

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN
[REDACTED]		AMN	[REDACTED]

TYPE GEN	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
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES	A94.53	INDEX NUMBER	A67.90	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	CASE NUMBER
16 Dec 2003	FD-2003-00470

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCLOSED 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.

SIGNATURE OF RECORDER	SIGNATURE OF PRESIDENT
[REDACTED]	[REDACTED]

TO:	FROM:
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 3RD FLOOR ANDREWS AFB, MD 20762-7002

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 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.

Issues. Applicant was discharged for conduct prejudicial to good order and discipline. He had two Articles 15, a vacation of suspended punishment, two Letters of Reprimand, and an Unfavorable Information File. His misconduct included three underage drinking incidents, communicating a threat, a computer security violation, being drunk on duty, willfully damaging a government vehicle while repeatedly driving it over a snow bank and doing "donuts," unlawful entry into a dormitory room of another airman, and stealing from that airman. At the time of the discharge, member consulted counsel submitted a statement in his own behalf highlighting the positive aspects of his career. The Board noted member was given many opportunities to correct his behavior but was either unwilling or unable to do so. Because member was responsible for his actions, he was held accountable for them. The Board found nothing during the course of the record review to warrant an upgrade. There was no inequity or impropriety, thus the characterization of service was deemed appropriate in view of the repeated 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 17 Jun 03 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 11 Feb 83. Enlmt Age: 17 5/12. Disch Age: 20 4/12. Educ:HS DIPL. AFQT: N/A. A-70, E-82, G-94, M-91. PAFSC: 2F051 - Fuels Journeyman. DAS: 1 Apr 02.

b. Prior Sv: (1) AFRes 27 Jul 00 - 23 Jul 01 (11 Months 27 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 24 Jul 01 for 6 yrs. Svd: 1 Yr 10 Mos 25 Das, all AMS.

b. Grade Status: AMN - 13 Jan 03 (Vacation of Article 15, 19 May 03)
A1C - 7 Sep 01

c. Time Lost: None.

d. Art 15's: (1) 19 May 03, Vacation, Ellsworth AFB, SD - Article 92. You, who knew of your duties, on 14 Apr 03, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the state legal drinking age of 21, as it was your duty to do. Article 121. You, did, on 14 Apr 03, steal five cans of beer, of an undetermined value, the property of A1C [REDACTED] Article 130. You, did, on 14 Apr 03, unlawfully enter a dormitory room, the property of A1C [REDACTED], with intent to commit a criminal offense, to wit: steal five cans of beer, therein. Reduction to AMN. (No appeal) (No mitigation)

(2) 13 Jan 03, Ellsworth AFB, SD - Article 108. You, did, on or about 5 Dec 02, without proper authority, willfully damage a government vehicle, military property of the United States, by slamming the vehicle into a snowbank while doing donuts, the amount of said damage being in the sum of about \$371.41. Suspended reduction to AMN, and forfeiture of \$150.00 pay per month for 2 months. (No appeal) (No mitigation)

(3) 4 Jun 02, Ellsworth AFB, SD - Article 92. You, who knew of your duties, on or about 1 May 02, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the state legal drinking age of 21, as it was your duty to do. Article 112. You were, on or about 2 May 02, found drunk while on duty as a Mobile Hydrant Operator. Suspended reduction to AMN, Forfeiture of \$75.00 pay per month for 2 months, 15 days restriction, and 15 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 19 AUG 02 - Computer security violation.
LOR, 13 MAR 02 - Apprehended for communicating a threat and underage drinking.
 - f. CM: None.
 - g. Record of SV: 24 Jul 01 - 23 Mar 03 Ellsworth AFB 2 (Initial) REF
(Discharged from Ellsworth AFB)
 - h. Awards & Decs: NDSM, AFTR.
 - i. Stmt of Sv: TMS: (2) Yrs (10) Mos (22) Das
TAMS: (1) Yrs (10) Mos (25) Das
4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Sep 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
None.

