

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A93.07, A92.01, A92.05	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
HEARING DATE 14 NOV 03	CASE NUMBER FD2003-00362	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

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.

REMARKS

Case heard at Andrews AFB, MD.

Advise applicant of the decision of the Board, the right to a personal appearance with or without counsel, and the right to submit an application to the AFBCMR.

INDORSEMENT	DATE: 14 NOV 03
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TO: SAF/MIBR 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, 3 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00362

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 to Honorable is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an impropriety that would justify upgrade of the discharge.

ISSUE: The Board finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the board was able to identify none. The records indicated the applicant received two Articles 15, three Letters of Reprimand, and four Records of Individual Counseling. The misconduct included driving under the influence, disobeying a lawful order, damaging government property, failure to follow orders, failure to follow established procedures, failure to clean and repair dorm room, and financial irresponsibility. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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, 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 28 Oct 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 18 Dec 80. Enlmt Age: 19 9/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-65, E-75, G-64, M-54. PAFSC: 2F031 - Fuels Apprentice. DAS: 18 May 01.

b. Prior Sv: (1) AFRes 12 Oct 00 - 31 Oct 00 (20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Nov 00 for 6 yrs. Svd: 1 Yrs 11 Mo 28 Das, all AMS.

b. Grade Status: AB - 4 Dec 01 (Article 15, 4 Dec 01)
AMN - 21 Jun 01 (Article 15, 21 Jun 01)
A1C - 15 Dec 00

c. Time Lost: None.

d. Art 15's: (1) 4 Dec 01, Misawa AB, Japan - Article 91. You, having received a lawful order from MSgt [REDACTED] a senior NCO, then known by you to be a senior NCO, to clean your dormitory room so that it would be in compliance with Air Force standards and ready for inspection, an order which it was your duty to obey, did, on or about 15 Nov 01, willfully disobey the same. Article 108. You, did, on or about 14 Nov 01, without proper authority, willfully damage a towel rack of a value of about \$25.00 and destroy a dormitory door of a value of about \$2,000.00, by throwing objects at them, military property of the United States. Reduction to AB, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 21 Jun 01, Misawa AB, Japan - Article 111. You, did, on or about 2 Jun 01, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your blood was 0.10 grams of alcohol per 100 milliliters of blood or greater as shown by chemical analysis. Reduction to Airman, 45 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 28 AUG 02 - Failure to follow orders and leaving fuel truck unattended with the engine running.
- LOR, 28 AUG 02 - Failure to follow established procedures.
- RIC, 03 APR 02 - Failure to follow proper flightline procedures.
- LOR, 19 APR 02 - Failure to clean and repair dorm room prior to moving.
- RIC, 21 DEC 01 - Improper backing procedures.
- RIC, 19 NOV 01 - Financial irresponsibility.
- RIC, 01 OCT 01 - Failure to follow proper procedures.

f. CM: None.

- g. Record of SV: 1 Nov 00 - 24 Jun 02 Misawa AB 2 (Initial)REF
(Discharged from Misawa AB)

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

- i. Stmt of Sv: TMS: (2) Yrs (0) Mos (12) Das
TAMS: (1) Yrs (11) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jul 03.
(Change Discharge to Honorable)

Issue 1: After DUI upon arriving at base, was never given a second chance.

Issue 2: Newly married life stress clouded focus.

Issue 3: Now, discharge very haunting to job application.

Issue 4: I was a great troupe (sic) that did great work.

ATCH

1. Certificate of Appreciation.
2. Certificate of Academic Achievement.
3. AF Form 910, page 2.

2SEP03/ia

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

17 SEP 2002

MEMORANDUM FOR AMN [REDACTED], 35 LRS

FROM: 35 LRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct – Minor Disciplinary Infractions, in accordance with AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. 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. On 28 Aug 02, on two occasions you failed to follow orders given to you by your supervisor, SSgt [REDACTED], to roll up your fuel truck windows during Alarm Black/Red during Exercise Beverly Sunrise. After your first failure to comply with this order, SSgt [REDACTED] explained this requirement to you. Minutes later, after your first failure to comply with this order, MSgt [REDACTED] and TSgt [REDACTED] observed you again, out of your fuel truck, in alarm black, windows down, and the engine running. MSgt [REDACTED] and TSgt [REDACTED] briefed you after your second failure to comply with the previous order. Additionally, you were briefed that you were not to leave your fuel vehicle unattended with the engine running. For this misconduct, you received a Letter of Reprimand (LOR).

