



## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2003-00370

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and 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, change of reason and authority for 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 in that he was very immature at the time of the incidents and he was going through a break up with his girlfriend and had two deaths in the family. The records indicated the applicant received two Article 15s. One for assault and the other for reckless driving and breaking restriction. Additionally, he received two Letters of Reprimand for playing his stereo excessively loud in government quarters and for failure to meet standards in government quarters. 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. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 6 Aug 01 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 20 Oct 80. Enlmt Age: 18 4/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-82, E-58, G-55, M-69. PAFSC: 2A333A - Tactical Aircraft Maintenance Apprentice. DAS: 18 May 00.

b. Prior Sv: (1) AFRes 11 Mar 99 - 31 Aug 99 (5 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Sep 99 for 6 yrs. Svd: 1 Yrs 11 Mo 6 Das, all AMS.

b. Grade Status: AB - 5 Jun 01 (Article 15, 5 Jun 01)  
A1C - 29 Oct 99

c. Time Lost: None.

d. Art 15's: (1) 5 Jun 01, Edwards AFB, CA - Article 111. You, did, on or about 1 Apr 01, on Rosamond Boulevard operate a vehicle, to wit: a passenger car, in a reckless manner, by driving at a speed in excess of 85 miles per hour in a 55 miles per hour maximum speed zone. Article 134. You, having been restricted to the limits of Edwards AFB, CA, by a person authorized to do so, did, on or about 1 Apr 01, break restriction. Reduction to AB, suspended forfeiture of \$521.00 pay per month for 2 months, 30 days restriction, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 14 May 01, Edwards AFB, CA - Article 128. You, did, on or about 17 Feb 01, unlawfully strike SrA [REDACTED] III on the face with your fist. Suspended reduction to Airman (conditioned upon completion of hospital restitution payment of \$120.00, payable to the Legal Office Claims Section), forfeiture of \$100.00 pay per month for 2 months, 30 days restriction, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 15 FEB 01 - Playing stereo excessively loud in

government quarters.

LOR, 04 JAN 01 - Failure to meet standards in government quarters.

f. CM: None.

g. Record of SV: 1 Sep 99 - 30 Apr 01 Edwards AFB 2 (Initial)REF

(Discharged from Edwards AFB)

h. Awards & Decs: AFTR, MBOB.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (27) Das  
TAMS: (1) Yrs (11) Mos (6) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Jul 03.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: Mr [REDACTED] wants to reenlist in the Air Force and needs his discharge upgraded to Honorable.

Issue 2: He was very immature at the time of incidents, reason (sic) break up with girlfriend and 2 deaths in family (Cousins).

Issue 3: He realizes he made some childish mistakes and wishes to return to military and needs his discharge upgraded. The incidents are listed playing stereo too loud, scratching tires on Post, fight with another airman, and room did not pass inspection.

**ATCH**

1. VA Counsel Notification.
2. Notification Memorandum.
3. Article 15.
4. Two Letters of Reprimand.
5. DD Form 214 (Member-1).

4SEP03/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 412<sup>TH</sup> TEST WING (AFMC)  
EDWARDS AIR FORCE BASE, CALIFORNIA

10 Jul 01

MEMORANDUM FOR AB [REDACTED] 416 FLTS

FROM: 416 FLTS/CCQ

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 this action is AFD 36-32 and AFI 36-3208, para 5.50.2. If my recommendation is approved, your discharge will be characterized as either under other than honorable conditions, under honorable conditions (general) or honorable. I am recommending an under honorable conditions (general) discharge.

2. My reasons for discharging you are:

a. On 2 Jan 01, your government quarters was identified as failing to meet minimum standards, as evidenced by a Letter of Reprimand dated 4 Jan 01. (Atch 1.1)

b. On 9 Feb 01, you were playing your stereo excessively loud after quiet hours, as evidenced by a Letter of Reprimand dated 15 Feb 01. (Atch 1.2)

c. On 17 Feb 01, you unlawfully struck [REDACTED] on the face with your fist, as evidenced by an AF Form 3070 (Article 15) dated 14 Mar 01. (Atch 1.3)

d. On 1 April 01, you operated a vehicle in a reckless manner and having been restricted to the limits of Edwards AFB, broke restriction, as evidenced by an AF Form 3070 (Article 15) dated 5 Jun 01. (Atch 1.4)

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 convening authority (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.

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 [REDACTED] at Bldg 2670 on 12 Jul 01 at 1030. 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 16 Jul 01 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 the Physical Examination Section, Flight Surgeon's Office, Bldg 3925 at 0730 on 16 Jul 01 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 Orderly Room.

  
  
Squadron Section Commander

Attachments:

1. Supporting Documentation
  - 1.1 LOR dated 4 Jan 01
  - 1.2 LOR dated 15 Feb 01
  - 1.3 AF Form 3070 (Article 15) dated 14 Mar 01
  - 1.4 AF Form 3070 (Article 15) dated 5 Jun 01
- 2 Airman's Receipt of Notification/Recoupment Memorandum
- 3 Airman's Statement