

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
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 A94.05	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
		4	BRIEF OF PERSONNEL FILE	
			COUNSEL'S RELEASE TO THE BOARD	
HEARING DATE 04 Nov 2003	CASE NUMBER FD-2003-00379		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

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 OF RECORDER [REDACTED]	SIGNATURE OF BOARD MEMBER [REDACTED]
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INDORSEMENT **DATE: 11/05/2003**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2003-00379

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 are 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. Applicant admits to making a few bad choices while he was in the Air Force and also claims that he was young and irresponsible. The records indicated the applicant received an Article 15 for being in an unauthorized female dorm room, breaking curfew, and leaving the confines of Hurlburt Field. He also received a Vacation action under the UCMJ for leaving the limits of Hurlburt Field for the second time. In addition, he received three Letters of Counseling and two AETC Forms 341 for missing formation, failing his room inspection, receiving a speeding ticket, failure to present three AETC Forms 341, and for failing his room inspection for the third time. 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 19 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 12 Oct 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 4 Dec 81. Enlmt Age: 19 2/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-50, E-64, G-48, M-47. PAFSC: 1C411 - Tactical Air Command and Control Helper. DAS: 30 Apr 01.

b. Prior Sv: (1) AFRes 27 Feb 01 - 12 Mar 01 (14 Days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 13 Mar 01 for 6 yrs. Svd: 0 Yrs 7 Mos 0 Das, all AMS.

b. Grade Status: A1C - 27 Apr 01

c. Time Lost: None.

d. Art 15's: (1) 10 Sep 01, Vacation, Hurlburt Field, FL - Article 134. You having been restricted to the limits of Hurlburt Field, FL, by a person authorized to do so, did between on or about 31 Aug 01 and on or about 3 Sep 01, break said restriction. Forfeiture of \$521.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 22 Aug 01, Hurlburt Field, FL - Article 92. You, who knew of your duties, on or about 3 Aug 01, were derelict in the performance of those duties in that you willfully failed to follow your phase 1 orders, by being in an unauthorized female dorm room as it was your duty to do. You, who knew of your duties, on or about 4 Aug 01, were derelict in the performance of those duties in that you willfully failed to follow your phase 1 orders, by breaking curfew, as it was your duty to do. You, who knew of your duties, between on or about 4 Aug 01 and on or about 5 Aug 01, were derelict in the performance of those duties in that you willfully failed to follow your phase 1 orders, by leaving the confines of Hurlburt Field, FL, as it was your duty to do. Suspended forfeiture of \$521.00 pay per month for 2 months, 45 days restriction, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOC, 15 AUG 01 - Failed third room inspection.
LOC, 20 JUN 01 - Failure to present three AETC Forms 341.
LOC, 13 JUN 01 - Speeding Ticket.
AETC FORM 341, 11 JUN 01 - Failed room inspection.
AETC FORM 341, 5 JUN 01 - Missed formation.

f. CM: None.

g. Record of SV: None.

(Discharged from Hurlburt Field)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (0) Yrs (7) Mos (14) Das
TAMS: (0) Yrs (7) Mos (0) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 4 Aug 03.
(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

Issue 1: I would like to make a request to upgrade my discharge from "general" to an Honorable Discharge. I'm requesting this upgrade based upon the fact that I strongly desire to be a member of the US Air Force again. During my initial enlistment, I made a few bad choices. I was young and irresponsible and did not realize the opportunities that the Air Force offered. Over the past two years, I have matured a great deal. I am married and now have a son. I believe enlistment in the Air Force would give me the opportunity to better provide for them.

Issue 2: I apologize to the US Air Force for my actions during my original enlistment, and I can assure you it will never happen again. I would appreciate the opportunity to serve in the US Air Force again, and sincerely pray that an Honorable Discharge be granted. On behalf of my wife and my son, I thank the Board for their time and consideration and look forward to a positive resolution.

