

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> [REDACTED]	<b>AFSN/SSAN</b> [REDACTED]
--	----------------------------	--------------------------------

<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>		
	<b>X</b>		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
		<b>4</b>	BRIEF OF PERSONNEL FILE	
				COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
		TAPE RECORDING OF PERSONAL APPEARANCE		

<b>HEARING DATE</b> 24 Nov 2003	<b>CASE NUMBER</b> FD-2003-00373	
------------------------------------	-------------------------------------	--

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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 OF MEMBER** [REDACTED]      [REDACTED]

<b>INDORSEMENT</b>		<b>DATE: 11/25/2003</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2003-00373**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and change their 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 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. The records indicated the applicant received an Article 15 for assaulting two military members. Additionally, he received six Letters of Reprimand for being late for duty, failure to obey a lawful order, leaving his weapon unattended, late for guard mount, and failure to disclose known details surrounding a hit and run motor vehicle accident. And, a Letter of Counseling and two Letters of Admonishment for failure to attend a scheduled financial management briefing, failure to properly report a vehicle accident and providing false testimony and for failure to complete his CDCs within the time required. 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

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 19 Apr 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 23 Jun 80. Enlmt Age: 17 3/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-56, E-35, G-46, M-48. PAFSC: 3P031 - Security Forces Apprentice. DAS: 10 Jul 98.

b. Prior Sv: (1) AFRes 29 Sep 97 - 3 Mar 98 (5 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Mar 98 for 4 yrs. Svd: 2 Yrs 1 Mo 16 Das, all AMS.

b. Grade Status: AB - 28 Mar 00 (Article 15, 27 Mar 00)  
AMN - 4 Sep 98

c. Time Lost: None.

d. Art 15's: (1) 27 Mar 00, Vandenberg AFB, CA - Article 128. You did, on or about 29 Feb 00, assault [REDACTED] by wrestling him to the ground. You did, on or about 20 Mar 00, assault [REDACTED], by punching him on the head with your fist. Reduction to AB.  
(No appeal) (No mitigation)

e. Additional: LOR, 07 DEC 99 - Failure to disclose known details surrounding a hit and run motor vehicle accident.  
LOR, 29 NOV 99 - Late for work.  
LOR, 26 SEP 99 - Late for guardmount.  
LOR, 17 SEP 99 - Leaving weapon unattended.  
LOR, 16 JUL 99 - Failure to obey a lawful order.  
LOR, 25 MAY 99 - Late for duty.  
LOC, 12 APR 99 - Failure to complete CDCs within the time required.  
LOA, 28 JAN 99 - Failure to properly report a vehicle accident and providing false testimony.  
LOA, 18 SEP 98 - Failure to attend a scheduled financial management briefing.

f. CM: None.

g. Record of SV: 4 Mar 99 - 3 Nov 99 Vandenberg AFB 2 (Initial)REF

(Discharged from Vandenberg AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (6) Mos (21) Das  
TAMS: (2) Yrs (1) Mos (16) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Jul 03

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

Issue 1: During my first enlistment I had a fight in a restricted area and a second fight within the same week with another individual and was discharged from the United States Air Force. I was given a general under honorable conditions discharge, a seperation (sic) code JKN and reentry code 2B. Since my separation on April 19, 2000 I have been employed and have started a family. I also have not been in any trouble with any law enforcement agency. Over the past few years I have matured and deeply regret my actions while enlisted in the Air Force which caused me to be separated. I understand I had to take responsibility for the consequences of my actions, however I am a more responsible adult and know my direction in life and would like another chance to serve my country in any branch of the military. Given this chance I am positive that I can make a life for myself and also my family.

**ATCH**

1. Two Character References.

4SEP03/ia



DEPARTMENT OF THE AIR FORCE  
30TH SPACE WING (AFSPC)

APR 10 2000

MEMORANDUM FOR: [REDACTED]

FROM: 30 SFS/CC

SUBJECT: Notification of Administrative Discharge Action under 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 discharge may be characterized as Honorable, or General, Under Honorable Conditions. I am recommending that your discharge be characterized as General, Under Honorable Conditions.

2. My reasons for this action are:

- a. On or about 16 Sep 98, you failed to attend a scheduled financial management briefing. As a result, you received a Letter of Admonishment (LOA), dated 18 Sep 99.
- b. On or about 11 Jan 99, you failed to properly report a vehicle accident. In addition, you falsely accused the person you relieved of damaging the vehicle you were operating. This resulted in your receipt of a LOA, dated 28 Jan 99.
- c. On 12 Apr 99, you received a Letter of Counseling (LOC) for twice failing to complete a CDC volume within the required 30 day time limit set forth by flight policy.
- d. On or about 25 May 99, you failed to report at the prescribed time for duty. As a consequence, you received a Letter of Reprimand, dated 25 May 99.
- e. On or about 20 Jun 99, you were ordered, for the second time, to schedule a CDC pretest and again failed to do so. As a result, you received a LOR, dated 16 Jul 99, that was used to establish an Unfavorable Information File (UIF).
- f. On or about 12 Aug 99, you left your weapon unattended at the Vandenberg Tracking Station. For this safety infraction you received a LOR, dated 17 Sep 99.
- g. On or about 18 Sep 99, you failed to report to guardmount at the prescribed time indicated on the duty roster. For this you received another LOR, dated 26 Sep 99, that was placed in your existing UIF.
- h. On or about 29 Nov 99, you reported late for work. This resulted in your receipt of another LOR, dated 29 Nov 99, that was added to your existing UIF.

i. On or about 12 and 13 Oct 99, your flight was advised to disclose to your supervisors any known details surrounding a hit and run motor vehicle accident. You knowingly failed to do so despite the fact that, as later discovered, you had direct knowledge of the responsible party. As a consequence, you received a LOR, dated 7 Dec 99, that was placed in your UIF.

j. On 27 Mar 00, you were presented with an Article 15 for two counts of assault on fellow airmen; wrestling one to the ground and striking another. Punishment consisted of reduction to the grade of Airman Basic.

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 discharge action is approved, how your discharge will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force. Furthermore, any special pay, bonuses, or education assistance you have received 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 [REDACTED] at the Area Defense Counsel, Building 8500, ext. 6-3627/28, at \_\_\_\_\_ hours on \_\_\_\_\_. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 13 APR 2003 (3 duty days) 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. Any personal information you furnish in rebuttal to this action 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 8500.

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

[REDACTED]

Attachments:

1. Letter of Admonishment, 18 Sep 98