

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION [REDACTED]	ADDRESS AND OR ORGANIZATION OF COUNSEL Texas Veterans Commission
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 A95.00 A01.00	INDEX NUMBER A67.90	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 03 Dec 2003	CASE NUMBER FD-2003-00361	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Randolph AFB, Texas.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT		DATE: 12/3/2003
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

FD-2003-00361

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reenlistment code.

The applicant appeared with counsel before the Discharge Review Board at Randolph AFB, Texas on 3 December 2003.

The following additional exhibits were presented:

Exhibit #5, Character Letter, 2 December 2003, Dr. [REDACTED]

Exhibit #6, Character Letter, 28 November 2003, [REDACTED]

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.

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:

The applicant submitted no issues and requested that the review be completed based on the available service record and the evidence presented by the applicant at his discharge review board personal appearance. The Board reviewed the entire record and the applicant's presentation and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received a general discharge for a pattern of misconduct—conduct prejudicial to good order and discipline. Between on or about 12 December 2001 and on or about 20 October 2002 the applicant had 9 instances of misconduct. His commander and supervisors responded to the misconduct with a variety of rehabilitative and disciplinary tools including 5 letters of reprimand, one record of individual counseling, and three actions under Article 15, UCMJ, (two nonjudicial punishment actions and one vacation of a suspended nonjudicial punishment).

The DRB opined that through these administrative and nonjudicial actions, the applicant had ample opportunities to change his repetitive, negative behavior.

The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members.

The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

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.

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

MISSING MEDICAL RECORDS
(Former AB) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 30 Dec 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 3 May 81. Enlmt Age: 18 10/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-57, E-46, G-53, M-45. PAFSC: 2A631D - Aerospace Propulsion Apprentice. DAS: 28 Apr 01.

b. Prior Sv: (1) AFRes 31 Mar 00 - 25 Sep 00 (5 months 26 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 26 Sep 00 for 6 yrs. Svd: 2 Yrs 3 Mo 5 Das, all AMS.

b. Grade Status: AMN - 23 Oct 02 (Article 15, Vacation, 23 Oct 02)
A1C - 10 Nov 00

c. Time Lost: None.

d. Art 15's: (1) 8 Nov 02, Kadena AB, Japan - Article 92. You, who knew or should have known of your duties, on or about 20 Oct 02, were derelict in the performance of your duties in that you willfully failed to get a proper base pass for [REDACTED] a Japanese local national, to enter Kadena Air Base, as it was your duty to do. Reduction to Airman Basic, suspended forfeiture of \$250.00 pay per month for 2 months, 45 days restriction, and a reprimand. (No appeal) (No mitigation)

(2) 23 Oct 02, Vacation, Kadena AB, Japan - Article 86. You did, on or about 4 Oct 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. (No appeal) (No mitigation)

(3) 19 Jul 02, Kadena AB, Japan - Article 123a. You did, between on or about 19 May 02 to on or about 22 May 02, with intent to defraud and for the procurement of lawful currency, wrongfully and unlawfully utter 3 checks to the 18th Services Squadron, in words and figures as follows, to wit: Check#0055, dated 19 May 02, in the amount of \$300.00, Check#0057, dated 21 May 02, in the amount of \$150.00, and Check#0058, dated 22 May 02, in the amount of \$100.00, then knowing that you, the maker

thereof, did not or would not have sufficient funds in or credit with ██████████ Bank for the payment of the said checks in full upon its presentment. Suspended reduction to Airman. Forfeiture of \$275.00 pay per month for 2 months. (No appeal) (No mitigation)

- e. Additional: LOR, 23 OCT 02 - Late for work.
LOR, 02 OCT 02 - Failure to obey a lawful order.
LOR, 02 OCT 02 - Financial irresponsibility.
LOR, 31 MAY 02 - Playing inappropriate music at work.
RIC, 27 MAR 02 - Financial irresponsibility.
LOR, 03 JAN 02 - Failure to go.

f. CM: None.

- g. Record of SV: 26 Sep 00 - 15 Apr 02 Kadena AB 3 (HAF Dir)

(Discharged from Lackland AFB)

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

- i. Stmt of Sv: TMS: (2) Yrs (9) Mos (0) Das
TAMS: (2) Yrs (3) Mos (5) Das

- 4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Jul 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

- 1. DD Form 214.
- 2. Verification of Military Experience and Training.