ATCH

1. Character References (4)

5 Sep 03/cr



DEPARTMENT OF THE AIR FORCE
DETACHMENT 1, 334TH TRAINING SQUADRON (AETC)

28 Sep 01

MEMORANDUM FOR AB [REDACTED] DET 1, 334 TRS

FROM: DET 1, 334 TRS/CC

SUBJECT: Notification Letter – Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, more specifically, for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, section H, paragraph 5.49. If my recommendation for discharge is approved, your service will be characterized as Honorable or General. I am recommending your service be characterized as General.

2. My reasons for this action are based on the following:

a. Between on or about 31 Aug 01 and on or about 3 Sep 01, you broke restriction, for which you received a Vacation of Suspended Nonjudicial Punishment, dated 10 Sep 01, which was filed in your Unfavorable Information File (UIF).

b. You received punishment under Article 15, UCMJ, dated 22 Aug 01, and the establishment of a UIF, for the following offenses:

1. On or about 3 Aug 01, you were derelict in the performance of your duties in that you willfully failed to follow your phase I orders, by being in an unauthorized female dorm room, as it was your duty to do;

2. On or about 4 Aug 01, you were derelict in the performance of your duties in that you willfully failed to follow your phase I orders, by breaking curfew, as it was your duty to do; and

3. Between on or about 4 Aug 01 and on or about 5 Aug 01, you were derelict in the performance of your duties in that you willfully failed to follow your phase I orders, by leaving the confines of Hurlburt Field, FL, as it was your duty to do.

c. On or about 15 Aug 01, you were derelict in the performance of your duties in that you failed your dormitory room inspection, for which you received a Letter of Counseling (LOC), dated 15 Aug 01 and an AETC Form 341, dated 15 Aug 01.

d. On or about 7 Aug 01, you were derelict in the performance of your duties in that you failed to make your bed and turn the bedding in to linen exchange, for which you received an AETC Form 341, dated 7 Aug 01.

e. On or about 20 Jun 01, you were derelict in the performance of your duties in that you willfully failed to follow your phase II orders, by not maintaining on your person 3 AETC Form 341s, as it was your duty to do, for which you received a LOC, dated 20 Jun 01 and an AETC Form 341, dated 20 Jun 01.

f. On or about 13 Jun 01, you failed to obey a lawful regulation, to wit: you received a DD Form 1408 for excessive speed in your vehicle on Eglin AFB, for which you received a LOC, dated 13 Jun 01.

g. On or about 11 Jun 01, you were derelict in the performance of your duties in that you failed your dormitory room inspection, for which you received an AETC Form 341, dated 11 Jun 01.

h. On or about 5 Jun 01, you failed to go to your prescribed place of duty at the designated time, for which you received an AETC Form 341, dated 5 Jun 01.

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. 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 the Area Defense Counsel, Hurlburt Field, FL, Bldg 90042, 4-5216/5217, on _____ at _____ 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 3 workdays 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 are scheduled for a medical examination and you should report to the Hurlburt Clinic at _____ hrs on _____ 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 will be provided upon your request.

Maj, USAF
Commander

Attachments:

Documents supporting basis for discharge

1. AF Form 1137, undated (1p.)
2. AF Form 366, dtd 10 Sep 01 (1p.)
3. AF Form 3070, dtd 22 Aug 01 (3p.)
4. LOC, dtd 15 Aug 01 (2p.)
5. AETC Form 341, dtd 15 Aug 01 (1p.)
6. AETC Form 341, dtd 7 Aug 01 (1p.)
7. LOC, dtd 20 Jun 01 (2p.)
8. AETC Form 341, dtd 20 Jun 01 (1p.)
9. LOC, dtd 13 Jun 01 (2p.)
10. DD Form 1408, dtd 10 Jun 01 (1p.)
11. AETC Form 341, dtd 11 Jun 01 (1p.)
12. AETC Form 341, dtd 5 Jun 01 (1p.)
13. Airman's receipt of notification memorandum