

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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

<b>MEMBERS SITTING</b>	<b>NOTE OF THE BOARD</b>				
	<b>HON</b>	<b>GEN</b>	<b>UOHC</b>	<b>OTHER</b>	<b>DENY</b>
██████████					X
██████████					X
██████████					X
██████████					X
██████████					X

<b>ISSUES</b> A01.39, A92.15, 92.19 A94.05	<b>INDEX NUMBER</b> A67.90	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
<b>HEARING DATE</b> 4 JUN 03	<b>CASE NUMBER</b> FD99-0088	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

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

**REMARKS**  
Case heard at Scott AFB, Illinois.

Advise applicant of the decision of the Board and the right to appear before the Board with or without counsel, and submit an application to the AFBCMR.

<b>SIGNATURE OF RECORDER</b> ██████████	<b>SIGNATURE OF BOARD PRESIDENT</b> ██████████
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<b>INDORSEMENT</b>	<b>DATE: 27 JUN 03</b>
<b>TO:</b> SAF/MIBR 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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

**CASE NUMBER**

FD1999-0088

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance hearing 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 to Honorable is denied.

The Board finds that neither the evidence of record or that provided by the applicant substantiates an impropriety or equity that would justify upgrade of the discharge.

**ISSUES:** The applicant was discharged with a General Discharge for Misconduct – Pattern of Conduct Prejudicial to Good Order and Discipline. Member received three Article 15s for operating a passenger car while drunk, missed flight movement through negligence, derelict by negligently failing to clear assigned dormitory room through billeting prior to port call date. The limited legal advice member claims is without merit. Applicant states his discharge did not take into account the good things he did while in service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation, and other information contained in his records. They found the seriousness of the willful misconduct off set any positive aspects of the applicant's duty performance. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community. Based on the available records the Board found no impropriety or inequity.

The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. 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.

Attachment:  
Examiner's Brief

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

[REDACTED]  
[REDACTED]  
(Former SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 87/07/29 UP AFR 39-10, para 5-47b (Misconduct - Pattern of Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 47/05/18. Enlmt Age: 23 11/12. Disch Age: 40 2/12. Educ: HS DIPL. AFQT: N/A. M-74, A-99, G-55, E-64. PAFSC: 70270 - Administration Technician. DAS: 86/04/14.

b. Prior Sv: Enld as AB 71/04/29 for 4 yrs. Ext 73/05/16 for 6 months. Ext 75/02/21 for 4 months. Ext 75/10/30 for 12 months. Reenld 76/09/15 for 5 yrs. Ext 79/01/29 for 2 months. Reenld 80/12/16 for 4 yrs. Svd: 12 yrs 5 months 7 days, all AMS. AMN - Unknown. AIC - Unknown. Sgt - 73/10/01. SSGT - 78/03/01. TSgt - 83/02/01. APRs: 8,8,8,9,8,9,9,9,8,9,9,9,8,9.

3. **SERVICE UNDER REVIEW:**

a. Reenld as TSgt 83/10/07 for 6 yrs. Svd: 3 Yrs 9 Mo 23 Das, of which AMS is 3 yrs 9 months 22 days (excludes 1 day lost time).

b. Grade Status: SSGT - 87/03/10 (Art 15, 87/03/10)

c. Time Lost: 85/12/30 - 85/12/30 (1 day).

d. Art 15's: (1) 87/03/13, Iraklion AS, Greece - You did, o/a 8 Mar 87, on North Street, adjacent to Billeting, operate a vehicle, to wit: a passenger car, while drunk. Forfeiture of \$100.00. (No appeal) (No mitigation).

(2) 87/03/10, Iraklion AS, Greece - You did, o/a 24 Feb 87, through neglect miss the movement of Flight US 20 at Hellenikon AB, Greece, with which you were required in the course of duty to move. Further, you did, o/a 24 Feb 87, having knowledge of your duties, were derelict in the performance of those duties in that you negligently failed to clear your assigned room in the NCO dormitory through the billeting office before your port call date, as it was your duty to do. Rdn to SSGT, forfeiture of \$150.00 per month for two months. (Appeal/Denied) (No mitigation).