b. On 28 Aug 02, you failed to follow established procedures for refueling an R-9 refueling unit, spilling approximately 50 gallons of fuel on the ground. For this misconduct, you received a LOR.

c. On 19 Apr 02, you failed to clean and repair your dormitory room prior to moving into base housing. On 11 Apr 02, it was discovered that you had moved into base housing on 28 Feb 02, but had not turned in your key to your dormitory room and had neglected to inform the dormitory manager of your intent to move out. Additionally, SSgt [REDACTED], the dormitory manager found your dormitory room in complete disarray. You were ordered to complete all cleaning and repairs for final inspection by 15 Apr 02 at 1500 hrs. You were informed to meet the First Sergeant at your dorm room at 1100 hrs on 16 Apr 02, for your final inspection. You were late for this appointment, causing the first sergeant to have to wait for you. For this misconduct, you received a LOR.

d. On 21 Dec 01, you were found backing a refueling truck toward an aircraft while trying to leave the area after a refueling operation had been complete without the chock being pre-positioned. For this misconduct, you received a Letter of Counseling (LOC).

e. On 16 Nov 01, you were delinquent in paying your Military Star Card. For this misconduct, you received an LOC.

f. On 15 Nov 01, you failed to obey a lawful order, given to you by MSgt [REDACTED] to clean your dormitory room so that it would be in compliance with Air Force Standards and ready for inspection. Additionally, on 14 Nov 01, you were found to have damaged a towel rack and a dormitory door, with a total value of about \$2,025.00. For this misconduct, you received an Article 15 (Art 15) in violation of Articles 91 and 108, UCMJ.

g. On 22 Aug 01, you failed to follow proper procedures for rotating fuel through the pantograph system before starting hot pits. For this misconduct, you received an LOC.

h. On 2 Jun 01, you were found to have been operating a passenger vehicle while under the influence of alcohol. For this misconduct, you received an Art 15, in violation of Article 111, UCMJ.

i. On 1 Apr 02, 35 OG/QA determined you had failed to properly park (parking break not engaged) the GOV you had in your possession, while on the flight line. For this misconduct, you received a Letter of Counseling (LOC).

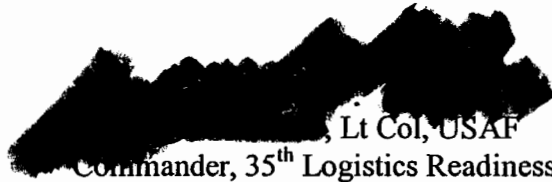
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service 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 Captain [REDACTED] the Area Defense Counsel, at Building 514, on 17 Sep, 2002, at 1330 hours. 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 within three workdays of your receipt of this Notification Memorandum, unless you request and receive an extension for good cause. I will forward them to the separation authority.

6. If you fail to consult counsel or to submit statements in your own behalf within the time allotted, your failure shall constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the 35th Medical Group, on Sep 24, 2002, at 0845 hours. If you wear glasses, you must bring your glasses to the examination. If you wear contacts, you must remove them the night before 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 at the Office of the Area Defense Counsel, Building 514, your orderly room, or the Base Publications Library.
9. Execute the attached acknowledgment and return it to me immediately.

 Lt Col, USAF
Commander, 35th Logistics Readiness Squadron

Date 17 Sep 02

Attachments:

1. Airman's Receipt of Notification Memorandum
2. LOR, dtd 28 Aug 02
3. LOR, dtd 28 Aug 02
4. LOR, dtd 19 Apr 02
5. LOC, dtd 21 Dec 01
6. LOC, dtd 19 Nov 01
7. Art 15, dtd 27 Nov 01
8. LOC, dtd 1 Oct 01
9. Art 15, dtd 8 Jun 01
10. LOC, dtd 3 Apr 01