

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██		GRADE		AFSN/SSAN ████████████████				
TYPE		PERSONAL APPEARANCE		X RECORD REVIEW				
COUNSEL		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
								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			
HEARING DATE 12 Nov 2003		CASE NUMBER FD-2003-00310		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								
<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>								
INDORSEMENT				DATE: 11/13/2003				
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					

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

[REDACTED]
[REDACTED]
(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).

3. **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 A1C. (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

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 [REDACTED] (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 30 SEP 02 at 0800 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 [REDACTED]. 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.

[REDACTED]
Commander

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