(3) 86/01/08, Iraklion AS, Greece - You did, o/a 30 Dec 85 w/o auth, absent yourself from your unit, and did remain

so absent until o/a 31 Dec 85. Rdn to SSgt (susp til 8 Jul 86), forfeiture of \$200.00 per month for two months and 30 days extra duty. (No appeal) (No mitigation).

e. CM: none.

f. Record of SV: 83/02/05 83/10/16 Peterson AFB 9 (CRO)  
 83/10/17 84/10/16 Cairo City 9 (Annual)  
 84/10/17 85/10/16 Iraklion AS 9 (Annual)  
 85/10/17 86/04/09 Iraklion AS 7 (Cmdr Dir) REF  
 86/04/10 86/09/09 Iraklion AS 8 (Cmdr Dir)  
 86/08/10 86/12/18 Iraklion AS 8 (CRO)  
 (Discharged from Iraklion AS)

g. Awards & Decs: AFAM W/1 OLC, AFOUA, AFGCM W/3 OLC, NDSM, AFOSSTR W/1 OLC, AFOSLTR W/3 OLC, NCOPMER W/1 OLC, AFTR.

h. Stmt of Sv: TMS: (16) Yrs (3) Mos (1) Das  
 TAMS: (16) Yrs (3) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 99/01/09.  
 (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCHS

1. Applicant's Issues.

99/02/19/ia



DEPARTMENT OF THE AIR FORCE  
7276 SECURITY POLICE SQUADRON (USAF)  
APO NEW YORK 09291



REPLY TO  
ATTN OF: CC

22 Apr 87

SUBJECT: Letter of Notification - Board Hearing

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for misconduct according to AFR 39-10, under the provisions of paragraph 5-47b. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are your pattern of misconduct in your current enlistment consisting of conduct prejudicial to good order and discipline.

a. On or about 30 Dec 85, you did, without authority, absent yourself from your unit, and did remain so absent until on or about 31 Dec 85. For this you were given nonjudicial punishment on 8 Jan 86.

b. On or about 25-28 Mar 86, you failed to exercise proper judgment, initiative, and responsibility in ensuring the completion of a detail directed to you by your Officer In Charge. For this you were given a letter of reprimand, Unfavorable Information File (UIF) initiated, and placed on the control roster on 10 Apr 86.

c. On 2 Dec 86, you took the security police CATMS van and used it to bring your own beef from the commissary to your dorm. For this you were given a letter of admonition on or about 11 Dec 86 as evidenced by a memo for record dated 10 Mar 87.

d. On or about 24 Feb 87, through neglect, you did, miss the movement of Flight US 20 at Hellenikon AB, Greece. Additionally, on or about 24 Feb 87, you were derelict in the performance of your duties by negligently failing to clear your assigned room in the Iraklion Air Station NCO dormitory through the billeting office before your port call date. For this you were given nonjudicial punishment on 10 Mar 87.

e. On or about 8 Mar 87, you operated a passenger vehicle while drunk. For this you received nonjudicial punishment on 13 Mar 87.

3. This action could result in your separation with under other than honorable conditions. 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.

4. You have the right to:

a. Consult legal counsel.

GOVERNMENT EXHIBIT 2 for identification



- b. Present your case to an administrative discharge board.
  - c. Be presented 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 Physical Standards, Building 531, with medical records at 0800 on 23 Apr 87.
6. Military legal counsel ([REDACTED], USAF Judiciary Area Defense Counsel, APO 09694-5000, 628-2397) has been obtained to assist you. Contact the base legal office, extension 3506, for assistance in making an appointment to talk with your area defense counsel. 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 AFM 111-1. 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 Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in your unit orderly room. Return the directive to your orderly room when the case is completed.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]  
[REDACTED] USAF  
Commander

- 3 Atch
1. Supporting Documents for the Reasons for Discharge
  2. Documents Containing Derogatory Information Which are Not Listed in Letter of Notification
  3. Airman's Acknowledgment