

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 150px; height: 15px; margin-top: 5px;"></div>				GRADE SRA		AFSN/SSAN <div style="background-color: black; width: 100px; height: 15px; margin-top: 5px;"></div>		
TYPE GEN		PERSONAL APPEARANCE				X RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	No							
		X						
<div style="border: 1px dashed black; width: 350px; height: 140px; margin-bottom: 5px;"></div>				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
								X
								X
								X
								X
ISSUES A95.00 A01.00		INDEX NUMBER A67.50		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 16 Jan 2004		CASE NUMBER FD-2003-00490						
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> <div style="border: 1px dashed black; width: 600px; height: 40px; margin-top: 20px;"></div>								
INDORSEMENT				DATE: 1/16/2004				
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-2003-00490

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 two Articles 15, and four Letters of Reprimand. The misconduct included dereliction of duty, domestic dispute, failure to obey a lawful order, physical assault, and disorderly conduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative 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

FD2003-00490

[REDACTED]
[REDACTED]
(Former SRA) (HGH SRA)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 20 Aug 01 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 Jan 76. Enlmt Age: 18 1/12. Disch Age: 25 7/12. Educ: HS DIPL. AFQT: N/A. A-67, E-54, G-34, M-43. PAFSC: 1T151 - Aircrew Life Support Journeyman. DAS: 19 Oct 96.

b. Prior Sv: (1) AFRes 28 Feb 94 - 11 Oct 94 (7 months 14 days) (Inactive).

(2) Enlisted as AB 12 Oct 94 for 4 yrs. Extended 18 Jul 96 for 23 months. Svd: 4 yrs 1 month 26 days, all AMS. AMN - 12 Apr 95. A1C - 12 Feb 96. SrA - 12 Oct 97. EPRs: 4,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 9 Dec 98 for 5 yrs. Svd: 2 Yrs 8 Mo 11 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 2 Mar 01, RAF Lakenheath, UK - Article 92. You, having knowledge of a lawful order issued by SMSgt [REDACTED] not to have any contact with Amn [REDACTED] and order which it was your duty to obey, did, at or near Cambridge, UK, on or about 16 Feb 01, fail to obey the same by wrongfully having contact with Amn [REDACTED] Thirty days extra duty. (No appeal) (No mitigation)

(2) 20 Oct 00, RAF Lakenheath, UK - Article 128. You did, on or about Sep 00, unlawfully strike Amn [REDACTED] on her person, with your hand. Article 134. You, were, on or about 30 Sep 00, disorderly. Twenty one days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 14 JUN 01 - Failure to obey a lawful order.
LOR, 10 OCT 00 - Dereliction of duty.
LOR, 29 Dec 98 - Domestic dispute (Document missing from file).
LOR, 14 DEC 98 - Dereliction of duty (Document missing from file).



DEPARTMENT OF THE AIR FORCE
48TH FIGHTER WING (USAFE)

JUL 05 2001

MEMORANDUM FOR SRA [REDACTED] 492 FS

FROM: 492 FS/CC

SUBJECT: Notification Memorandum--Board Hearing

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct according to AFD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, under the provisions of paragraph 5.50. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. At or near RAF Lakenheath, UK, on or about 11 Jun 01, you, having knowledge of a lawful order issued by Lieutenant Colonel [REDACTED] 492 Fighter Squadron, Commander, not to have any contact with Airman Basic [REDACTED] an order which it was your duty to obey, failed to obey the same by wrongfully having contact with AB Torrence. For this you received a Letter of Reprimand.

b. At or near Cambridge, UK, on or about 16 Feb 01, you, having knowledge of a lawful order issued by Senior Master Sergeant [REDACTED], not to have any contact with Airman [REDACTED], an order which it was your duty to obey, failed to obey the same by wrongfully having contact with Airman [REDACTED]. For this you received nonjudicial punishment.

c. At or near RAF Lakenheath, UK, on or about 30 Sep 00, you did, unlawfully strike Airman [REDACTED] on her person, with your hand. For this you received nonjudicial punishment.

d. At or near RAF Lakenheath, UK, on or about 30 Sep 00, you were disorderly. For this you received the same nonjudicial punishment as c, *supra*.

e. At or near RAF Lakenheath, UK, on divers occasions between on or about May 99 and on or about 30 Sep 00, you who knew of your duties, were derelict in the performance of those duties in that you were wearing an earring in each of your ears in violation of AFI 36-2903, as it was your duty not to do. For this you received a Letter of Reprimand

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive a general discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces (and any special pay, bonus, or education assistance funds may be subjected to recoupment).

4. You have the right to:

a. Consult legal counsel.

- b. Present your case to an administrative discharge board.
 - c. Be represented by legal counsel at a board hearing.
 - d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
 - e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.
5. You have been scheduled for a medical examination. You must report to 48th Medical Group between 1300-1400 hours Monday thru Thursday. At this time, an appointment at Family Practice will be scheduled. If you wear eyeglasses, ensure you bring them to the appointment with you. If you are unable to attend these appointments, notify the first sergeant immediately.
6. Military legal counsel, Captain [REDACTED] Area Defense Counsel, has been obtained to assist you. An appointment has been scheduled for you to consult him on 5 July 2001 at 1330. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.
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.
9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.
10. If you received advanced educational assistance, special pay, or bonuses and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.
11. Execute the attached acknowledgment and return it to me immediately.


Lt Col, USAF
Commander

Attachments:

1. Supporting Documentation:
 - a. LOR, dtd 14 Jun 01
 - b. Article 15, dtd 2 Mar 01
 - c. Article 15, dtd 20 Oct 00
 - d. LOR, dtd 10 Oct 00
2. Airman's acknowledgment of receipt