

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE ██████████	AFSN/SSAN ██████████			
TYPE: GEN	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING <div style="border: 1px dashed black; width: 250px; height: 100px; margin: 10px auto;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.53	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 16 Oct 2003	CASE NUMBER FD-2003-00348		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						
<p>Case heard at Washington, D.C.</p> <p>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</p> <div style="border: 1px dashed black; width: 70%; height: 40px; margin: 10px auto;"></div>						
INDORSEMENT				DATE: 10/16/2003		
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				

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change his 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 and change of reenlistment code are 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 records indicated applicant received a general discharge for minor disciplinary infractions. During his brief 6 months and 28 days of service he had eight Letters of Reprimand and two Letters of Counseling. His misconduct included multiple instances of sleeping in class, habitually failing to come to class prepared thus holding up the entire class' progress, multiple dress and appearance violations, missing a medical appointment, and violating Non-Prior Service Airmen Phase Program Policy. Additionally he was counseled about his unsuccessful study habits, lack of alertness and note-taking in class, multiple missed or late assignments, low block test scores, eating in an unauthorized location, and not following orderly room sign-in and sign-out procedures before and after appointments. Due to these various matters, member was "washed back" in training and it was noted he needed a "total" readjustment before being able to proceed through the course. At the time of the discharge, member waived his right to consult counsel or submit statements on his own behalf. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change his repetitive negative behavior. The Board further concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. 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 applicant cited his desire to return to military service as justification for upgrade. While the Board commends applicant on this desire and was sympathetic to the impact the general discharge and reenlistment code are having on the applicant, this is not a matter of inequity or impropriety that warrants 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 AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 13 May 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and Change to Reentry Code.

2. **BACKGROUND:**

a. DOB: 7 Feb 85. Enlmt Age: 16 11/12. Disch Age: 18 3/12. Educ: HS DIPL. AFQT: N/A. A-51, E-47, G-34, M-35. PAFSC: 2T011 - Traffic Management Helper. DAS: 16 Jan 03.

b. Prior Sv: (1) AFRes 13 Jun2 - 15 Oct 02 (4 months 3 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 16 Oct 02 for 6 yrs. Svd: 0 Yrs 6 Mos 28 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 8 MAR 03 - Attempting to break phase by leaving the squadron area and lying about it to an NCO.
LOR, 23 FEB 03 - Leaving base without permission.
LOR, 20 FEB 03 - Failure to complete work assignments in a timely manner.
AETC FORM 173, 20 FEB 03 - Failure to meet a mandatory appointment.
AETC FORM 341, 19 FEB 03 - Dirty uniform during open ranks inspection.
AETC FORM 173, 14 FEB 03 - Sleeping in class, not shaving, and incomplete homework.

f. CM: None.

g. Record of SV: None.

(Discharged from Lackland AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (0) Yrs (11) Mos (1) Das
TAMS: (0) Yrs (6) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Jun 03.
(Upgrade Discharge to Honorable and Change Reentry Code.)

Issue 1: I know I have made mistakes in the past and I have learned from my mistakes and would still like to be part of the US Air Force. I ask you to please chang (sic) my reinlistment (sic) code so I can join back in. Thank you for your time.

ATCH
None.

28 Aug 03/cr

24 APR 2003



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD2003-00348

MEMORANDUM FOR AB [REDACTED]

FROM: 345 TRS/DOM

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The basis for this action is AFPD 36-32 and AFI 36-3208, Paragraph 5.49. If my recommendation is approved, your service could be characterized as Honorable or as Under Honorable Conditions (General) Discharge. I am recommending your service be characterized as General.

2. My reasons for this action are:

a. On 12 Feb 03, you were found sleeping during class instruction and you were unshaven. As a result, you received an AETC 173, dated 14 Feb 03.

b. On 18 Feb 03, without authority, you failed to go to your appointed place of duty, specifically, a medical appointment, in violation of Article 86, UCMJ. As a result, you received an AETC 173, dated 20 Feb 03.

c. On 19 Feb 03, you were found wearing a dirty uniform during open ranks inspection. As a result, you received an AETC 341, dated 19 Feb 03.

d. Between 3-19 Feb 03, you failed to complete appraisals in your studyguide/workbook materials in a timely fashion as you were required to do. As a result, you received a Letter of Reprimand (LOR), dated 20 Feb 03.

e. On 23 Feb 03, you violated the 37 TRG Non-Prior Service Airmen Phase Program Policy when you left the base without permission while in Phase I. As a result, you received an LOR, dated 23 Feb 03.

f. On 8 Mar 03, immediately after completing RMT you packed civilian clothes in your gym bag and attempted to leave the squadron area in violation of the 37 TRG Non-Prior Service Airmen Phase Program Policy. When confronted by the NCO who kept you from leaving the squadron area, you lied in an attempt to conceal your intent to break phase. As a result, you received an LOR, dated 8 Mar 03.

g. On 10 Apr 03, you once again fell asleep during class instruction, you purposefully wore your hair in a faddish style, you wore a wrinkled uniform, and your boots were dirty. As a result, you received an LOR, dated 10 Apr 03.

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.

4. You have the right to consult counsel. Military legal counsel can be obtained to assist you. An appointment can be made for you to meet with the Area Defense Counsel (ADC) at Bldg 1000 on N/A at _____. 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 (3 workdays) 29 Apr 03 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 Bldg 6612, Room 502, Monday – Friday between 1300 – 1500 hours with your medical, immunization, and dental records 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 Personnel Office.

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



Commander, Military Training Flight

Attachments:

1. AETC Form 125A, dated 14 Apr 03
2. Student Training Report
3. AETC Form 173, dated 14 Feb 03
4. AETC Form 173, dated 20 Feb 03, w/atchs
5. AETC Form 341, dated 19 Feb 03
6. Letter of Reprimand, dated 20 Feb 03
7. Letter of Reprimand, dated 23 Feb 03
8. Letter of Reprimand, dated 8 Mar 03