| TYPE PERSONAL APPEARANCE X RECORD REVIEW    COURSEL   NAME OF COUNSEL AND OR ORGANIZATION  |  | NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE II   |                           |                                   | GRADE                                  |          |   | AFS   | N/SSAN   |      |  |  |
|--|--|---|---------------------------|-----------------------------------|--|----------|---|---|--|------|--|--|
| COUNSEL  YES NO  X  MEMBER SITTING  MEMBER SIT | TABLE OF SERVICE MEMBER (LASI, FIRST MIDDLE INITIAL)   |   |                           |                                   | URADE                                  |          |   | AITS  | AFSIV/SSAIN  |      |  |  |
| COUNSEL  YES NO  X  MEMBER SITTING  MEMBER SIT | Language of the second  |   | <u> </u>                  |                                   | _                                      |          |   |   | de la companya de la |      |  |  |
| NEMBER SITTING   HON GEN UOTHC OTHER DORD  | TYPE PERSONAL APPEARA  |   | PPEARANCE                 |                                   | X                                      | F        | RECORD F  | REVIEW  | IEW  |      |  |  |
| MEMBER SITTING  HON GEN UOTHC OTHER DEBY  X  X  X  X  ISSUES A94.05  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  ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPERANCE  APPLICANT'S ISSUE AND THE BOARD SUBMITTED AT TIME OF PERSONAL APPERANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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   | i in the contract of the contr | COUNSEL AND OR ORGAN                            | ZATION                    | Α                                 | ADDRESS AND OR ORGANIZATION OF COUNSEL |          |   |   |  |      |  |  |
| MEMBER SITTING  HON GEN UOTHC OTHER DEBTER AS A SET OF THE BOARD AND ADDITIONAL EXHIBITS SUBMITTED TO THE BOARD ADDITIONAL EXHIBITS SUBMITTED TO THE BOARD ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPERANCE APPLICANT'S ISSUE AND THE BOARD ADDITIONAL EXHIBITS SUBMITTED AT TIME OF TAPE RECORDING OF PERSONAL APPERANCE APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL ART 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   |  |   |                           |                                   |  |          |   |   |  |      |  |  |
| MEMBER SITTING  HON GEN UOTHC OTHER DET  X  X  X  X  ISSUES A94.05  INDEX NUMBER A67.10  EXHIBITS SUBMITTED TO THE BOARD  1 ORDER APPOINTING THE BOARD  2 APPLICATION FOR REVIEW OF DISCHARGE  3 LETTER OF NOTHFICATION  4 BRIEF OF PERSONNEL FILE  COUNSEL'S RELEASE TO THE BOARD  ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE  TAPPEARANCE  FD-2003-00310  TAPE RECORDING OF PERSONAL APPEARANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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   | X  |   |                           |                                   |  |          | Nor   | E OF THE BO   |  |      |  |  |
| 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  ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE  12 Nov 2003  FD-2003-00310  TAPE RECORDING OF PERSONAL APPEARANCE  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   |  | MEMBER S  | ITTING                    |                                   |  | ON       | <del>                                     </del>          |   | T  | DEN. |  |  |
| INDEX NUMBER A67.10    SSUES A94.05   INDEX NUMBER A67.10   EXHIBITS SUBMITTED TO THE BOARD  |  |   | -1                        |                                   | Н                                      | UN       | GEN   | UOTHC   | OTHER  | DEN  |  |  |
| 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  ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE  TAPE RECORDING OF PERSONAL APPEARANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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  |  |   | •                         |                                   |  |          |   |   |  | X    |  |  |
| 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  ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPERANCE  TAPE RECORDING OF PERSONAL APPERANCE  TAPE RECORDING OF PERSONAL APPERANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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  |  |   |                           |                                   |  |          |   |   |  | 1,   |  |  |
| 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  ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE  12 Nov 2003  FD-2003-00310  TAPE RECORDING OF PERSONAL APPEARANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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   |  |   |                           |                                   |  |          |   |   |  | X    |  |  |
| 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  ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE  12 Nov 2003  FD-2003-00310  TAPE RECORDING OF PERSONAL APPEARANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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   |  |   | •                         |                                   |  |          |   |   |  | x    |  |  |
| INDEX NUMBER A67.10    EXHIBITS SUBMITTED TO THE BOARD   |  |   | <u> </u>                  |                                   |  | ·····    |   | <del>                                     </del>  |  |      |  |  |
| 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  12 Nov 2003  FD-2003-00310  TAPE RECORDING OF PERSONAL APPEARANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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   |  |   |                           |                                   |  |          |   |   |  | X    |  |  |
| 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  12 Nov 2003  FD-2003-00310  TAPE RECORDING OF PERSONAL APPEARANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE  Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to   |  |   |                           |                                   |  |          |   |   |  | x    |  |  |
