

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b>	<b>AFSN/SSAN</b> [REDACTED]			
<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>			
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
NAME OF COUNSEL AND OR ORGANIZATION						
<b>YES</b>	<b>No</b>					
	<b>X</b>					
<b>MEMBER SITTING</b>		<b>VOTE OF THE BOARD</b>				
		<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
[REDACTED]						<b>X</b>
[REDACTED]						<b>X</b>
[REDACTED]						<b>X</b>
[REDACTED]						<b>X</b>
[REDACTED]						<b>X</b>
<b>ISSUES</b>	A95.00	<b>INDEX NUMBER</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>			
		A67.50	<b>1</b>	ORDER APPOINTING THE BOARD		
			<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE		
			<b>3</b>	LETTER OF NOTIFICATION		
			<b>4</b>	BRIEF OF PERSONNEL FILE		
				COUNSEL'S RELEASE TO THE BOARD		
<b>HEARING DATE</b>		<b>CASE NUMBER</b>	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
20 Nov 2003		FD-2003-00340		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						
[REDACTED]						
<b>SIGNATURE OF BOARD</b>						
[REDACTED]						
<b>INDORSEMENT</b>			<b>DATE: 11/21/2003</b>			
<b>TO:</b>			<b>FROM:</b>			
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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-2003-00340

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

**ISSUE:** The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received two Article 15s. The first for altering his temporary license plate to extend the validity. The second one for writing a bad check. Additionally, he received two Letters of Reprimand, two Letters of Counseling, and five Records of Individual Counseling for being late for work, taking unauthorized breaks, sleeping on duty, being late for formation, financial irresponsibility, and failure to obey a lawful order. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members.

**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 25 Nov 02 UP AFI 36-3208, para 5.50.2 (Misconduct - A Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 28 May 79. Enlmt Age: 19 2/12. Disch Age: 23 5/12. Educ: HS DIPL. AFQT: N/A. A-82, E-42, G-41, M-18. PAFSC: 3E131 - Heating Ventilation, AC and Refrigeration Apprentice. DAS: 29 Jul 99.

b. Prior Sv: (1) AFRes 18 Aug 98 - 2 Dec 98 (3 Months 15 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 3 Dec 98 for 6 yrs. Svd: 3 Yrs 11 Mos 23 Das, all AMS.

b. Grade Status: SRA - 3 Apr 01

c. Time Lost: None.

d. Art 15's: (1) 4 Sep 02, F. E. Warren AFB, WY - Article 134. You, did, on or about 24 Jul 02, make and utter to Bank of America a certain check, in words and figures, to wit: \$145.86, one hundred forty five dollars and eighty six cents, in payment of a debt, and did thereafter dishonorably fail to maintain sufficient funds in the Warren Federal Credit Union for payment of such check in full upon its presentment for payment. Suspended reduction to A1C, and 15 days extra duty. (No appeal) (No mitigation)

(2) 10 Oct 01, F. E. Warren AFB, WY - Article 92. You, who knew of your duties, on or about 9 Sep 01, were derelict in the performance of those duties in that you willfully failed to refrain from tampering or altering your temporary license plates to extend validity, as it was your duty to do. Suspended reduction to A1C, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOC, 26 SEP 02 - Failure to obey a lawful order.  
LOR, 30 NOV 01 - Financial irresponsibility.  
LOR, 16 AUG 01 - Financial irresponsibility.  
LOC, 12 APR 01 - Late for work.  
RIC, 15 MAR 01 - Late for formation.

RIC, 23 JUN 00 - Taking an unauthorized break.  
RIC, 22 JUN 00 - Taking an unauthorized break and sleeping  
on duty.  
RIC, 22 FEB 00 - Late for work.  
RIC, 05 SEP 99 - Late for work.  
TRAFFIC TICKET, 25 AUG 99 - Speeding.

f. CM: None.

g. Record of SV: 3 Dec 98 - 2 Aug 00 F. E. Warren AFB 4 (Initial)  
3 Aug 00 - 2 Aug 01 F. E. Warren AFB 2 (Annual REF)

(Discharged from F. E. Warren AFB)

h. Awards & Decs: AFTR, NDSM, CEB.

