

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>			GRADE <div style="background-color: black; width: 100%; height: 15px;"></div>		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>	
TYPE GEN		PERSONAL APPEARANCE			X RECORD REVIEW	
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL	
MEMBER SITTING				VOTE OF THE BOARD		
<div style="background-color: black; width: 100%; height: 15px;"></div>				HON	GEN	UOTHC
<div style="background-color: black; width: 100%; height: 15px;"></div>				X*		
<div style="background-color: black; width: 100%; height: 15px;"></div>						X
<div style="background-color: black; width: 100%; height: 15px;"></div>				X*		
<div style="background-color: black; width: 100%; height: 15px;"></div>						X
<div style="background-color: black; width: 100%; height: 15px;"></div>				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		
				COUNSEL'S RELEASE TO THE BOARD		
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
				TAPE RECORDING OF PERSONAL APPEARANCE		
HEARING DATE 26 Nov 2003		CASE NUMBER FD-2003-00344				
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.</p> <p>* Change Reason and Authority to Secretarial Authority.</p>						
SIGNATURE OF RECORDER <div style="background-color: black; width: 100%; height: 15px;"></div>				SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 15px;"></div>		
INDORSEMENT				DATE: 12/01/2003		
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	CASE NUMBER FD-2003-00344
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of Discharge is denied.</p> <p>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.</p> <p>ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s and a Vacation action under the UCMJ. The first Article 15 was for making personal calls during duty hours and the second one was for failure to go. 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.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

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 30 Mar 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Jul 71. Enlmt Age: 18 8/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-63, E-85, G-88, M-58. PAFSC: 3C051 - Communications-Computer Systems Operations Craftsman. DAS: 21 Jan 91.

b. Prior Sv: (1) AFRes 29 Mar 90 - 17 Sep 90 (5 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Sep 80 for 4 yrs. Svd: 3 Yrs 6 Mo 13 Das, all AMS.

b. Grade Status: A1C - 02 Nov 93 (Vacation of Article 15, 21 Jan 94)
SRA - 13 Sep 93
A1C - 18 Jan 92
AMN - 18 Mar 91

c. Time Lost: None.

d. Art 15's: (1) 26 Jan 94, Hickam AFB, HI - Article 86. You did, on or about 10 Jan 94, without authority fail to go at the time prescribed to your appointed place of duty. Forfeiture of \$150.00 pay per month for 1 month and 45 days restriction. (No appeal) (No mitigation)

(2) 21 Jan 94, Vacation, Hickam AFB, HI - Article 92. You, having knowledge of a lawful order issued by [REDACTED] to move back to Hickam AFB, specifically Dormitory 1805, an order which it was your duty to obey, did, on or about 1 Jan 94, fail to obey the same by not moving back to Hickam AFB, Dormitory 1805. Reduction to A1C. (No appeal) (No mitigation)

(3) 02 Nov 93, Hickam AFB, HI - Article 92. You, who should have known of your duties, between on or about 30 Aug 93 to on or about 15 Sep 93, were derelict in the performance of your duties in that you wrongfully and willfully made \$437.73 worth of personal calls during your duty hours. Suspended reduction to A1C, and forfeiture of \$150.00 pay per month for two months. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 18 Sep 90 - 17 May 92 Hickam AFB 4 (Initial)
18 May 92 - 30 Sep 92 Hickam AFB 5 (CRO)
01 Oct 92 - 15 Feb 93 Hickam AFB 4 (CRO)
16 Feb 93 - 15 Feb 94 Hickam AFB 2 (Annual) **REF**

(Discharged from Hickam AFB)

h. Awards & Decs: AFTR

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (2) Das
TAMS: (3) Yrs (6) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Jul 03.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

26AUG03/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

☒ WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

☐ ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I believe the discharge I received was inequitable due to the following reasons:

1. One incident that was cited in my discharge was my failure to move back into the base dormitory by a certain date. I made the attempt to move into the dorm & was told by the SSGT in charge of the dormitory that there were no rooms available for my squadron for another week. I moved into the dormitory as soon as the room was available which was less than a week past the date I was required to be in the dorms. I mentioned this to my supervisor previous to the deadline I was to meet.

