

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBER SITTING	VOICE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
██████████					X
██████████					X
██████████	X*				
██████████					X
██████████					X

ISSUES A92.15 A94.05	INDEX NUMBER A67.90	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-2003-00319		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

APPLICANT'S ISSUE AND THE BOARD'S DECISION/RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISION/RATIONALE

Case heard at Washington, D.C.

*Change reason and Authority to Secretarial Authority.

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 RECORDING OFFICER ██████████ **CHAIRMAN/BOARD PRESIDENT** ██████████

ENDORSEMENT **DATE: 9/23/2003**

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
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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 (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 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 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, seven Letters of Reprimand, one Letter of Counseling, one Record of Individual Counseling, had an Unfavorable Information File, and was placed on the Control Roster. His misconduct included multiple instances of being late to work, failed dormitory room inspections, financial irresponsibility, and dereliction of duty. 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. Therefore, the characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. Applicant infers that his discharge did not take into account the good things he did while in the service his final year. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons that were the basis for this case.

Issue 3. Applicant asserts that many service-members received honorable separations after serving only 3 years of a 4-year contract because of downsizing in the military. He infers that because he was discharged with 3 years and 1 month service, he should have received an honorable discharge. Applicant failed to submit any evidence to support this assertion, and the Board was not aware of any such evidence, so therefore found this contention without merit.

If applicant can provide additional documented information to substantiate his issues, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 6 Oct 88 UP AFR 39-10, para 5-47b (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 11 Nov 65. Enlmt Age: 19 3/12. Disch Age: 22 10/12. Educ: HS DIPL. AFQT: N/A. A-72, E-98, G-98, M-92. PAFSC: 30456 - Space Communications Systems Equipment Specialist. DAS: 5 Jun 86.

b. Prior Sv: (1) AFRes 14 Feb 85 - 2 Sep 85 (6 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Sep 85 for 4 yrs. Svd: 3 Yrs 1 Mo 4 Das, all AMS.

b. Grade Status: A1C - 3 Jan 87
AMN - (APR Indicates): 3 Sep 85 - 2 Oct 86

c. Time Lost: None.

d. Art 15's: (1) 24 Nov 87, March AFB, CA - Article 86. You did, on or about 12 Nov 87, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Airman, and 7 days correctional custody. (No appeal) (No mitigation)

e. Additional: LOR, 29 JUL 88 - Dereliction of duty.
LOR, 26 MAY 88 - Financial irresponsibility.
LOR, 23 MAY 88 - Financial irresponsibility.
LOR, 28 MAR 88 - Failed room inspection.
LOR, 19 FEB 88 - Failed room inspection.
LOR, 24 NOV 87 - Dereliction of duty.
LOR, 02 OCT 87 - Late for work.
RIC, 10 AUG 87 - Late for work.
LOC, 11 JUN 87 - Late for work.

f. CM: None.

g. Record of SV: 3 Sep 85 - 2 Oct 86 March AFB 9 (Annual)
3 Oct 86 - 2 Oct 87 March AFB 8 (Annual)

(Discharged from March AFB)

h. Awards & Decs: AFTR, SAEMR.

i. Stmt of Sv: TMS: (3) Yrs (7) Mos (23) Das
TAMS: (3) Yrs (1) Mos (4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jun 03.
(Change Discharge to Honorable)

Issue 1: The infractions were not of a severity to warrant the discharge received.

Issue 2: The final year (or so) of service in the base Honor Guard was not marred by any disciplinary action and showed exemplary behavior as evidenced by the letters of appreciation sent to the base Honor Guard during the service mentioned. (Individual recognition of team members was not given, therefore no such documents are included here).

Issue 3: At the time of discharge, "early out" honorable discharges were common after 3 years of service on a 4 year contract, as downsizing of the military had begun. This discharge was at 3 years, 1 month of service.

For these reasons, I believe that an honorable discharge is warranted.

ATCH

None.

14AUG03/ia

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. 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 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 ~~_____~~ at ADC, Bldg 440 on 2 Sep 88 at 0800 hours. 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 _____ unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail 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 22d Strategic Hospital, March AFB, CA on 1 Sep 88 at 0700 hours for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the unit orderly room.

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

~~_____~~
~~_____~~
~~_____~~
 USAF

Commander, Headquarters Squadron Section

2 Atch

1. Supporting documents for the reason for discharge.
 - a. LOR dtd 29 Jul 88
 - b. LOR dtd 26 May 88 w/Atchs
 - c. LOR dtd 28 Mar 88 w/Atch
 - d. Article 15 dtd 24 Nov 87 w/Atchs
 - e. LOR dtd 24 Nov 87 w/Atch
 - f. LOR dtd 2 Oct 87
 - g. ROIC dtd 10 Aug 87
 - h. ROC dtd 11 Jun 87
2. Airman's receipt of Letter of Notification.