

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
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
NAME OF COUNSEL AND OR ORGANIZATION		
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 A93.23 A93.07	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-2003-00330		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

APPLICANT'S ISSUE 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

[Handwritten Signature]

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
DATE: 09/24/2003	

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

CASE NUMBER

FD2003-00330

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, 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, change of reason and authority for 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 discharge.

Issues. Applicant was discharged for misconduct, minor disciplinary infractions. He had two Articles 15, seven Letters of Reprimand, three Letters of Counseling, and a Letter of Admonishment. His misconduct included eleven incidents of failure to go, making a false official statement regarding omission of information from his personal security clearance questionnaire, specifically information about theft of personal property and selling stolen property, and failure to obey a lawful order. Additionally, member was permanently decertified from the Personnel Reliability Program for the incident regarding his personnel security questionnaire and the related criminal activities. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf requesting retention, while admitting his misconduct. Applicant now contends he should be given an upgrade because most of his incidents occurred during his final year of enlistment, and were predicated by his marital problems and child custody issues, which caused him to become depressed and lose motivation. While it is understandable that a member experiencing personal problems has additional stress, member's problems were not unique. Furthermore, there is no evidence he sought help from available agencies such as the Chaplain, family support center, the mental health clinic, or his chain of command. Because he was unable to separate his personal problems from his duties, he became a burden on his unit and a disruptive influence. He was either unable or unwilling to correct his behavior. The Board could not find sufficient mitigation or extenuation to warrant an upgrade, and the records review disclosed no inequity or impropriety.

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

[REDACTED]
[REDACTED]
(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 19 Apr 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 16 Mar 78. Enlmt Age: 18 0/12. Disch Age: 23 1/12. Educ: HS DIPL. AFQT: N/A. A-77, E-75, G-82, M-87. PAFSC: 3P051 - Security Forces Journeyman. DAS: 18 Mar 97.

b. Prior Sv: (1) AFRes 22 Mar 96 - 22 Oct 96 (7 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 23 Oct 96 for 4 yrs. Svd: 4 Yrs 5 Mo 28 Das, all AMS.

b. Grade Status: SRA - 23 Feb 99

c. Time Lost: None.

d. Art 15's: (1) 3 Jan 01, Lackland AFB, TX - Article 92. You, having knowledge of a lawful order issued by M [REDACTED] to immediately return to duty, an order which it was your duty to obey, did, at or near San Antonio, Texas, on or about 28 Nov 00, fail to obey the same by wrongfully failing to return to duty. Suspended reduction to A1C, and 30 days extra duty. (No appeal) (No mitigation)

(2) 26 May 98, Lackland AFB, TX - Article 107. You did, at or near San Antonio, TX, on or about 12 Sep 97, with intent to deceive, make to Special Agent [REDACTED] official statements, to wit: information on your security clearance questionnaire specifically: past job history, theft of personal property and selling of stolen property, which statements were totally false, and were known by you to be so false. Suspended reduction to Airman and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 28 MAR 01 - Late for work.
LOR, 28 DEC 00 - Late for work.
LOR, 17 OCT 00 - Financial irresponsibility.
LOR, 25 AUG 00 - Failure to go.
LOR, 20 JUL 00 - Late for work.

LOR, 03 JUL 00 - Late for work.
 LOA, 23 MAY 00 - Failure to go.
 LOC, 19 MAY 00 - Late for work.
 LOC, 10 MAY 00 - Late for work.
 LOR, 23 APR 99 - Late for work.
 LOM, 19 JAN 98 - Late for work.
 LOC, 20 DEC 97 - Late for work.

f. CM: None.

g. Record of SV: 23 Oct 96 - 15 Apr 98 Kelly AFB 4 (HAF Dir)
 16 Apr 98 - 15 Apr 99 Kelly AFB 5 (Annual)
 16 Apr 99 - 15 Apr 00 Kelly AFB 5 (Annual)
 16 Apr 00 - 05 Jan 01 Kelly AFB 2 (Annual) **REF**

(Discharged from Lackland AFB)

h. Awards & Decs: AFOUA, AFEM W/1 BOLC, KCM 2/1 BOLC, AFLSAR, SAEMR W/BS, AFTR.

i. Stmt of Sv: TMS: (5) Yrs (0) Mos (29) Das
 TAMS: (4) Yrs (5) Mos (28) 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)

