

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE AMN	AFSN/SSAN ██████████
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TYPE GEN	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	VOICES OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES	A94.53	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
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE

HEARING DATE	06 Jan 2004	CASE NUMBER	FD-2003-00389
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APPLICANT'S REVIEW OF THE BOARD'S DECISIONAL RATIONALE AND THE 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

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

CASE NUMBER

FD-2003-00389

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUES: Applicant was discharged for minor disciplinary infractions; he had received two Articles 15, a vacation of suspended punishment, a Letter of Reprimand, a Record of Individual Counseling and three traffic tickets. His misconduct included failure to go on three occasions, and failing to refrain from encouraging the inappropriate handling of a firearm. His traffic violations included twice parking in a fire lane, parking in a no parking zone, and failing to stop at a stop sign, these being in total disregard for the safety of others and resulting in his revocation of base driving privileges. 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 departure from conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. 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]

(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 11 Apr 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 25 Oct 80. Enlmt Age: 19 0/12. Disch Age: 22 5/12. Educ:HS DIPL. AFQT: N/A. A-71, E-40, G-34, M-26. PAFSC: 3E051 - Electrical Systems Journeyman. DAS: 6 Dec 00.

b. Prior Sv: (1) AFRes 5 Nov 99 - 22 Feb 00 (3 Months 18 Days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 23 Feb 00 for 6 yrs. Svd: 3 Yrs 1 Mo 20 Das, all AMS.

b. Grade Status: AMN - 10 Feb 03 (Vacation of Article 15, 10 Feb 03)
A1C - 9 Dec 02 (Article 15, 10 Feb 03)
SRA - 7 Aug 02
A1C - 7 Apr 00

c. Time Lost: None.

d. Art 15's: (1) 10 Feb 03, Eielson AFB, Alaska - Article 92. You, who knew of should have known of your duties, on or about 1 Feb 03, were derelict in the performance of those duties in that you willfully failed to refrain from encouraging the inappropriate handling of a firearm when the actions amplified a clear and present danger, as it was your duty to do. Reduction to AMN, and 45 days extra duty. (No appeal) (No mitigation)

(2) 10 Feb 03, Vacation, Eielson AFB, Alaska - Article 92. You, who knew of should have known of your duties, on or about 1 Feb 03, were derelict in the performance of those duties in that you willfully failed to refrain from encouraging the inappropriate handling of a firearm when the actions amplified a clear and present danger, as it was your duty to do. Reduction to A1C, and forfeiture of \$300.00 pay. (No appeal) (No mitigation)

(3) 9 Dec 02, Eielson AFB, Alaska - Article 86. You did, without authority, absent yourself from your place of duty at which you were required to be, to wit: Prime Beef Pallet Build Up Class, located at Prime Beef

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES



MAR 12 2003

MEMORANDUM FOR AMN [REDACTED] 354 CES, PACAF

FROM: 354 CES/CC

SUBJECT: Notification Memorandum

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 service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for these actions are as follows:

a. On or about 29 May 01, you failed to stop for a posted stop sign. For this infraction, you received a DD Form 1408, dated 29 May 01 (Atch 1) and a verbal counseling.

b. On or about 6 Dec 01, you were parked in a no parking zone. For this infraction, you received a DD Form 1408, dated 6 Dec 01 (Atch 2).

c. On or about 28 Dec 01, you were parked in a fire lane. For this infraction, you received a DD Form 1408, dated 28 Dec 01 (Atch 3).

d. On or about 3 Mar 02, you were parked in a fire lane. For this infraction, you received a DD Form 1408, dated 3 Mar 02, a Record of Individual Counseling, dated 18 Mar 02, and a one month driving suspension (Atch 4).

e. On or about 17 May 02, you failed to report to your designated duty location at the prescribed time. For this infraction, you received a Letter of Counseling, dated 21 May 02 (Atch 5).

f. Between on or about 26 Nov and 27 Nov 02, you were absent without authority from your designated duty location. For this infraction, you received nonjudicial punishment, dated 9 Dec 02 (Atch 6) and an Unfavorable Information File was established (Atch 7).

g. On or about 1 Feb 03, you were derelict in the performance of your duties in that you willfully failed to refrain from encouraging the inappropriate handling of a firearm. For this infraction, your previously suspended punishment was vacated, dated 10 Feb 03 (Atch 8), in addition to receiving nonjudicial punishment, dated 10 Feb 03 (Atch 9) and this discharge action was initiated.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 and any special pay, bonus, or education assistance funds 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 the Area Defense Counsel's Office, Building 3112, Room 143, Eielson AFB, Alaska, on 12 Mar 03 at 1430. 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 (3 duty days) 17 Mar 03, 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, 354th Medical Group, Building 3349, ^{on} 12 Mar 03 ^{at} 1345 _{room} 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 your orderly room.


 Lt Col, USAF
 Commander, 

Attachments:

1. DD Form 1408, dtd 29 May 01 and 8 Jun 01
2. DD Form 1408, dtd 6 Dec 01 and 27 Dec 01
3. DD Form 1408, dtd 28 Dec 01 and 4 Jan 02
4. DD Form 1408, dtd 3 Mar 02, and AF Form 174, dtd 18 Mar 02
5. Ltr of Counseling, dtd 21 May 02
6. AF Form 3070, dtd 9 Dec 02 (3 pgs)
7. Af Form 1137
8. AF Form 366, dtd 10 Feb 03 (2 pgs)
9. AF Form 3070, dtd 10 Feb 03 (3 pgs)