6 Nov 03/cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 28TH BOMB WING (ACC)
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

3-Jun 03

MEMORANDUM FOR AMN [REDACTED] 28 LRS

FROM: 28 LRS/CC

SUBJECT: Notification Memorandum

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 AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You, who knew of your duties at or near Sheppard Air Force Base, Texas, on or about 23 Feb 02, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the state legal drinking age of 21, as it was your duty to do. You did, at or near Sheppard Air Force Base, Texas, on or about 23 Feb 02, wrongfully use a provoking gesture, to wit: your middle finger, towards a Burger King employee. For these actions, you received a Letter of Reprimand (LOR) on 13 Mar 02. This action established your Unfavorable Information File (UIF).

b. You, who knew of your duties at or near Ellsworth Air Force Base, South Dakota, on or about 1 May 02, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the state legal drinking age of 21, as it was your duty to do. You were, at or near Ellsworth Air Force Base, South Dakota, on or about 2 May 02, found drunk while on duty as a Mobile Hydrant Operator. For these actions, you received nonjudicial punishment under Article 15, UCMJ, on 4 Jun 02. Punishment consisted of a suspended reduction to the grade of Airman, forfeiture of \$75.00 pay per month for 2 months, restriction to Ellsworth Air Force Base, South Dakota for 15 days, and 15 days extra duty. This action was filed in your UIF.

c. You, who knew of your duties at or near Ellsworth Air Force Base, South Dakota, on or about 14 Aug 02, were derelict in the performance of those duties in that you willfully failed to obey Air Force Communications Security (COMSEC), Computer Security (COMPUSEC) and Operations Security (OPSEC) regulations, which were your duty to do. For this action, you received an LOR on 19 Aug 02. This action was filed in your UIF.

d. You, did, at or near Ellsworth Air Force Base, South Dakota, on or about 5 Dec 02, without proper authority, willfully damage a government vehicle, military property of the United States, by slamming the vehicle into a snowbank while doing donuts, the amount of said damage being in the sum of about \$371.41. For this action, you received nonjudicial punishment under

Article 15, UCMJ, on 13 Jan 03. Punishment consisted of a suspended reduction to the grade of Airman and forfeiture of \$150.00 pay per month for 2 months. This action was filed in your UIF.

e. You, who knew of your duties, at Ellsworth Air Force Base, South Dakota, on 14 Apr 03, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the state legal drinking age of 21, as it was your duty to do. You, did, at Ellsworth Air Force Base, South Dakota, on 14 Apr 03, steal five cans of beer, of an undetermined value, the property of AIC [REDACTED]. You, did, at Ellsworth Air Force Base, South Dakota, on 14 Apr 03, unlawfully enter a dormitory room, the property of AIC [REDACTED] with intent to commit a criminal offense, to wit: steal five cans of beer, therein. For these actions, your suspended reduction to the grade of Airman received from the Article 15 imposed on 13 Jan 03 was vacated on 21 May 03.

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 discharge 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 Captain [REDACTED], Area Defense Counsel, 385-2158, 1000 Ellsworth Street, Suite 1700 on 3 Jun 03 at 1400 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 by 6 Jun 03 at 1045 hours, 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 matters 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 Flight Medicine / Family Practice A (Family Practice B) Section of the Base Clinic on 6 Jun 03 at 1030 hours for the examination. This is a mandatory appointment and you must be in uniform. You must report at least 20 minutes in advance to this appointment to complete necessary paperwork. Please have the attached Medical Examination for Separation/Retirement form completed at this time. Return this form to the Separations office.

8. You have been scheduled for a pre-separation briefing. You must report to the Family Support Center on 10 Jun 03 at 1430 hours. This is a mandatory appointment and you must be in uniform. You must report at least 15 minutes in advance to this appointment to complete any necessary paperwork.

9. 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.

10. Execute the attached acknowledgment and return it to me immediately.


1Lt, USAF
Section Commander, 28th Logistics Readiness Squadron

Attachments:

1. Supporting documents
 - a. LOR/UIF – 13 Mar 02
 - b. Article 15/UIF – 4 Jun 02
 - c. LOR/UIF – 19 Aug 02
 - d. Article 15/UIF – 13 Jan 03
 - e. Vacation Action – 21 May 03
 - f. UIF Summary
2. Airman's receipt of notification memorandum
3. DPMAR FM-21, Medical Examination for Separation/Retirement
4. Issuance of Temporary ID Card for Administrative Discharge