| 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 Nov 2003 FD-2003-00310 TAPE RECORDING OF PERSONAL APPERANCE APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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   | ICCIDE   | TAIDEN MILES                                    |                           |                                   |  | . 10     | YHIDITC CI  | RMFFFFF T   | THE DOAD   |      |  |  |
| 2 APPLICATION FOR REVIEW OF DISCHARGE  3 LETTER OF NOTIFICATION  4 BRIEF OF PERSONNEL FILE  COUNSEL'S RELEASE TO THE BOARD  HEARING DATE 12 Nov 2003  FD-2003-00310  CASE NUMBER FD-2003-00310  TAPE RECORDING OF PERSONAL APPERANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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  | A94.05   | INDEX NUMBI                                     | A67.10                    | 1                                 |  |          |   |   |  |      |  |  |
| 3 LETTER OF NOTIFICATION 4 BRIEF OF PERSONNEL FILE COUNSEL'S RELEASE TO THE BOARD HEARING DATE 12 Nov 2003 FD-2003-00310  CASE NUMBER FD-2003-00310  TAPE RECORDING OF PERSONAL APPERANCE APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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   |  |   |                           | <del></del>                       |  |          |   |   |  |      |  |  |
| COUNSEL'S RELEASE TO THE BOARD  HEARING DATE  12 Nov 2003  FD-2003-00310  ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE  TAPE RECORDING OF PERSONAL APPEARANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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   |  |   |                           |                                   |  |          |   |   |  |      |  |  |
| ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE  TAPE RECORDING OF PERSONAL APPERANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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  |  |   |                           | 4                                 | 4 BRIEF OF PERSONNEL FILE              |          |   |   |  |      |  |  |
| PERSONAL APPEARANCE  TAPE RECORDING OF PERSONAL APPERANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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  | HEARING DATE   | CASE NUMBE                                      | R                         |                                   |  |          |   |   |  | EOE  |  |  |
| TAPE RECORDING OF PERSONAL APPERANCE  APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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  |  |   |                           |                                   |  |          |   |   |  |      |  |  |
| 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   | 12 Nov 2003  | 1.0-20032                                       | 00010                     |                                   | +                                      | TAPE     | RECORDING   | OF PERSONA  | AL APPERAN   | ~F   |  |  |
| Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to   | 12 Nov 2003  |   |                           |                                   |  |          |   |   |  | υE   |  |  |
|  | APPLICANT'S ISSUE AND THE B  |   | ONAL ARE DISCUSSED ON THI | E ATTACHED AIR FORCE D            | DISCH                                  |          |   |   |  |      |  |  |
|  | APPLICANT'S ISSUE AND THE B Case heard at Washin Advise applicant of t   | ngton, D.C.                                     | Board, the right to       |                                   |  | ARGE RE  | EVIEW BOARD DE  | CISIONAL RATIO  | )NALE  |      |  |  |
|  | APPLICANT'S ISSUE AND THE B Case heard at Washin Advise applicant of t   | ngton, D.C.                                     | Board, the right to       | a personal appea                  | arar                                   | ARGE RE  | EVIEW BOARD DE  | CISIONAL RATIO  | )NALE  |      |  |  |
| 1.20M.26/  | APPLICANT'S ISSUE AND THE B Case heard at Washin Advise applicant of t   | ngton, D.C.                                     | Board, the right to       | a personal appea                  | arar                                   | ARGE RE  | EVIEW BOARD DE  | CISIONAL RATIO  | )NALE  |      |  |  |
| INDORSEMENT  | APPLICANT'S ISSUE AND THE B Case heard at Washin Advise applicant of t submit an application   | ngton, D.C. the decision of the n to the AFBCMR | Board, the right to       | a personal appea                  | arar                                   | arge re  | ith/without   | counsel, a  | nd the righ  | t to |  |  |
| INDORSEMENT DATE: 11/13/2003  TO: FROM:  | APPLICANT'S ISSUE AND THE B Case heard at Washin Advise applicant of t submit an application To:   | ngton, D.C. the decision of the n to the AFBCMR | Board, the right to       | a personal appea                  | arar                                   | nce wi   | th/without  | counsel, an   | nd the righ  | t to |  |  |
| TO:  SAF/MRBR  SOURCE CONTROL OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD  | APPLICANT'S ISSUE AND THE B Case heard at Washin Advise applicant of t submit an application To: SAF/MRBR  | ngton, D.C. the decision of the n to the AFBCMR | Board, the right to       | FROM:  SECRETAIR FOR              | arar                                   | of the A | ith/without   | counsel, and counsel, and counsel counsel counsel councer the council councer the council councer the | nd the righ  |      |  |  |
| TO:  SAF/MRRR  SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL  | APPLICANT'S ISSUE AND THE B Case heard at Washin Advise applicant of t submit an application To:  SAF/MRBR 550 C STREET WI   | ngton, D.C. the decision of the n to the AFBCMR | Board, the right to       | FROM:  SECRET.  AIR FOR  1535 COM | arar                                   | OF THE A | ith/without  AIR FORCE PERS GE REVIEW BOAR E WING, 3RD FL | counsel, and counsel, and counsel counsel counsel councer the council councer the council councer the | nd the righ  | t to |  |  |