Issue 1: I'm requesting a review of my records for an upgrade to honorable. I would like to address the issue of my dismissal from active service under honorable conditions and a general discharge. My records will reveal all LOA, LOR's, and Article 15's that I recieved (sic) while on active status. In these they show lack of respect for my duties as a Security Police Officer and show a lack of esprit de corp for the Air Force. I wish to say that these offenses occurred towards the last year on active status. What the records fail to show is I was going through a divorce and child custody battle with my spouse. The constant tardiness and financial problems were a direct reflect (sic) on that. While in my first three years and even during the year I was giving 100%. I love the Air Force and all that the military is. I wish to reenlist now that I have my finances in order and my head on straight. If all else I would like to have the respect of my son and show him that even though the times were beyond hard I did my best, 2 (sic) fight for him, and the sacrifices I made. I hope to gain back what was lost because my spouse decided to leave me because I choose (sic) those operations in the Middle East and Europe over her, or so she felt. Thanks for your time and consideration in this matter.

ATCH

None.

20AUG03/ia



Scheduled 1100, 4 APR
SPTG of. ce

FD2003-330

DEPARTMENT OF THE AIR FORCE
76TH SECURITY FORCES SQUADRON (AFMC)
KELLY AIR FORCE BASE, TEXAS

30 MAR 01

MEMORANDUM FOR [REDACTED]

FROM: 76 SPTG/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 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 Conditions (General).
2. My reason for this action is:
 - a. On 20 Dec 97, you failed to report for duty at the prescribed time. For this misconduct, you received a Letter of Counseling. This is documented in Attachment 1.
 - b. On 19 Jan 98, you reported late for duty. For this misconduct, you received a Letter of Memo. This is documented in Attachment 2.
 - c. On 15, 18, and 23 Apr 99, you failed to report to duty at the prescribed time. For this misconduct, you received a Letter of Reprimand. This is documented in Attachment 3.
 - d. On 10 May 00, you failed to report for duty at the appointed time. You received a Letter of Counseling. This is documented in Attachment 4.
 - e. On 19 May 00, you failed to report to duty at the appointed time. For this misconduct, you received a Letter of Counseling. This is documented in Attachment 5.
 - f. On 22 May 00, you failed to report to your Audiology appointment at the prescribed time. For this misconduct, you received a Letter of Admonishment. This is documented in Attachment 6.
 - g. On 3 Jul 00, you failed to report for duty at the appointed time. For this misconduct, you received a Letter of Reprimand. This is documented in Attachment 7.
 - h. On 20 Jul 00, you failed to report for duty at the appointed time. For this misconduct, you received a Letter of Reprimand. This is documented in Attachment 8.
 - i. On 21 Aug 00, you failed to attend a scheduled mandatory M-16 appointment. For this misconduct, you received a Letter of Reprimand, which resulted in a Unfavorable Information File. This is documented in Attachment 9.

j. On 17 Oct 00, you failed to take care of your financial debts. For this misconduct, you received a Letter of Reprimand. This is documented in Attachment 10.

k. On 28 Nov 00, you failed to obey an order to return to duty. For this misconduct, you received an Article 15. This is documented in Attachment 11.

l. On 27 Dec 00, you failed to show for work at your appointed time. For this misconduct, you received a Letter of Reprimand. This is documented in Attachment 12.

m. On 26 Mar 01, you failed to show for work at your appointed time. For this misconduct, you received a Letter of Reprimand. This is documented in Attachment 13.

3. 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.

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 with [REDACTED] on 2 Apr 01 at 1030 hrs at the Area Defense Counsel office, 2000 Bong Ave, Ste 2, Lackland AFB, ext. 3-2924. You may consult civilian counsel at your own expense.

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 4 Apr 01 unless you request and receive an extension for good cause shown. I will send them 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 the Flight Surgeon's Office, Kelly Clinic at 0800 hrs on 2 Apr 01 for the examination.

8. 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 unit Orderly Room.

[REDACTED]

Attachments:

1. LOC Dated 20 Dec 97
2. LOM Dated 19 Jan 98
3. LOR Dated 23 Apr 99
4. LOC Dated 10 May 00
5. LOC Dated 19 May 00
6. LOA Dated 23 May 00
7. LOR Dated 3 Jul 00
8. LOR Dated 20 Jul 00
9. UIF Dated 6 Oct 00
10. LOR Dated 17 Oct 00
11. Article 15 Dated 3 Jan 01
12. LOR Dated 28 Dec 00
13. LOR Dated 26 Mar 01