

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE AMN	AFSN/SSAN <b>[REDACTED]</b>			
TYPE	PERSONAL APPEARANCE	<b>X</b>	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	<b>X</b>					
MEMBER SITTING  <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOHC	OTHER	DENY
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
ISSUES	A94.05	INDEX NUMBER	A67.90			
		EXHIBITS SUBMITTED TO THE BOARD				
		<b>1</b>	ORDER APPOINTING THE BOARD			
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE			
		<b>3</b>	LETTER OF NOTIFICATION			
		<b>4</b>	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	15 Dec 2004	CASE NUMBER	FD-2003-00193			
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>						
		INDORSEMENT		DATE: 12/29/2004		
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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2003-00193**

**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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

**ISSUE:**

Applicant contends his discharge should be changed to honorable because of a personal conflict with his superiors and a medical condition. He further states after receiving an Article 15 in November 2000, he conformed to military standards and did not receive any negative documents. The records reflect member received an Article 15, five Letters of Reprimand, three letters of Counseling, two Memorandums for Record, and two AF Forms 1168, Statement of Suspect/Witness/Complainant, for misconduct. His misconduct included speeding in a government vehicle, failing to obey a lawful order, failure to go on multiple occasions, late for duty on multiple occasions, dereliction of duty, failure to meet dress and appearance standards, failure to report to a mandatory appointment, and leaving his weapon/M-16 unattended. The DRB opined that prior to the Article 15 and through 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.

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 2 Oct 01 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 4 Oct 76. Enlmt Age: 21 9/12. Disch Age: 24 11/12. Educ: HS DIPL. AFQT: N/A. A-46, E-52, G-39, M-34. PAFSC: 3P031 - Security Forces Apprentice. DAS: 4 Feb 99.

b. Prior Sv: (1) AFRes 15 Jul 98 - 9 Sep 98 (1 month 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 10 Sep 98 for 4 yrs. Svd: 3 Yrs 0 Mo 23 Das, all AMS.

b. Grade Status: Amn - 17 Nov 00 (Article 15, 17 Nov 00)

c. Time Lost: None.

d. Art 15's: (1) 17 Nov 00, Edwards AFB, CA - Article 92. You, who knew of your duties, on or about 19 Oct 00, were derelict in the performance of those duties in that you negligently failed to stay within the 55 mph speeding limit while driving a government vehicle, as it was your duty to do. You, having knowledge of a lawful order issued by [REDACTED], to wit: "to wear your bullet proof vest," an order which it was your duty to obey, did, on or about 19 Oct 00, fail to obey the same by wrongfully removing your bullet proof vest. Reduction to Airman, 14 days restriction, 14 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: AF FORM 1168, 6 SEP 01 - Failure to go.  
AF FORM 1168, 5 SEP 01 - Failure to go.  
MFR, 17 AUG 01 - Late for duty.  
MFR, 16 AUG 01 - Late for duty.  
LOR, 02 OCT 00 - Attempting to engage in adultery.  
LOC, 05 SEP 00 - Late for duty and dereliction of duty.  
LOR, 04 MAY 00 - Failure to obey a lawful order.  
LOR, 22 NOV 99 - Dereliction of duty.  
LOR, 25 MAY 99 - Failure to meet dress and appearance standards.  
LOR, 17 MAY 99 - Failure to report to a mandatory appointment.

LOC, 28 MAR 99 - Speeding.

LOC, 24 MAR 99 - Leaving weapon/M-16 unattended.

f. CM: None.

g. Record of SV: 10 Sep 98 - 15 Apr 00 Edwards AFB 2 (HAF Dir) REF  
 16 Apr 00 - 15 Apr 01 Edwards AFB 2 (Annual)

(Discharged from Edwards AFB)

h. Awards & Decs: AFTR, FPBOB.

