

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>		GRADE <div style="background-color: black; width: 40px; height: 15px;"></div>	AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px;"></div>			
TYPE GEN		PERSONAL APPEARANCE	X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
<div style="background-color: black; width: 100px; height: 15px;"></div>						X
<div style="background-color: black; width: 150px; height: 15px;"></div>						X
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<div style="background-color: black; width: 200px; height: 15px;"></div>						X
<div style="background-color: black; width: 150px; height: 15px;"></div>						X
ISSUES	A94.05	INDEX NUMBER	A67.30			
		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		CASE NUMBER				
24 Nov 2003		FD-2003-00365				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
Case heard at Washington, D.C.						
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						
SIGNATURE		<div style="background-color: black; width: 150px; height: 30px;"></div>				
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INDORSEMENT		DATE: 11/25/2003				
TO:		FROM:				
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		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-2003-00365

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the 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 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 an Article 15 for disobeying a lawful order to get his uniform clean, get a haircut and to get his dormitory room clean for inspection. Additionally, he received two Letters of Reprimand and six Letters of Counseling for failing his room inspection, being late for work, failure to obey orders, failure to maintain government quarters, late for a mandatory meeting, and lack of progress on his CDCs. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 21 Mar 94 UP AFR 39-10, para 5-47a (Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 6 Jun 74. Enlmt Age: 17 1/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-77, E-62, G-44, M-36. PAFSC: 3A031 - Information Management Apprentice. DAS: 5 Nov 92.

b. Prior Sv: (1) AFRes 29 Jul 91 - 7 Jun 92 (10 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Jun 92 for 4 yrs. Svd: 1 Yrs 9 Mo 14 Das, all AMS.

b. Grade Status: A1C - 25 Nov 93
AMN - 08 Dec 92

c. Time Lost: None.

d. Art 15's: (1) 25 May 93, Hill AFB, Utah - Article 92. You, having knowledge of a lawful order issued my [REDACTED], to get your uniform clean and serviceable, get a haircut that complies with AFR 35-10 standards, and to get your dormitory room clean for inspection on 17 May 93, an order which it was your duty to obey, did, on or about 17 May 93, fail to obey the same. Suspended reduction to AB, and 30 days correctional custody. (No appeal) (No mitigation)

e. Additional: RIC, 24 JAN 94 - Lack of progress on CDCs.
LOR, 19 JAN 94 - Failure to obey a direct order.
RIC, 10 JAN 94 - Lack of progress on CDCs.
RIC, 01 OCT 93 - Late for mandatory meeting.
LOR, 25 MAR 93 - Failure to maintain government quarters
(Document missing from file)
RIC, 17 MAR 93 - Failure to obey an order.
RIC, 17 MAR 93 - Late for work.
RIC, 25 FEB 93 - Failed room inspection.

f. CM: None.

g. Record of SV: 8 Jun 92 - 7 Feb 94 Hill AFB 2 (Initial) REF

(Discharged from Hill AFB)

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

i. Stmt of Sv: TMS: (2) Yrs (7) Mos (21) Das
TAMS: (1) Yrs (9) Mos (14) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 28 Jul 03.
(Change Discharge to Honorable, and Change the RE Code.)

Issue 1: Many issues led up to my discharge from active service. All of the events that the Squadron Commander used as a basis for my discharge were punished at the time the events occurred. He said that the past incidents showed my lacking (sic) of conforming to the military lifestyle. At that time he gave me an Underhonorable (sic) Conditions Discharge, which I am requesting to have upgraded to a Honorable Discharge.

Issue 2: I attempted to enlist into the Navy and the Coast Guard after my seperation (sic) from the Air Force. I was denied enlistment because of my seperation (sic) code. Both recruiters informed me that my code would normally be give (sic) to some one (sic) who had received a Dishonorable Discharge, despite the UnderHonorable (sic) Discharge. I am wondering if that is true and if it is possible to have the seperation (sic) code changed.

ATCH

None.

3SEP03/ia

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS OGDEN AIR LOGISTICS CENTER (AFMC)
HILL AIR FORCE BASE, UTAH

28 February 1994

MEMORANDUM FOR [REDACTED]

FROM: 388 MS/CC

SUBJECT: Notification Letter
-ACTION MEMORANDUM

1. I am recommending your discharge from the United States Air Force for pattern of misconduct - discreditable involvement with military or civil authorities. The authority for this action is AFR 39-10, paragraph 5-47a. If my recommendation is approved, your service will 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 24 Jan 94, you failed to obey a direct order when you did not complete your Career Development Course (CDC) material as directed. As a result, you received a Letter of Counseling (LOC), dated 24 Jan 94. (Atch 1a)

b. On or about 18 Jan 94, you failed to obey a direct order when you did not complete your CDC material as directed. As a result, you received a Letter of Reprimand (LOR), dated 19 Jan 94. (Atch 1b)

c. On or about 10 Jan 94, you failed to obey a direct order when you did not complete your CDC material as directed. As a result, you received an LOC, dated 10 Jan 94. (Atch 1c)

d. On or about 30 Sep 93, you failed to report at the prescribed time to your appointed place of duty. As a result, you received an LOC, dated 1 Oct 93. (Atch 1d)

e. On or about 4 May 93, you completed a Command Directed Mental Evaluation. The diagnosis was that you function in the average range of intellectual ability but you are immature and impulsive which leads to poor judgement and acting out behavior in stressful situations. There was no disease or defect found as defined in AFR 160-43, which would warrant further examination. You were also enrolled into a support group to help you learn to cope with stress. (Atch 1e)

f. On or about 17 May 93, you failed to obey a direct order to get your uniform clean and serviceable, cut your hair according to AFR 35-10 standards, and clean your room and get it ready for inspection. As a result, you received Article 15, nonjudicial punishment, dated 19 May 93, comprising reduction to the grade of airman basic (AB), suspended until 24 Nov 93, and 30 days correctional custody. (Atch 1f)

g. On or about 25 Mar 93, you failed to maintain your dormitory room in accordance with military standards. As a result, you received an LOR, dated 25 Mar 93, and a Unfavorable Information File (UIF) was established. (Atch 1g)

h. On or about 12 Mar 93, you failed to obey a direct order by [REDACTED] to vacuum the office. As a result, you received an LOC, dated 17 Mar 93. (Atch 1h)

i. On or about 15 Mar 93, you failed to report at the prescribed time to your appointed place of duty. As a result, you received an LOC, dated 17 Mar 93. (Atch 1i)

j. On or about 24 Feb 93, you failed to obey a direct order by [REDACTED] and [REDACTED] to get your room in inspection order. As a result, you received an LOC, dated 25 Feb 93. (Atch 1j)

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 [REDACTED] at Bldg 1205, on 1 Mar 94 at 1000. 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 3 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. Your medical examination was completed on 17 Feb 94 at Hill AFB hospital, Physical Exams section.

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 unit orderly room.

SECRET

Attachments:

1. Supporting Documentation
 - a. LOC, 24 Jan 94
 - b. LOR, 19 Jan 94
 - c. LOC, 10 Jan 94
 - d. LOC, 1 Oct 93
 - e. Mental Health Evaluation, 27 May 93
 - f. AF Form 3070 w/atchs, 19 May 93
 - f. LOC, 19 May 93
 - g. LOR w/atch, 25 Mar 93
 - h. LOC, 17 Mar 93
 - i. LOC, 17 Mar 93
 - j. LOC, 25 Feb 93.
2. Receipt of Notification Letter