i. Stmt of Sv: TMS: (4) Yrs (3) Mos (8) Das  
TAMS: (3) Yrs (11) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Jul 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

**ATCH**  
None.

22 Aug 03/cr

DEPARTMENT OF THE AIR FORCE  
90TH SPACE WING (AFSPC)

28 Oct 02

MEMORANDUM FOR [REDACTED]

FROM: 90 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 reasons for this action are:

a. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 5 Sep 99, did fail to go to your appointed place of duty at the scheduled time (late for work). For this misconduct you received a Record of Counseling (ROC), dated 5 Sep 99.

b. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 22 Feb 00, did fail to go to your appointed place of duty at the scheduled time (late for work). For this misconduct you received an ROC, dated 22 Feb 00.

c. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 20 Jun 00, were derelict in your duty (taking an unscheduled break and sleeping on duty). For this misconduct you received an ROC, dated 22 Jun 00.

d. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 23 Jun 00, were derelict in your duty (taking an unscheduled break). For this misconduct you received an ROC, dated 23 Jun 00.

e. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 15 Mar 01, did fail to go to your appointed place of duty at the scheduled time (Readiness formation). For this misconduct you received an ROC, dated 15 Mar 01.

f. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 12 Apr 01, did fail to go to your appointed place of duty at the scheduled time (late for work). For this misconduct, you received a Letter of Counseling (LOC), dated 12 Apr 01.

g. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 16 Jul 01 did fail to pay your debts. For this misconduct you received a Letter of Reprimand (LOR), dated 16 Aug 01.

h. You, who knew of your duties at Francis E. Warren Air Force Base, Wyoming, on or about 9 Sep 01, were derelict in the performance of those duties in that you willfully failed to refrain from tampering or altering your temporary license plates to extend validity, as it was your duty to do. For violation of UCMJ Article 92, you received an Article 15, dated 10 Oct 01.

i. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 27 Nov 01, did fail to pay your debts. For violation of Article 134 of the UCMJ, you received an LOR, dated 30 Nov 01.

j. You, did, at or near Cheyenne, Wyoming, on or about 24 July 02, make and utter to Bank of America a certain check, in words and figures as follows, to wit: \$145.86, one hundred forty five dollars and eighty six cents, in payment of a debt, and did thereafter dishonorably fail to maintain sufficient funds in the Warren Federal Credit Union for payment of such check in full upon its presentment for payment. For violation of UCMJ Article 134, you received an Article 15, dated 4 Sep 02.

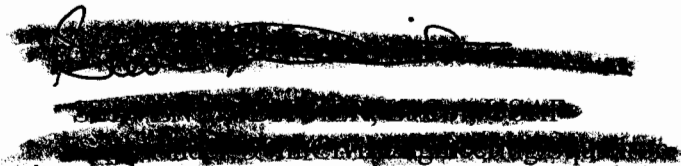
k. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 25 Sep 02, did fail to obey a lawful order and report to the HVAC shop. For this misconduct you received an LOC, dated 26 Sep 02.

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 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 with an attorney at the Area Defense Counsel's Office at Building 292, extension 3248, on 28 Oct 02 at 1530. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays after receipt of the notification memorandum, that date being 31 Oct 02, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.

6. If you fail to consult counsel or to submit statements on 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 0730 hours, on 29 Oct 02 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 your Command Support Staff office.
9. Execute the attached acknowledgment and return it to me immediately.

A large, dark, irregular redaction mark covering the signature and name of the sender.

Attachments:

1. ROC, dated 5 Sep 99
2. ROC, dated 22 Feb 00
3. ROC, dated 22 Jun 00
4. ROC, dated 23 Jun 00
5. ROC, dated 15 Mar 01
6. LOC, dated 12 Apr 01
7. LOR, dated 16 Aug 01
8. Article 15, dated 10 Oct 01
9. LOR, dated 30 Nov 01
10. Article 15, dated 4 Sep 02
11. LOC, dated 26 Sep 02
12. Other derogatory data not listed in the Notification Memorandum: Armed Forces Traffic Ticket, dated 25 Aug 99.