct you received a Letter of Reprimand (LOR) on 18 Jul 02.

b. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 15 Jul 02, were derelict in the performance of those in that you failed to refrain from smoking in uniform, as it was your duty to do. For this misconduct you received a LOR on 15 Jul 02.

c. You, being indebted to the Military Star Program in the sum of \$49.00 for goods and services, which amount became due and payable on or about 12 Jul 02, did at or near Sheppard AFB TX, from 17 Jun 02 to 15 Jul 02, dishonorably fail to pay said debt. For this misconduct and subparagraphs "d", "e", "f" and "g" below, you received an Article 15 punishment on 22 Jul 02.

d. You did, on or about 19 Jun 02, without authority, absent yourself from your unit, to wit: 362 TRS located at Sheppard AFB TX, and did remain so absent until on or about 24 Jun 02.

e. You did, at or near Sheppard AFB TX, on or about 18 Jun 02, wrongfully solicit AB [REDACTED], to make a false statement, by telling [REDACTED] you were taking care of your truck problems.

f. You, who knew or should have known of your duties at or near Sheppard AFB TX, between on or about 16 Jun 02 and on or about 18 Jun 02, were derelict in the performance of those duties in that you willfully failed to remain within the allowed mileage radius for Phase III, as it was your duty to do.

g. You did, at or near Sheppard AFB TX, on or about 9 Jun 02, make and utter to the Sheppard AFB Commissary, a certain check, in words and figures as follows, to wit: check number 0083, in the amount of \$28.21, for the purchase of goods, and did thereafter dishonorably fail to place or maintain sufficient funds in the [REDACTED] for payment of such check in full upon its presentment for payment.

h. You did, at or near Sheppard AFB TX, on or about 3 Jul 02, fail to go at the time prescribed to your appointed place of duty, to wit: a Medical appointment. For this misconduct you received a LOR on 16 Jul 02.

i. You did, on or at Sheppard AFB TX, on or about 3 Jul 02, fail to go at the time prescribed to your appointed place of duty, to wit: Squadron details at 0700 hours. For this misconduct you received a LOR on 3 Jul 02.

j. You did, at or near Sheppard AFB TX, on or about 19 Mar 02, lie to a noncommissioned officer by stating that you were on 12 hour quarters when you were put on 24 hour quarters. For this misconduct and subparagraph "k" below, you received a LOR on 26 Mar 02.

k. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 19 Mar 02, were derelict in the performance of those duties by falsifying an official government document.

l. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 18 Mar 02, were derelict in the performance of those duties in that you reported to class unprepared, as it was your duty not to do. For this misconduct you received an AF Form 174, Record of Individual Counseling, on 18 Mar 02.

m. You did, at or near Sheppard AFB TX, on or about 15 Mar 02, fail to go at the time prescribed to your appointed place of duty, to wit: Hangar 1090 at 0700. For this misconduct you received an AF Form 174 on 15 Mar 02.

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 you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

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 ~~_____~~ at building 1638 on 15 Aug 02 at 1530. 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 the separation authority to consider must reach me by AUG 19 2002 unless you request and receive an extension for good cause shown. 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 82d Medical Group, Bldg 1200, Physical Examinations, at 1530 on 16 Aug 02.

7. 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.

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

~~_____~~
~~_____~~
Squadron Leader _____

Attachments: (listed on the next page)