

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> ██████████	<b>AFSN/SSAN</b> ██████████
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<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>	
NAME OF COUNSEL AND OR ORGANIZATION			
YES	No		
	<b>X</b>		

<b>MEMBER SITTING</b>	<b>VOICE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A94.53 A92.21	<b>INDEX NUMBER</b> A67.90	<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> 20 Nov 2003	<b>CASE NUMBER</b> FD-2003-00407		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

**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

<b>INDORSEMENT</b>		<b>DATE</b> 11/20/2003
<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

FD2003-00407

**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 applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for misconduct, conduct prejudicial to good order and discipline. He had two Letters of Reprimand (LOR), two Records of Individual Counseling, an Article 15, and a vacation of suspended punishment. His misconduct included two instances of failure to obey a lawful order, lying, a failed dormitory room inspection, damaging a government vehicle and leaving the scene of the accident, and sleeping on duty. These occurred over a 17-month period of time. At the time of the discharge, applicant submitted a statement on his own behalf admitting his wrongdoing and noting he didn't use common sense. He further noted his positive contributions to the Air Force and requested probation and rehabilitation, which was denied. Applicant says he now gladly accepts the punishment he received, but would like a second chance with his life. The Board noted that when his misconduct occurred, member was the same age as other airmen who had adhered to the standards, and in spite of the unit's efforts to help member correct his deficiencies, he was unable to conform to standards and his misconduct continued. The Board noted he was counseled by his unit several times and had many opportunities to improve his behavior. He failed to respond to those rehabilitative efforts, so he was held accountable for his actions. No inequity or impropriety was found in this discharge in the course of the records review.

Applicant cited his desire to receive his G.I. Bill education benefits as justification for an upgrade. While the Board was sympathetic to the impact of the loss of these benefits on applicant, this is not a matter of equity or propriety that warrants an upgrade.

**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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 7 Nov 02 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.
2. **BACKGROUND:**
  - a. DOB: 3 Jul 81. Enlmt Age: 17 7/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-51, E-53, G-29, M-23. PAFSC: 2S031 - Supply Management Apprentice. DAS: 5 Mar 00.
  - b. Prior Sv: (1) AFRes 12 Feb 99 - 20 Oct 99 (8 months 9 days) (Inactive).
3. **SERVICE UNDER REVIEW:**
  - a. Enlisted as A1C 21 Oct 99 for 4 yrs. Svd: 3 Yrs 0 Mo 18 Das, all AMS.
  - b. Grade Status: A1C - 05 Aug 02 (Vacation of Article 15, 17 Oct 02)  
SrA - 21 Feb 02
  - c. Time Lost: None.
  - d. Art 15's: (1) 17 Oct 02, Vacation, Cannon AFB, NM - Article 92. You, who knew of your duties, on or about 8 Oct 02, were derelict in the performance of those duties in that you willfully failed to refrain from sleeping while on duty, as it was your duty to do. Reduction to A1C. (No appeal) (No mitigation)
  - (2) 5 Aug 02, Cannon AFB, NM - Article 108. You, did, without proper authority, through neglect damage a government vehicle by striking a post at the base fuel pumps, military property of the United States, the amount of said damage to the government vehicle being in the sum of about \$152.19. Article 134. You, the driver of a vehicle at the time of an accident in which said vehicle was involved, and having knowledge of said accident, did, on or about 30 May 02, wrongfully leave the scene of the accident without making your identity known. Suspended reduction to A1C, and forfeiture of \$150.00 pay per month for 2 months. (No appeal) (No mitigation)
  - e. Additional: LOR, 17 SEP 02 - Failure to obey a lawful order.  
LOR, 14 FEB 02 - Failed dormitory room inspection.  
RIC, 07 MAY 01 - Failure to follow orders and lying.

RIC, 07 MAY 01 - Dereliction of duty.

f. CM: None.

g. Record of SV: 21 Oct 99 - 15 Apr 01 Cannon AFB 4 (HAF Dir)  
16 Apr 01 - 15 Apr 02 Cannon AFB 4 (Annual)

(Discharged from Cannon AFB)

h. Awards & Decs: AFTR, NDSM, BSFOB.

i. Stmt of Sv: TMS: (3) Yrs (8) Mos (27) Das  
TAMS: (3) Yrs (0) Mos (18) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Aug 03.  
(Change Discharge to Honorable)

Issue 1: This statement is in regards to the Honorable Discharge that I am requesting. I am looking for a chance to restart my life. My plan towards the future is attending school in the fall season. Being able to use my MGI Bill to pay for college would be an enormous help. Currently I have a General Discharge that I'm trying to get changed. I gladly accept the punishment, (sic) I got for the stupid mistakes that I made while I was active duty. I hope you look over the things; (sic) I did and consider upgrading my discharge.

**ATCH**  
None.

17SEP03/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 27th FIGHTER WING (ACC)  
CANNON AIR FORCE BASE NEW MEXICO

OCT 28 2002

MEMORANDUM FOR [REDACTED]

FROM: 27 LRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 this action are:

a. On or about 8 Oct 02, you were derelict in the performance of your duties in that you willfully failed to refrain from sleeping while on duty, as evidenced by an Article 15 Vacation action, dated 17 Oct 02. (Atch a)

b. Between on or about 4 Mar 02 and 16 Jul 02, you failed to obey a lawful order. During a search for unauthorized computer files, it was discovered that you had downloaded 119 sexually explicit files to your computer, as evidenced by a Letter of Reprimand, dated 17 Sep 02. (Atch b)


c. On or about 30 May 02, you, through neglect, damaged a government vehicle by striking a post at the base fuel pumps, causing damage in the amount of \$152.19. Additionally, you left the scene of the accident without making your identity known, as evidenced by an Article 15 action, dated 5 Aug 02. (Atch c)

d. On or about 4 Feb 02, you failed your dormitory room inspection. You were told at that time to have your room ready for re-inspection. During the re-inspection, your room failed to comply once again, as evidenced by a Letter of Reprimand, dated 14 Feb 02. (Atch d)

e. On or about 27 Apr 01, you were reminded to complete all tasks assigned to you before going to your Honor Guard Call. Instead, you went to the Honor Guard Call without completing the majority of your tasks, as evidenced by an AF Form 174, Record of Individual Counseling, dated 7 May 01. (Atch e)

f. On or about 30 Apr 01, you failed to sign off on all security measures in the Mobility Element. Additionally, on or about 3 May 01, while you were on beeper call, you left the beeper on the Mobility Element NCO's desk after hours, causing the work center to be uncovered during after duty hours, as evidenced by an AF Form 174, Record of Individual Counseling, dated 7 May 01. (Atch f)

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 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, and any special pay, bonuses, 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. An appointment will be made for you to consult with a military legal counsel from the Cannon AFB Area Defense Counsel's Office at building 600, ext. 2915. 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 within **3 duty days** from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.
7. You will complete a medical examination at the 27th Medical Group on \_\_\_\_\_ at \_\_\_\_\_ hours.
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 unit orderly room, or you may download a copy from <http://afpubs.hq.af.mil/>.



Commander, 27 LRS

Attachments:

- a. Article 15 vacation action, dated 17 Oct 02
- b. Letter of Reprimand, dated 17 Sep 02.
- c. Article 15 action, dated 5 Aug 02.
- d. Letter of Reprimand, dated 14 Feb 02.
- e. AF Form 174, Record of Individual Counseling, dated 7 May 01.
- f. AF Form 174, Record of Individual Counseling, dated 7 May 01.