

**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</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>					
<b>MEMBER SITTING</b>		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
<b>ISSUES</b> <b>A93.01</b>	<b>INDEX NUMBER</b> <b>A67.90</b>	<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				
<b>HEARING DATE</b> <b>21 Nov 2003</b>	<b>CASE NUMBER</b> <b>FD-2003-00384</b>	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						
<b>SIGNATURE OF RECORDER</b> [REDACTED]						
<b>INDORSEMENT</b>				<b>DATE: 11/21/2003</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-2003-00384**

**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 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 does not contest his discharge. He states that he was young and immature at the time of his actions. The records indicated the applicant received an Article 15 for assaulting another airman. Additionally, he received a Letter of Reprimand for a civil arrest for assault. The Board concluded the misconduct was a significant departure from conduct expected of all military members. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 Jan 98 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Sep 77. Enlmt Age: 18 4/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-46, E-59, G-57, M-38. PAFSC: 3E131 - Heating, Ventilation, Air Conditioning and Refrigeration Apprentice. DAS: 4 Oct 96.

b. Prior Sv: (1) AFRes 18 Jan 96 - 5 Mar 96 (1 month 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Mar 96 for 4 yrs. Extended 1 Jul 97 for 23 months. Svd: 1 Yrs 10 Mo 18 Das, all AMS.

b. Grade Status: A1C - 6 Jul 97  
Amn - 6 Sep 96

c. Time Lost: None.

d. Art 15's: (1) 29 Dec 97, Minot AFB, ND - Article 128. You, did, on or about 27 Nov 97, unlawfully kick [REDACTED] on the chest with your feet. Suspended reduction to Airman, suspended forfeiture of \$250.00 pay per month for 2 months, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 24 DEC 97 - Civil arrest for assault.

f. CM: None.

g. Record of SV: None.

(Discharged from Minot AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (0) Mos (6) Das  
TAMS: (1) Yrs (10) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Aug 03.  
(Change Discharge to Honorable)

Issue 1: To Whom It May Concern, I entered the USAF in March of 1996, and was discharged in Jan. 1998 because of misconduct, I have no excuse for. The only thing I can say, is that I was immature, and now have developed into a man that needs some concern, so I can move on in life. I would greatly appreciate an Honorable discharge so I can have some proof I completed some things for my country with honor.

**ATCH**

None.

9SEP03/ia

PD 2003-00384



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 5TH BOMB WING (ACC)  
MINOT AIR FORCE BASE, NORTH DAKOTA

14 JAN 1998

MEMORANDUM FOR [REDACTED]

FROM: 5 CES/CC

SUBJECT: Letter of Notification - AFI 36-3208, Paragraph 5.50.2.

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct; specifically, conduct prejudicial to good order and discipline. The authority for this action is AFI 36-3208, Section H, paragraph 5.50.2. If my recommendation is approved, your discharge will be characterized as general or honorable. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 27 Nov 97, you unlawfully kicked a fellow military member on the chest with your feet. You were punished under Article 15 of the UCMJ on 29 Dec 97 and an Unfavorable Information File was established. (Atch 1-a)

b. On or about 9 Dec 97, you were arrested by civilian authorities for assault on a fellow military member at a downtown establishment. On or about 10 Dec 97, after a guilty plea, you were convicted by Ward County Municipal Court for simple assault and fined \$150.00. You were given a Letter of Reprimand on 24 Dec 97 for the arrest by civilian authorities. (Atch 1-b)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction (5 BW/CC) 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] Area Defense Counsel, at her office, 300 Summit Drive, Room 306A, at 1030 hours, on 14 JAN 98. 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 0900 hours, on 20 JANUARY 1998, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

*Global Power for America*

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 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND at 0800 hours, on 15 Jan 78, for the examination. You must not drink alcoholic beverages 72 hours prior to the exam; you must not consume fatty foods (dairy products, fried food, eggs, red meats, and sea food) 24 hours prior to the exam; you must not eat, drink, smoke, or chew tobacco 14 hours prior to the exam (you should drink 4-6 glasses of water in the 14 hour period).
8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use in the Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.



Attachments:

1. Receipt of Letter of Notification
2. Statement of Understanding