

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	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.05	INDEX NUMBER A67.50	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	CASE NUMBER FD-2003-00329	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 submit an application to the AFBCMR

ADALIS

--	--

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-2003-00329

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge, and 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, change of reason and authority for 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 two Article 15a for being derelict in the performance of his duties and for breaking a no contact order. Additionally, he received a Letter of Reprimand and a Letter of Counseling for missing an appointment and for failure to comply with a no contact order. 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. Applicant states that his discharge did not take into account the good things he did while in the service. 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. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 14 Dec 01 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 5 Aug 80. Enlmt Age: 17 11/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-56, E-30, G-36, M-18. PAFSC: 3P051 - Security Forces Journeyman. DAS: 17 Apr 01.

b. Prior Sv: (1) AFRes 31 Jul 98 - 20 Oct 98 (2 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Oct 98 for 4 yrs. Svd: 3 Yrs 1 Mo 24 Das, all AMS.

b. Grade Status: AB - 2 Nov 01 (Article 15, 2 Nov 01)
AMN - 31 Mar 00 (Article 15, 31 Mar 00)
A1C - 21 Feb 00
AMN - 21 Apr 99

c. Time Lost: None.

d. Art 15's: (1) 2 Nov 01, Whiteman AFB, MO - Article 92. You, having knowledge of a lawful order issued by [REDACTED] to refrain from making any contact with [REDACTED], an order which it was your duty to obey, did, between on or about 29 Sep 01 and 19 Oct 01, fail to obey the same by wrongfully having contact with [REDACTED]. Reduction to AB. (Appeal/Denied) (No mitigation)

(2) 31 Mar 00, Kadena AB, Japan - Article 92. You, who knew or should have known of your duties at or near Al Jaber AB, Kuwait, on or about 18 Jan 00, were derelict in the performance of those duties in that you willfully failed to report or provide information you possessed as to the whereabouts of a missing gold cartouche, as it was your duty to do. Reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 07 DEC 01 - Failure to comply with a no contact order.
LOC, 27 JUN 01 - Missed appointment.

f. CM: None.

g. Record of SV: 21 Oct 98 - 20 Jun 00 Kadena AB 4 (Initial)

21 Jun 00 - 02 Feb 01 Kadena AB 4 (CRO)

(Discharged from Whiteman AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (4) Mos (14) Das

TAMS: (3) Yrs (1) Mos (24) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 9 Jul 03.

(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

19AUG03/ia

I come from a long list of Military family, both from my mom and dad's side. I have four uncles 1 grandfather, and 3 great uncles that served in foreign wars. The one thing that they all have told me, is to do all you can to help and support your fellow mate.

When Sgt. [redacted] was having difficult problems with her husband and she stated she was being harmed by her husband, I followed my MP training and tried to help.

When Sgt. [redacted] gave me an order to stay away from both Sgt. [redacted] (female) and Sgt. [redacted] (male), I followed that order. The problem was Sgt. [redacted] (female) did not respect me or the 1st Sgt's order. She came to my house, my roommate let her in. I was asleep because I had to work a early shift the following morning. My roommate informed Sgt. [redacted] that I did not wish to be disrupted. When I got up to get ready for duty, I asked Sgt [redacted] what she was doing here, she stated that her girlfriend dropped her off and did notg wait for her.

I left to go to Whiteman Airforce Base and informed my supervisor.

1st Sgt. [redacted] called me into his office a couple days later and informed me that I had disobeyd his order and that he was going to file charges and that he would see to it that I was discharged from the United States Airforce.

All my young life I could not wait to finsih high

[]

school and join the Airforce. I was a good Airman and a excellent police officer. I did not comitt a crime. Being young I thought I was helping a fellow Airman in trouble. Now I know that I should have gone to Sgt. [] and infromed him of the situation and let him handle the problem. I thought my supervisor would have informed the 1st Sgt.


Since my discharge I have been employed working with juvinile children as a youth treatment assistant at the Elkins Mountain School, trying to help children turn thier lives around, and help them make something out of thier lives, maybe even join the Military if they wanted.

I enjoy being envolved in Law Enforcement work. And one day would like to make a carrer as a police officer. My Airforce EPR's reflect my excellent service to the Unites States Airforce, and I request that my discharge be changed to a Honorable discharge for the following reasons.

1. To restore honor to our family and I can join the group as a Honorable Discharged Military service member.
2. To enable me to serve as a civilian police officer or to join the Airforce National Gaurd or Reserves.

I hold no ill will against anyone in the Airforce. As a young Airman I made a mistake. I was a great Airman and would like to be one again.



In conclusion I strongly feel my discharge was improper because I did nothing to dishonor myself or the Airforce. I tried to help a fellow airman. I used bad judgement and should have let Sgt.  handle the problem.



DEPARTMENT OF THE AIR FORCE
509TH SECURITY FORCES SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

DEC 11 2001

MEMORANDUM FOR: [REDACTED]

FROM: 509 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On 23 Nov 01, you failed to obey a lawful no-contact order, that was issued to you by your First Sergeant, by personally contacting [REDACTED]. For this incident you received a Letter of Reprimand, dated 7 Dec 01. (Atch 1a)

b. Between 29 Sep 01 and 19 Oct 01, you failed to obey a lawful no-contact order, that was issued to you by your First Sergeant, by personally contacting [REDACTED]. For this incident you received an Article 15, dated 14 Nov 01. (Atch 1b)

c. On 8 Jun 01, you missed a scheduled dental appointment. For this incident you received a Letter of Counseling, dated 27 Jun 01. (Atch 1c)

d. On 18 Jan 00, you failed to provide information you possessed regarding the location of a missing piece of gold jewelry. For this incident you received an Article 15, dated 5 Apr 00. (Atch 1d)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial convening authority 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 and any special pay, bonus or education assistance funds may be subject to recoupment.

4. 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 Captain [REDACTED] in Bldg 509 on 11 Dec 01 at 1100. You may consult civilian counsel at your own expense.

FOR OFFICIAL USE ONLY

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by DEC 14 2001 unless you request and receive an extension for good cause shown. I will forward your statements to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to Physical Exams at 0930 on 14 Dec 01 for the examination.

8. Any personal information you furnish in rebuttal to this notification is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in your Orderly Room.

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

[Redacted Signature Box]

Commander

Attachments:

1. Supporting documents -- for the reason for discharge

- a. LOR, dated 7 Dec 01
- b. Article 15, dated 14 Nov 01
- c. LOC, dated 27 Jun 01
- d. Article 15, dated 5 Apr 00

2. Documents containing derogatory information -- which are not listed in the notification memorandum: Documents relating to the respondents misconduct are found at Atch 2 of the Notification Letter. None.

3. Airman's receipt of notification memorandum, dated DEC 11 2001.