

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██		<b>GRADE</b> AB	<b>AFSN/SSAN</b> ████████████████
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	X	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
YES	No		
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A94.53	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
		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

<b>HEARING DATE</b> 08 Dec 2004	<b>CASE NUMBER</b> FD-2003-00528
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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> 12/29/2004
<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

FD-2003-00528

**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:**

Applicant contends after completing technical training school he was told by his commanding officer he was not going to meet the criteria to be a good service member and was given a general discharge and sent home. Additionally, the member states he was singled out in basic training because someone thought he was a homosexual. The records reflect the applicant received one Article 15, three Letters of Reprimand, one Memorandum for Record, three AETC Form 341s, and 9 AETC Forms 173s. His misconduct included failure to go, uniform violations, failed room inspection, late to formation three times, late to class on two occasions, failed unit tests and sleeping in class, refusal and failure to run physical conditioning test, fighting another airman, leaving marching formation without permission and refusing to reenter, and disrespect towards an NCO. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board noted applicant was the same age as other airman on their first enlistment who properly adhere to standards and complete their service without a record of misconduct. Applicant failed to provide any documented evidence to substantiate his contentions, and lacking such evidence to the contrary, the Board relies on the presumption of regularity and finds the discharge proper and without basis for an upgrade. The characterization of the discharge received by the applicant was found to be appropriate.

**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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 20 Feb 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Feb 79. Enlmt Age: 18 1/12. Disch Age: 19 0/12. Educ: HS DIPL. AFQT: N/A. A-30, E-53, G-68, M-63. PAFSC: 3E711 - Student. DAS: 9 Sep 97.

b. Prior Sv: (1) AFRes 25 Mar 97 - 16 Jul 97 (3 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Jul 97 for 4 yrs. Svd: 0 Yrs 7 Mo 4 Das, all AMS.

b. Grade Status: AB - 5 Feb 98 (Article 15, 5 Feb 98)  
 AMN - 17 Jan 98

c. Time Lost: None.

d. Art 15's: (1) 5 Feb 98, Goodfellow AFB, TX - Article 86. You, did, on or about 23 Jan 98, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman Basic. (No appeal) (No mitigation)

e. Additional: MFR, 31 JAN 98 - Uniform did not meet standards, failure to carry a flashlight, late for two formations, and dirty service dress.

AETC 173, 23 JAN 98 - Late to class.

AETC 173, 21 JAN 98 - Late to class.

LOR, 15 DEC 97 - Fighting with another airman, leaving marching formation without permission, refusing to reenter, and late to formation.

AETC 341, 09 DEC 97 - Late to formation.

AETC 173, 02 DEC 97 - Failed retest on Unit 2 Progress Check 2-2.

AETC 173, 01 DEC 97 - Failed Progress Check 2-1 and Progress Check 2-2.

LOR, 01 DEC 97 - Failed room inspection.

AETC 341, 19 NOV 97 - Refused to run PC and didn't have 341s on person.

AETC 173, 19 NOV 97 - Disrespect towards an NCO.

AETC 341, 07 NOV 97 - Failed room inspection.

LOR, 03 NOV 97 - Late to formation for the third time.  
 AETC 173, 27 OCT 97 - Failed obj.3i(2 story-Primary search).  
 AETC 173, 22 OCT 97 - Failed Unit 2, Forcible Entry, and sleeping in class.  
 AETC 173, 21 OCT 97 - Failed PC test.  
 AETC 173, 16 OCT 97 - Wearing of uniform without belt.

f. CM: None.

g. Record of SV: None.

(Discharged from Goodfellow AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (0) Yrs (10) Mos (27) Das  
 TAMS: (0) Yrs (7) Mos (4) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Nov 03  
 (Change Discharge to Honorable)

Issue 1: I went through boot camp and was branded an outsider due (sic) someone in boot camp thinking I was a homosexual. I am not a homosexual, but for what ever reason, I was targeted. From this point on, I was continually having to prove myself. I made it through boot camp and went on to Tech school. I made it into tech school and all of my problems seemed to worsen. I feel that I was branded from my problems in boot camp. I received all of my certifications and finished all assignments. After finishing my training, I was not let (sic) graduate with my class. I was called into the C.O.'s office and told that I was not going to meet the criteria to be a good service member and I was given a General discharge and sent home. This has caused me much mental anguish and it is something that I have had to deal with on a daily basis. I feel that I failed my family, my friends and my country. I wanted to be a good airman. I tried to do all the right things. I feel that I was unfairly singled out and I was the scapegoat for whatever reason. I feel that an upgraded discharge would relieve much of the depression, associated with failure, that I now encounter.

**ATCH**

None.

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173-9  
 141-3



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

9 February 1998

MEMORANDUM FOR AB [REDACTED]

FROM: 312 TRS/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 and AFI 36-3208, paragraph 5.49. 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 31 Jan 98, while attending Remedial Military Training (RMT), your uniform did not meet standards, you failed to carry a flashlight, you were late to two formations, and your service dress was dirty. A memorandum for record was prepared by [REDACTED] to record your progress in RMT on 31 Jan 98.
  - b. On 23 Jan 98, you failed to go to morning formation. ~~On 24 Jan and 27 Jan 98, you violated the Phase Program by missing curfew.~~ For this misconduct, you received an Article 15 on 4 Feb 98.
  - c. On 5 Dec 97, you fought with another airman. On 6 Dec 97, you left formation without permission. On 8 Dec 97, you were late for formation. For this misconduct, you received a Letter of Reprimand on 15 Dec 97.
  - d. On 9 Dec 97, you were late for formation, for which you received a Discrepancy Report, AETC Form 341.
  - e. On 24 Nov 97, your room was found in disarray for the second time in a month. For this misconduct, you received a Letter of Reprimand on 1 Dec 97.
  - f. On 19 Nov 97, you were disrespectful to [REDACTED] and refused to run PC. For this misconduct, you received two AETC Forms 341.

g. On 7 Nov 97, you failed a room inspection, for which you received an AETC Form 341.

h. On 5 Nov 97, you were late to formation for the third time. For this misconduct, you received a Letter of Reprimand.

i. You have failed to make satisfactory progress in a required training program. Specifically, you failed objective 1h; the Progress Check for Unit 1 (70%—minimum passing is 80%); Unit 2 Progress Check (65%—minimum passing is 80%); and Objective 3i, at which point you were washed back to the next class. You then failed the Progress Check for Unit 2 twice with scores of 65% and 60%. You have been counseled for your academic failures and poor attitude toward activities in class and have received 4.5 hours of Special Individualized Assistance. Efforts to improve your performance have been unsuccessful.

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.

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 8:00 on 10 Feb 98 at Bldg 339, Goodfellow Area Defense Counsel. 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 11:25 hours on 12 Feb 98 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 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 Exams Section of the Clinic at 08:20 on 09 Feb 98 for Part I of the examination. Report to Primary Care immediately after for Part II.

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 the Unit Orderly Room.



**Attachments:**

1. Academic Training Records
2. MFR, 31 Jan 98
3. AF 3070, 4 Feb 98
4. LOR, 15 Dec 97
5. AETC Form 341, 9 Dec 97
6. LOR, 1 Dec 97
7. AETC Forms 341
8. LOR
9. Airman's receipt of notification memorandum