25SEP03/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

4 DEC 02

MEMORANDUM FOR AIRMAN BASIC [REDACTED]

FROM: 18 CMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, then your service may be characterized as either honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My specific reasons for this action are:

a. On or about 12 Dec 01, you failed to go at the appointed time to your place of duty, building [REDACTED]. As a result, you received a Letter of Reprimand on 3 Jan 02 (Tab 1-1).

b. On or about 22 Mar 02, it was discovered that you failed to pay your just debts to [REDACTED] Bank for an outstanding loan and to [REDACTED] for your monthly car payment. Furthermore, you have been verbally counseled on financial responsibilities in the past. As a result, you received a Record of Individual Counseling on 27 Mar 02 (Tab 1-2).

c. Between on or about 19 May 02 to on or about 22 May 02, at or near Kadena AB, Okinawa, Japan, with intent to defraud and for the procurement of lawful currency, you wrongfully wrote three checks to 18th Services Squadron without sufficient funds in the bank. As a result, you received Nonjudicial Punishment pursuant to Article 15, UCMJ, on 19 Jul 02. Your punishment included reduction to the grade of Airman suspended until 18 Jan 02 and forfeiture of \$275.00 pay per month for 2 months. An Unfavorable Information File (UIF) was established (Tab 1-3).

d. On or about 29 May 02, you disobeyed a lawful order not to play music with explicit material, as it is not appropriate for a work environment. Furthermore, you were told at least two times prior to this incident not to bring and play this type of music in the work area. As a result, you received a Letter of Reprimand on 31 May 02 (Tab 1-4).

e. On or about 12 Aug 02, it was discovered you dishonorably failed to pay your just debts in the amount of \$114.68 on your Services Club Card, which was four months delinquent. As a result, you received a Letter of Reprimand on 2 Oct 02. A copy of the LOR was placed in your UIF (Tab 1-5).

f. On or about 4 Sep 02, you disobeyed a lawful order and went off base during a typhoon instead of going directly to your dormitory room as ordered. As a result, you received a Letter of Reprimand on 2 Oct 02. A copy of the LOR was placed in your UIF (Tab 1-6).

g. On or about 4 Oct 02, at Kadena Air Base, Okinawa, Japan, you failed to go at the prescribed time to a mandatory formation for physical training. As a result, your suspended Nonjudicial Punishment dated 19 Jul 02, was vacated on 23 Oct 02. Your punishment included reduction to the grade of Airman with new date of rank of 19 Jul 02 (Tab 1-7).

h. On or about 17 Oct 02, you failed to report for work on time. As a result, you received a Letter of Reprimand on 23 Oct 02. A copy of the LOR was placed in your UIF (Tab 1-8).

i. On or about 20 Oct 02, at or near Kadena Air Base, Okinawa, Japan, you were derelict in the performance of your duties in that you willfully failed to get a proper base pass for a local Japanese national to enter Kadena Air Base. As a result, you received Nonjudicial Punishment pursuant to Article 15, UCMJ, on 8 Nov 02. Your punishment included reduction to the grade of Airman Basic, with a new date of rank of 8 Nov 02, forfeiture of \$250.00 pay per month for 2 months, suspended until 7 May 03, restriction to Kadena Air Base, Okinawa, Japan for 45 days, and a reprimand (Tab 1-9).

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 United States 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 Capt [REDACTED] at the Area Defense Counsel at Building 1460 on 4 DEC 02 at 1300 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in response to this action. Any statements that you want the separation authority to consider must reach me by 10 DEC 02 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, then 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 Physical Examination Section, 18th Medical Group, Kadena AB, Japan at 1020 on 5 DEC 02 for the examination.

8. The Privacy Act Statement of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use at the Area Defense Counsel's office.

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



Maj, USAF

Commander, 18th Component Maintenance Squadron

Attachments:

1. LOR, 3 Jan 02
2. ROC, 27 Mar 02
3. Article 15, 19 Jul 02
4. LOR, 31 May 02
5. LOR, 2 Oct 02
6. LOR, 2 Oct 02
7. Vacation action, 23 Oct 02
8. LOR, 23 Oct 02
9. Article 15, 8 Nov 02
10. Airman's Receipt of Notification Memorandum
11. Statement of Understanding Regarding Recoupment of Education Assistance, Special Pay, or Bonuses