



**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00396

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board 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.

Issues. Applicant was discharged for minor disciplinary infractions. He had two Letters of Counseling, two Letters of Reprimand, and an Article 15. His misconduct included multiple instances of failure to go, a dress and appearance violation, and failure to obey an order, all within a 6-month period. Additionally, member failed his Career Development End of Course exam and told his training section he would intentionally fail it a second time so he could receive an honorable discharge in order to go to work for the Michigan State Police. Rather than failing the test a second time, he simply did not go to the test, thus receiving his Article 15 for failure to go. At the time of the discharge, applicant consulted counsel and submitted a statement in his own behalf stating he accepted the discharge but requested his service be characterized as honorable in view of his having participated in four temporary duty deployments, including two to Saudi Arabia, within 3 years. Applicant now states his failures to go were related to his daughter being in a neo-natal intensive care unit in a civilian hospital. The records disclosed applicant's daughter was born February 9, 2001; all but his final incident of misconduct occurred before her birth. The final incident was that referenced above wherein he failed to go to his test. Thus the Board found this issue without merit. The record clearly documents a pattern of recurring misconduct. The Discharge Review Board concluded member was responsible for those actions and was properly held accountable for them. He was age 21 at the time, essentially the same age as other first term airmen who adhere to the expected standards of conduct. There was no evidence he was immature or did not know right from wrong. He was counseled and given several opportunities to conform his behavior but failed to respond to those rehabilitative efforts. No inequity or impropriety was found in this discharge in the course of the records review.

If he can provide additional documented information to substantiate his issues, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

**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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 5 APR 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 5 Sep 79. Enlmt Age: 18 1/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-30, E-42, G-42, M-48. PAFSC: 3P031 - Security Forces Apprentice. DAS: 24 Jul 98.

b. Prior Sv: (1) AFRes 17 Oct 97 - 10 Mar 98 (4 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Mar 98 for 4 yrs. Svd: 3 Yrs 0 Mo 26 Das, all AMS.

b. Grade Status: AMN - 15 Mar 01 (Article 15, 15 Mar 01)  
A1C - 11 Jul 99  
AMN - 11 Sep 98

c. Time Lost: None.

d. Art 15's: (1) 15 Mar 01, Mountain Home AFB, ID - Article 86. You, did, on or about 20 Feb 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman, forfeiture of \$100.00 pay per month for 2 months, and 30 days extra duty.  
(No appeal) (No mitigation)

e. Additional: LOC, 14 JAN 01 - Failure to get a haircut as directed.  
LOR, 07 DEC 00 - Failure to obey a lawful order.  
LOR, 24 OCT 00 - Failure to attend a mandatory formation.  
LOC, 21 OCT 00 - Failure to go.

f. CM: None.

g. Record of SV: 11 Mar 98 - 10 Nov 99 Mountain Home AFB 4 (Annual)  
11 Nov 99 - 10 Nov 00 Mountain Home AFB 5 (Initial)

(Discharged from Mountain Home AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (5) Mos (20) Das  
TAMS: (3) Yrs (0) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Aug 03.  
(Change Discharge to Honorable)

Issue 1: My discharge was based on missed appointments when my daughter was in the Hospital in NICU. I do not know anyone who would not be with their child in the same situation. Before this incident I served 34 months with no action ever taken. I also served 2 TDY's (sic) to Eskan Village, Kingdom of Saudi Arabia with a total of 221 days in 1999. I was certified in Tactical Automated Security System's (sic) and need over sea's (sic).

**ATCH**

1. Six Letters of Appreciation.
2. Armed Forces Expeditionary Medal.
3. Training Certificate.

15SEP03/ia



## DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 366TH WING (ACC)  
366 GUNFIGHTER AVE, STE 432  
MOUNTAIN HOME AFB, IDAHO 83648-5299

23 MAR 01

MEMORANDUM FOR AMN: [REDACTED] 366 SFS

FROM: 366 SFS/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, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. If my recommendation is approved, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 20 Feb 01, you failed to go to your appointed place of duty at the time prescribed. As a result, you received an Article 15, UCMJ on 9 Mar 01. (Tab 1, Atch 1).

b. On or about 11 Jan 01, you failed to get a haircut directed by TSgt Jentzen. As a result, you received a Letter of Counseling (LOC) on 14 Jan 01. (Tab 1, Atch 2).

c. On or about 7 Dec 00, you failed to obey a lawful order and attend a mandatory Critical Stress Incident Management training. As a result, you received a Letter of Reprimand (LOR) on 7 Dec 00. (Tab 1, Atch 3).

d. On or about 21 Oct, you failed to go to your appointed place of duty at the time prescribed. As a result, you received a LOR on 24 Oct 00. (Tab 1, Atch 4).


e. On or about 18 Oct 00, you failed to go to your appointed place of duty at the time prescribed. As a result, you received a LOC on 21 Oct 00. (Tab 1, Atch 5).

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 higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, he will also determine how your service will be characterized. If 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 made an appointment for you to consult with the Area Defense Counsel on 26 Mar 01 at 1600 hours in building 512. The number is 828-2675. 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 three workdays of the date of this memorandum unless you request and receive an extension for good cause shown. I will forward 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 at the hospital on Mountain Home AFB. Your scheduled medical examination was on 26 Mar 01 at 1300 hours. The number is 828-7432. You must be in uniform. If you wear glasses, wear them to the scheduled examination. *Go to Preventive Medicine at 1230*
8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available at the Area Defense Counsel's office or your squadron orderly room.
9. You will surrender your ID card, smart card, and Nations Bank card to me immediately. Proceed with a copy this letter to the Military Personnel Flight, Customer Service, Building 512, Mountain Home AFB no later than 23 Mar 01 where you will be issued a temporary ID card valid for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.
10. A copy of this letter also authorizes you to proceed to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than 23 Mar 01 where you will turn in your Mountain Home AFB vehicle sticker and your USAF vehicle decal. They will issue a temporary permit good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle decal will be issued to you until the case is finalized.
11. Finally, proceed with a copy of this letter to the Traffic Management Office (TMO), in Building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.

  
Commander, 366th Security Forces Squadron

5 Attachments:

1. Article 15, 9 Mar 01
2. LOC, 14 Jan 01
3. LOR, 7 Dec 00
4. LOR, 24 Oct 00
5. LOC, 21 Oct 00