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2003-00310

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) 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 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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for being derelict in the performance of his duties in that he willfully failed to use his government travel card for official government purposes. He also received a Vacation action under the UMCJ for failure to go. Additionally, he received two Letters of Reprimand for being late for work. The DRB opined that through these 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. The characterization of the discharge received by the applicant was found to be appropriate. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366,) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant 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 A1C) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 2 Oct 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and Change to Reentry Code.

### 2. BACKGROUND:

a. DOB: 3 May 80. Enlmt Age: 18 3/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-35, E-51, G-46, M-51. PAFSC: 2W151 - Aircraft Armament Systems. DAS: 9 Jul 99.

b. Prior Sv: (1) AFRes 31 Aug 98 - 12 Jan 99 (4 Months 13 Days) (Inactive).

#### SERVICE UNDER REVIEW:

- a. Enld as AB 13 Jan 99 for 4 yrs. Svd: 3 Yrs 8 Mos 20 Das, all AMS.
- b. Grade Status: A1C 21 Jun 02 (Vacation of Article 15, 23 Sep 02) SRA - 22 Jan 02 A1C - 13 May 00

AMN - 13 Jul 99

- c. Time Lost: None.
- d. Art 15's: (1) 23 Sep 02, Vacation, Ahmed Al Jaber Air Base, Kuwait -Article 86. You, did, on or about 27 Aug 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AlC. (No appeal) (No mitigation)
  - (2) 21 Jun 02, Pope AFB, NC Article 92. You, who knew or should have known your duties in the continental United States, on divers occasions between on or about 14 Mar 02 to on or about 15 Mar 02, were derelict in the performance of those duties in that you willfully failed to use your government travel card for official government purposes only, as it was your duty to do. Suspended reduction to A1C, 45 days extra duty, and a reprimand. (No appeal) (No mitigation)
- e. Additional: LOR, 27 AUG 02 Late for work.

  LOR, 28 JAN 02 Late for work.
- f. CM: None.

g. Record of SV: 13 Jan 99 - 12 Sep 00 Pope AFB 3 (Initial) 13 Sep 00 - 12 Sep 01 Pope AFB 4 (Annual)

(Discharged from Pope AFB)

- h. Awards & Decs: AFTR, NDSM.
- i. Stmt of Sv: TMS: (4) Yrs (1) Mos (2) Das TAMS: (3) Yrs (8) Mos (20) Das
- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 11 Jul 03. (Upgrade Discharge to Honorable and Change to Reentry Code)

Issue 1: I am trying to get my GI BILL to go to school and I need an honorable discharge. I also am trying to get my enlistment code changed.

### ATCH

None.

11Aug03/cr



# DEPARTMENT OF THE AIR FORCE

23D FIGHTER GROUP (ACC)
POPE AIR FORCE BASE, NORTH CAROLINA 28308

265EP02

RET

MEMORANDUM FOR

FROM: 75 FS/CC

540 Thunderbolt Street Pope AFB, NC 28308

SUBJECT: Notification Memorandum

- 1. I am recommending your discharge from the United States Air Force primarily for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. You understand that approval of this recommendation for your discharge could result in you receiving an under other than honorable conditions discharge, if the convening authority determines such characterization is warranted and directs initiation of a discharge board. I am recommending that your service be characterized as general.
- 2. My reasons for recommending discharge action under paragraph 5.49, Minor Disciplinary Infractions are:
- a. On or about 27 Aug 02, without authority, you did, at or near Ahmed Al Jaber Air Base, Kuwait, fail to go at the time prescribed to your appointed place of duty, to wit: Building 400B as documented by an AF Form 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 23 Sep 02.
- b. On or about 27 Aug 02, an investigation disclosed that you failed to go to your appointed place of duty at the prescribed time as documented by a Letter of Reprimand (LOR), dated 27 Aug 02.
- c. Between on or about 14 Mar 02 to on or about 15 Mar 02, on divers occasions, you, who knew or should have known your duties in the continental United States, were derelict in the performance of those duties in that you willfully failed to use your government travel card for official government purposes only, as it was your duty to do as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 21 Jun 02.
- d. On or about 23 Jan 02, you failed to go to your appointed place of duty, at the prescribed time as documented by a Letter of Reprimand (LOR), dated 28 Jan 02.
- 4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The 43d Airlift Wing Commander, who exercises Special Court Martial (SPCM) jurisdiction or a higher authority, will decide whether you will be discharged or

retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.

- 5. You have the right to consult counsel. Military legal counsel has been obtained to assist you. Contact extension 4-2362) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult the Area Defense Counsel. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
- 6. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by <u>505602</u> at <u>0800</u> hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.
- 7. If you fail to consult counsel or to **submit statements in your own behalf in three days**, your failure will constitute a waiver of your right to do so.
- 8. You have been scheduled for a physical examination with a state. Report to Family Practice Clinic in the Pope Clinic on 27 Sep 02 at 1045 hours. In addition, report to Physical Exams/Lab ASAP for HIV screening.
- 9. 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 at the orderly room.



## Attachments:

- 1. AF Form 366, dated 23 Sep 02
- 2. Letter of Reprimand, dated 27 Aug 02
- 3. AF Form 3070, dated 21 Jun 02
- 4. Letter of Reprimand, dated 28 Jan 02