

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>				GRADE <div style="background-color: black; width: 100%; height: 1.2em;"></div>		AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>		
TYPE		PERSONAL APPEARANCE		X RECORD REVIEW				
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
<div style="background-color: black; width: 100%; height: 1.2em;"></div>								X
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ISSUES A95.00		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 21 Nov 2003		CASE NUMBER FD-2003-00427		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								
<p>Case heard at Washington, D.C.</p> <p>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</p>								
SIGNATURE OF RECORDER <div style="background-color: black; width: 100%; height: 1.2em;"></div>								
SIGNATURE OF BOARD MEMBER <div style="background-color: black; width: 100%; height: 1.2em;"></div>								
INDORSEMENT				DATE: 11/21/2003				
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				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2003-00427

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.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15 for drinking alcoholic beverages while under the age of 21. He also received a Vacation action under the UCMJ for providing alcohol to a minor. Additionally, he received five Letters of Reprimand and four Records of Individual Counseling for receiving a parking ticket, a traffic ticket, financial irresponsibility, being late for work repeatedly, making a false official statement, failure to go and failure to attend a mandatory appointment. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his/her negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the 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.

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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 27 Mar 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 30 Oct 79. Enlmt Age: 17 10/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-23, E-58, G-48, M-50. PAFSC: 2A651A - Aerospace Propulsion Jet Engines Journeyman. DAS: 5 Nov 98.

b. Prior Sv: (1) AFRes 16 Sep 97 - 26 May 98 (8 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 May 98 for 4 yrs. Svd: 2 Yrs 10 Mo 1 Das, all AMS.

b. Grade Status: AMN - 14 Nov 00 (Vacation of Article 15, 2 Mar 01)
A1C - 27 Sep 99
AMN - 27 Nov 98

c. Time Lost: None.

d. Art 15's: (1) 2 Mar 01, Vacation, Eglin AFB, FL - Article 92. You, who knew of your duties, on or about 29 Jan 01, were derelict in the performance of those duties in that you willfully failed to refrain from providing alcohol to a person under the age of twenty-one, as it was your duty to do. Reduction to Airman. (No appeal) (No mitigation)

(2) 14 Nov 00, Eglin AFB, FL - Article 92. You, who knew of your duties, on or about 22 Oct 00, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the age of twenty-one, as it was your duty to do. Suspended reduction to Airman, and 30 days correctional custody. (No appeal) (No mitigation)

e. Additional: LOR, 13 FEB 01 - Failure to attend a mandatory appointment.
LOR, 10 AUG 00 - Failure to go.
LOR, 07 MAR 00 - Making a false official statement.
LOR, 29 FEB 00 - Late for work.
RIC, 26 JAN 00 - Late for work.
RIC, 14 DEC 99 - Late for work.
LOR, 01 DEC 99 - Armed Forces Traffic Ticket for expired registration.

RIC, 09 NOV 99 - Financial irresponsibility.
RIC, 15 SEP 99 - Parking ticket.

f. CM: None.

g. Record of SV: 27 May 98 - 26 Jan 00 Eglin AFB 3 (Initial)
(Discharged from Eglin AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (12) Das
TAMS: (2) Yrs (10) Mos (1) Das

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

NO ISSUES SUBMITTED.

ATCH
None.

6OCT03/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 33D FIGHTER WING (ACC)
EGLIN AIR FORCE BASE, FLORIDA

13 MAR 01

MEMORANDUM FOR [REDACTED], 33 MXS (ACC)

FROM: 33 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 29 Jan 01, you were derelict in the performance of your duties when you willfully failed to refrain from providing alcoholic beverages to a person under the age of twenty-one, as it was your duty to do. For this incident, the suspended reduction to the grade of Airman was vacated, on 2 Mar 01.

b. On or about 13 Feb 01, you failed to go at the time prescribed to your appointed place of duty. For this incident you received a letter of reprimand, dated 13 Feb 01.

c. On or about 22 Oct 00, you were derelict in the performance of your duties when you willfully failed to refrain from drinking alcoholic beverages while under the age of twenty-one, as it was your duty to do. For this incident, you received an Article 15, dated 14 Nov 00.

d. On or about 7 Aug 00, you failed to go at the time prescribed to your appointed place of duty. For this incident you received a letter of reprimand, dated 10 Aug 00.

e. On or about 10 Jan 00, you made a false official statement, to wit: you stated that while you were on leave you smoked an illegal substance, namely marijuana. For this incident, you received a letter of reprimand, dated 7 Mar 00.

f. On or about 24 Feb 00 and on or about 25 Feb 00, you failed to go at the time prescribed to your appointed place of duty. For this incident you received a letter of reprimand, dated 29 Feb 00.

g. On or about 24 Jan 00, you failed to go at the time prescribed to your appointed place of duty. For this incident you received a record of individual counseling, dated 26 Jan 00.

h. On or about 14 Dec 99, you failed to go at the time prescribed to your appointed place of duty. For this incident you received a record of individual counseling, dated 14 Dec 99.

i. On or about 14 Nov 99, you were cited by Eglin Air Force Base Security Forces for expired registration. This was your fourth Armed Forces Traffic Ticket. For this incident, you received a letter of reprimand, dated 1 Dec 99.

j. On or about 5 Nov 99, you wrote a check to Network Video without sufficient funds in your account. For this incident, you received a record of individual counseling, dated 9 Nov 99.

k. On or about 14 Sep 99, you were cited by the Eglin Air Force Base Security Forces for parking in a prohibited area at the Eglin Federal Credit Union. For this incident, you received a record of individual counseling, dated 15 Sep 99.

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. 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. I have made an appointment for you to consult [REDACTED] at building 451, ext. 882-4185, on **13 Mar 01** at **1500** 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** 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 with the 96th Medical Group on **21 Mar 01** at **0715** hours.

8. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on **14 Mar 01** at **1330** hours.

9. **Immediately after** completion of your 96th Mission Support Squadron separations section briefing report to the 96th Traffic Management Office with your completed AFDTC Form 4134 or LGTT Office Form B133.

10. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on **20 Mar 01** at **0800** hours.

11. 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.


Major, USAF
Commander, 33 MXS

Attachments:

Supporting Documents

- 1a. Vacation Action, dated 2 Mar 01
- 1b. LOR, dated 13 Feb 01
- 1c. Art 15, dated 14 Nov 00
- 1d. LOR, dated 10 Aug 00
- 1e. LOR, dated 7 Mar 00
- 1f. LOR, dated 29 Feb 00
- 1g. ROIC, dated 26 Jan 00
- 1h. ROIC, dated 14 Dec 99
- 1i. LOR, dated 1 Dec 99
- 1j. ROIC, dated 9 Nov 99
- 1k. ROIC, dated 15 Sep 99

Airman's Acknowledgment