

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		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING <div style="border: 1px dashed black; height: 150px; width: 100%;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						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		
HEARING DATE 05 Nov 2003		CASE NUMBER FD-2003-00349		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
				TAPE RECORDING OF PERSONAL APPEARANCE		
<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</small>						
<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; height: 40px; width: 100%; margin-top: 20px;"></div>						
ENDORSEMENT			DATE 11/07/2003			
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-2003-00349

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 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 15s, both for failure to go. He also received one Letter of Reprimand and one Letter of Admonishment and eight Records of Individual Counseling for dereliction of duty, being late for work, financial irresponsibility, sleeping on duty and being disrespectful to an NCO. 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.

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 12 Jul 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 18 Jan 75. Enlmt Age: 22 1/12. Disch Age: 27 5/12. Educ: HS DIPL. AFQT: N/A. A-86, E-68, G-80, M-61. PAFSC: 2A552 - HH-60G Helicopter Crew Chief Journeyman. DAS: 14 Oct 97.

b. Prior Sv: (1) AFRes 27 Feb 97 - 12 Mar 97 (14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Mar 97 for 6 yrs. Svd: 5 Yrs 4 Mo 0 Das, all AMS.

b. Grade Status: SRA - 26 Aug 99
A1C - 26 Apr 97

c. Time Lost: None.

d. Art 15's: (1) 12 Oct 00, Nellis AFB, NV - Article 86. You, did, on or about 26 Sep 00, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C, 45 days restriction, and 45 days extra duty. (No appeal) (No mitigation)

(2) 07 Mar 00, Nellis AFB, NV - Article 86. You, did, on or about 15 Feb 00, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C, 20 days extra duty. (No appeal) (No mitigation)

e. Additional: LOA, 20 MAY 02 - Disrespect to an NCO.
RIC, 16 MAY 02 - Late for work.
RIC, 11 AUG 99 - Sleeping on duty.
LOR, 14 JUL 99 - Late for work.
RIC, 01 JUN 99 - Financial irresponsibility.
RIC, 06 MAY 99 - Late for work.
RIC, 03 MAY 99 - Late for work.
RIC, 16 MAR 99 - Late for work.
RIC, 15 MAR 99 - Late for work.
RIC, 15 MAR 99 - Dereliction of duty.

f. CM: None.

g. Record of SV: 13 Mar 97 - 15 Oct 98 Nellis AFB 4 (HAF Dir)
 16 Oct 98 - 15 Oct 99 Nellis AFB 2 (Annual) REF
 16 Oct 99 - 15 Oct 00 Nellis AFB 2 (Annual) REF
 16 Oct 00 - 15 Oct 01 Nellis AFB 4 (Annual)

(Discharged from Nellis AFB)

h. Awards & Decs: AFLSAR, AFEM, AFTR, NDSM, AFOUA W/2 DEVS.

i. Stmt of Sv: TMS: (5) Yrs (4) Mos (16) Das
 TAMS: (5) Yrs (4) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Jul 03.
 (Change Discharge to Honorable)

Issue 1: I believe my discharge was inequitable because it was based solely on my "failure to go"; in essence, I was discharged because I was late to work. I understand that we train ourselves to act and react at all times as though we are at war, and in that scenario my tardiness might have proven fatal to myself or to others. I believe however, that other measures besides discharge should have been taken. My service records will show that no stripes were ever taken; I was never relieved of any rank. In my last EPR I was described as ". . . a poster child for the Air Force" and ". . . an example (uniform and physical fitness) for other airman." Gentlemen, please believe me when I tell you that I loved the military and that an early discharge was the worst thing that anyone could have given to me. I wish to get back into school and finish my degrees in English and Sports Medicine. Of only slightly lesser importance to clearing my name by changing my discharge type to Honorable is the access to the GI Bill, for which I worked over five years to attain. The GI Bill was/is the most important benefit to me and is crucial for me to get through school these next two years. I am currently unable to access this benefit with my General discharge. Please consider my request to change my discharge type to Honorable.

ATCH

None.

28AUG03/ia



DEPARTMENT OF THE AIR FORCE
66TH RESCUE SQUADRON (ACC)
NELLIS AIR FORCE BASE, NEVADA

13 June 02

MEMORANDUM FOR SRA [REDACTED]

FROM: CC

SUBJECT: Notification Memorandum - Administrative Discharge AFI 36-3208

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 13 Mar 99, you were responsible for damaging government property. For your actions, you received a Record of Individual Counseling (ROIC) on 15 Mar 99;

b. On or about 15 Mar 99, you were late for work. For your actions, you received an (ROIC) on 15 Mar 99;

c. On or about 16 Mar 99, you were late for work. For your actions, you received an ROIC on 16 Mar 99;

d. On or about 3 May 99, you were late for work. For your actions, you received an ROIC on 3 May 99;

e. On or about 6 May 99, you were late for work. For your actions, you received an ROIC on 6 May 99;

f. On or about 1 Jun 99, your government credit card was 160 days delinquent. For your actions, you received an ROIC on 1 Jun 99;

g. On or about 14 Jul 99, were late for work. For your actions, you received a Letter of Reprimand (LOR) on 14 Jul 99;

h. On or about 11 Aug 99, you were found sleeping on duty. For your actions, you received a ROIC on 11 Aug 99;

i. You did, at or near Nellis Air Force Base, Nevada, on or about 15 Feb 00, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Rescue

Squadron, Building #61664. For your actions, you were punished under Article 15, Uniform Code of Military Justice (UCMJ) consisting of a suspended reduction to the grade of airman first class and 20 days extra duty on 7 Mar 00;

j. You did, at or near Nellis Air Force Base, Nevada, on or about 26 Sep 00, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 61664, Inspection Element. For your actions, you were punished under Article 15, UCMJ consisting of a suspended reduction to the grade of airman first class, restriction to the confines of Nellis Air Force Base, Nevada for 45 days, and 45 days extra duty on 12 Oct 00;

k. On or about 14 May 02, you were late for work. For your actions, you received an ROIC on 16 May 02; and

l. On or about 17 May 02, you showed disrespect toward a superior NCO. For your actions, you received a Letter of Admonishment (LOA) on 20 May 02.

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 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 legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel at Building 625 on 13 June 02 at 1330 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. **You have three (3) duty days (which includes the date served) to submit statements in your behalf.** Any statements you want the separation authority to consider must reach me by 19 June 02 at 0800 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. In the event the commander exercising Special Court-Martial jurisdiction or a higher authority approves your discharge, separations will out-process you. Your initial separations briefing is scheduled for 1000 on 13 June 02.

7. If you fail to consult or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

8. You have previously been scheduled for a medical examination at the 99th Medical Group on 1430 on 13 Jun 02.

9. 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 Unit Orderly Room.

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



Lt Col, USAF

Commander

Attachments:

1. ROIC, 15 Mar 99
2. ROIC, 15 Mar 99
3. ROIC, 16 Mar 99
4. ROIC, 3 May 99
5. ROIC, 6 May 99
6. ROIC, 1 Jun 99
7. LOR, 14 Jul 99
8. ROIC, 11 Aug 99
9. Article 15, 7 Mar 00
10. Article 15, 12 Oct 00
11. ROIC, 16 May 02
12. LOA, 20 May 02