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (18) Das  
 TAMS: (3) Yrs (0) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Apr 03.  
 (Change Discharge to Honorable)

Issue 1: From military records Sept 1998 to Oct 2001, I believe my discharge should be changed from General to Honorable. After receiving a Article 15 on Nov 2000, I had not collected any other negative documents to warrant a General Discharge. I believe because of personal conflict with my superiors and a medical condition which occurred (sic) in the military became the reason for my discharge. In reviewing the files upon discharge, I received unimportant documentation which was obviously made to support the discharge. The files will show, after the Article 15 I conformed to military standards. Upon the appeal review, I can attach to my case, oral and written statements from individuals who were present and assigned to the same base where the issue occurred (sic). Any information used that was not pertaining to the discharge and was not reviewed by myself should not be used.

ATCH

None.

29MAY03/ia

FD2003-00193



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 95<sup>TH</sup> AIR BASE WING (AFMC)  
EDWARDS AIR FORCE BASE, CALIFORNIA

SEP 12 2001

MEMORANDUM FOR AMN [REDACTED]

FROM: 95 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline). The authority for this action is AFPD 36-32 and AFI 36-3208, para 5.50.2. If my recommendation is approved, your discharge will be characterized as either Honorable or General (under honorable conditions).

2. My reasons for discharging you are:

a. On 23 May 99, you left your weapon/M-16 unattended, as evidenced by a Letter of Counseling. (Atch 1.1)

b. On 26 Mar 99, you were stopped for traveling 75 mph in a 60 mph zone, as evidenced by a Letter of Counseling. (Atch 1.2)

c. On 13 May 99, you failed to report to a mandatory appointment, as evidenced by a Letter of Reprimand dated 17 May 99. (Atch 1.3)

d. On 25 May 99, you failed to meet dress and appearance standards, as evidenced by a Letter of Reprimand dated 25 May 99. (Atch 1.4)

e. On 19 Nov 99, you were derelict in the performance of your duties, as evidenced by a Letter of Reprimand dated 22 Nov 99. (Atch 1.5)

f. On 4 May 00, you failed to obey a lawful order, as evidenced by a Letter of Reprimand dated 4 May 00. (Atch 1.6)

g. On 3 Sep 00, you failed to report to duty at the time prescribed, as evidenced by a Letter of Counseling dated 5 Sep 00. (Atch 1.7)

h. On 20 Sep 00, you attempted to engage in adultery, as evidenced by a Letter of Reprimand dated 2 Oct 00. (Atch 1.8)

i. On 19 Oct 00, you negligently failed to stay within the 55 mph speed limit and disobeyed a lawful order by not wearing your bullet proof vest, as evidenced by an AF Form 3070 (Article 15) dated 17 Nov 00. (Atch 1.9)

j. On 15, 16, and 17 Aug 01, you failed to go to your appointed place of duty, as evidenced by Memorandum of Records dated 16 and 17 Aug 01. (Atch 1.10)

k. On 26 Aug 01, you failed to go to your appointed place of duty, as evidenced by AF Forms 1168 dated 5 and 6 Sep 01. (Atch 1.11)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial convening authority (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 Bldg 2670 on 14 Sep 01 at 1130. 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 17 Sep 01/1030 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 Examination Section, Flight Surgeon's Office, Bldg 3925 at 0730 on 17 Sep 01 for the examination.

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 Orderly Room.



Attachments:

1. Supporting Documentation

1.1 Letter of Counseling

1.2 Letter of Counseling

1.3 Letter of Reprimand dated 17 May 99

1.4 Letter of Reprimand dated 25 May 99

1.5 Letter of Reprimand dated 22 Nov 99

1.6 Letter of Reprimand dated 4 May 00

- 1.7 Letter of Counseling dated 5 Sep 00
- 1.8 Letter of Reprimand dated 2 Oct 00
- 1.9 AF Form 3070 (Article 15) dated 17 Nov 00
- 1.10 Memorandum of Records dated 16 and 17 Aug 01
- 1.11 AF Forms 1168 dated 5 and 6 Sep 01
- 2 Airman's Receipt of Notification/Recoupment Memorandum
- 3 Airman's Statement
- 4 EPRs