2. Our squadron held a mandatory weekly run on Fridays, one at 0600 & one at 1500. I was working days at the time & was asked to attend the 0600 run, then be at work by 0730 so the swing shift would not have to come in so early. I agreed, but was never told that this was a direct order - I believed it to be a kind act on my part. One week I missed the 0600 run & this was part of the reason I was discharged.

3. I was placed on a physical training program not because I was over my allowed weight, but was over my body fat requirement. At the time I was working swing shift but the aerobic class I was attending was at 0600. I over slept one morning and was called at home by my supervisor who was at the gym at 0615. Another aerobic class began at 0800 (or 0830, I do not recall the exact time). I asked my supervisor if I could attend the 0800 class to make up for the class I missed - he agreed that it would be acceptable. I was also written up for this incident.

4. The issue that began everything was dealing with making long distance calls from work. The week I transferred from the Security office to the Computer room, there was a phone bill passed around with a memo stating that if any of the charges were yours, you were to pay the amount on the bill. I assumed this as a common practice & so placed personal long distance calls which I was written up for. I realize I made some bad decisions, but up until the last month of my enlistment, my record was exemplary. I hope you will kindly reconsider my discharge.

☐ I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

☐ I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date)
AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

☐ THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

20030714

b. SIGNATURE



UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY
Army Review Boards Agency
Support Division, St. Louis
ATTN: SFMR-RBR-SL
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY & MARINE CORPS
Naval Council of Personnel Boards
720 Kennon Street, S.E.
Rm. 309 (NDRB)
Washington Navy Yard, DC
20374-5023

AIR FORCE
SAF/MIBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD
Commandant (G-WPM)
2100 Second Street, S.W.
Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES



MAR 10 1994

MEMORANDUM FOR 1854 CCISS/SWO

ATTN: [REDACTED]

FROM: 1854 CCISS/CC
Hickam AFB, HI 96853-5415

SUBJ: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).

2. My reasons for this action are:

a. You, who should have known of your duties, at Hickam Air Force Base, Hawaii, between or about 30 Aug 93 to on or about 15 Sep 93, were derelict in the performance of your duties in that you wrongfully made \$437.73 worth of personal calls during your duty hours. For this offense, you received an Article 15 on 2 Nov 93 including a suspended reduction to Airman First Class and forfeiture of \$150.00 pay per month for 2 months.

b. You, having knowledge of a lawful order issued by [REDACTED] to move back to Hickam AFB, specifically Dormitory 1805, an order which it was your duty to obey, did, at Hickam AFB, HI, on or about 1 January 1994, fail to obey the same by not moving back to Hickam Air Force Base, Dormitory 1805. For this offense, the suspended reduction in grade to Airman First Class as a result of a previous Article 15 punishment which was suspended until 1 Mar 94, was vacated and resulted in reduction of your grade to Airman First Class, with new date of rank of 2 November 1993.

c. You did, at Hickam Air Force Base, Hawaii, on or about 10 January 1994, without authority fail to go at the time prescribed to your appointed place of duty to wit: Aerobics Fitness Class, Bldg 1120. For this offense, you received an Article 15 on 26 Jan 94 including forfeiture of \$150.00 pay per month for one month and restriction to base for 45 days..

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 Cap [REDACTED] at Bldg 1113, 449-2149 on 10 Mar 94 at 1300 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 15 Mar 94 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for medical examination. You must report to Hickam Air Force Base, Clinic, Flight Surgeon's Office, building 514, at 0715 hours on 15 Mar 94 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 2. A copy of AFR 39-10 is available for your use in the orderly room.

[REDACTED]
Commander

4 Attachments

1. Article 15, 2 Nov 93
2. Record of Proceedings of Vacation
of Suspended Nonjudicial Punishment, 26 Jan 94
3. Article 15, 26 Jan 94
4. Airman's Receipt of Ltr of Notification