

**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>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>		
	<b>X</b>		

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

<b>ISSUES</b> A95.00	<b>INDEX NUMBER</b> A67.90	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<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		

<b>HEARING DATE</b> 12 Jan 2004	<b>CASE NUMBER</b> FD-2003-00432	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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>DATE: 01/12/2004</b>
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<b>INDORSEMENT</b>	<b>DATE: 01/12/2004</b>
<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-2003-00432**

**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. 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:** 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 Article 15s for assault and for being disrespectful in language toward a SNCO. In addition, he received four Letters of Reprimand for assault (twice), lying, providing a false official statement, and reckless driving and speeding. He also received a Letter of Admonishment for blatant disregard for military bearing, laziness, bad attitude, disrespectful to authority, and failure to conform to standards, and, three Memorandums For Record for financial irresponsibility. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members.

**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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 18 Mar 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: 3 May 81. Enlmt Age: 18 2/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-65,- E-54, G-62, M-44. PAFSC: 3E251 - Pavements and Construction Equipment Journeyman. DAS: 24 Feb 00.

b. Prior Sv: (1) AFRes 2 Aug 99 - 1 Sep 99 (1 Month) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 2 Sep 99 for 4 yrs. Svd: 3 Yrs 6 Mos 17 Das, all AMS.

b. Grade Status: AB - 23 Jan 03 (Article 15, 23 Jan 03)  
 AMN - 30 May 02 (Article 15, 30 May 02)  
 A1C - 2 Jan 01  
 AMN - 2 Mar 00

c. Time Lost: None.

d. Art 15's: (1) 23 Jan 03, Malmstrom AFB, MT - Article 128. You, did, on or about 21 Dec 02, unlawfully strike [REDACTED] in the face with your fist. Reduction to AB, forfeiture of \$575.00 pay per month for 2 months, and 30 days restriction. (Appeal/Denied) (No mitigation)

(2) 30 May 02, Malmstrom AFB, MT - Article 91. You, on or about 8 May 02, were disrespectful in language toward MSgt [REDACTED] then known by you to be a superior NCO, who was then in the execution of his office, by saying to him "I'm a grown man and you can't talk to me like that" and "we can take off our uniforms and settle this right now," or words to that effect. Reduction to AMN, and suspended reduction to AB. (No appeal) (No mitigation)

e. Additional: LOR, 06 FEB 03 - Lying and providing a false official statement.  
 LOR, 20 MAR 02 - Assault.  
 LOR, 18 SEP 01 - Reckless driving and speeding.  
 LOA, 13 SEP 01 - Blatant disregard for military bearing, laziness, bad attitude, disrespectful to

authority, and failure to conform to standards.

MEMO, 10 SEP 01 - Financial irresponsibility.  
 MEMO, 7 AUG 01 - Financial irresponsibility.  
 MEMO, 6 JUN 01 - Financial irresponsibility.  
 TRAFFIC TICKET, 25 MAY 01 - Expired registration.  
 MEMO, 7 MAY 01 - Financial irresponsibility.  
 LOR, 02 MAR 01 - Assault.

f. CM: None.

g. Record of SV: 2 Sep 99 - 1 May 01 Malmstrom AFB 4 (Initial)  
 - 2 May 01 - 1 May 02 Malmstrom AFB 3 (Annual)

(Discharged from Malmstrom AFB)

h. Awards & Decs: AFTR, AFOUA, BCEB.

i. Stmt of Sv: TMS: (3) Yrs (7) Mos (17) Das  
 TAMS: (3) Yrs (6) Mos (17) Das

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

NO ISSUES SUBMITTED

**ATCH**

1. Results of Criminal Records Check.
2. Character Referneces (2).

9 Oct 03/cr



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 341ST SPACE WING (AFSPC)

FD2003-00432

26 Feb 03

(Date)

MEMORANDUM FOR 819 RHS (ATTN: AB [REDACTED])

FROM: 819 RHS/CCE

SUBJECT: Notification Memorandum

1. Colonel [REDACTED], 819 RHS/CC, is recommending your discharge from the United States Air Force for 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 his recommendation is approved, your service will be characterized as honorable or general. He is recommending that your service be characterized as general, under honorable conditions.

2. Col [REDACTED] reasons for this action are:

a. On or about 18 Feb 01, you assaulted a civilian in Missoula, MT. In addition, on or about 18 Feb 01, you failed to cooperate with police officers. For this misconduct, you received a Letter of Reprimand (LOR) dated 2 Mar 01.

b. On or about 7 May 01, you failed to pay your just debt of \$234.28 on your Government VISA account, in that you were 30 days past due. For this misconduct, you received a Delinquent Balance letter and verbal counseling dated 7 May 01.

c. On 9 May 01, you were cited by Malmstrom law enforcement for an expired registration. For this misconduct, you received an Armed Forces Traffic Ticket dated 9 May 01.

d. On or about 6 Jun 01, you failed to pay your just debt of \$11.10 on your Government VISA account, in that you were 30 days past due. For this misconduct, you received a Delinquent Balance letter and verbal counseling dated 6 Jun 01.

e. On or about 7 Aug 01, you failed to pay your just debt of \$245.17 on your Government VISA account, in that you were 30 days past due. For this misconduct, you received a Delinquent Balance letter and verbal counseling dated 7 Aug 01.

f. On or about 10 Sep 01, you failed to pay your just debt of \$95.17 on your Government VISA account, in that you were 60 days past due. For this misconduct, you received a Delinquent Balance letter and verbal counseling dated 10 Sep 01.

g. On 6 Sep 01, you failed to maintain your military bearing during an awards ceremony. For this misconduct, you received a Letter of Admonishment (LOA) dated 13 Sep 01.

h. On or about 8 Aug 01, you were cited by Great Falls Police Department for a speeding violation. In addition, on or about 29 Aug 01, you operated your motor vehicle within the confines of Malmstrom AFB, MT in a reckless manner, traveling at 65mph in a 35mph zone. For this misconduct, you received an LOR dated 18 Sep 01 and an Armed Forces Traffic Ticket dated 29 Aug 01.

i. On or about 4 Mar 02, you were involved in a verbal altercation at the dorm. As a result, you received a No Contact Order, dated 18 Mar 02.

j. On or about 4 Mar 02, you unlawfully struck A1C [REDACTED] in the jaw. Your actions resulted in apprehension by security forces for assault. For this misconduct, you received an LOR dated 20 Mar 02. An unfavorable information file (UIF) was established.

k. On or about 8 May 02, you were disrespectful in language toward MSgt [REDACTED]. For this misconduct, you received an Article 15/UIF dated 30 May 02, with the following punishment: reduction to the grade of airman and reduction to the grade of airman basic (suspended).

l. On 6 Feb 03, you gave a false official statement to your First Sergeant regarding your whereabouts. In fact, you lied about an appointment that you said you had, in which you never attended. For this misconduct, you received two separate LORs/UIF, each dated 6 Feb 03.

m. On or about 21 Dec 02, you unlawfully struck [REDACTED], a civilian, in the face with your fist. For this misconduct, you received an Article 15/UIF dated 23 Jan 03, with the following punishment: reduction to the grade of airman basic, forfeiture of \$575 pay per month for 2 months, and restriction to the limits of MAFB, MT for 30 days.

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 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 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 the Area Defense Counsel, x4723, 7015 Goddard Drive, Bldg 145, Room 144 on 26 Feb 03 at 10:00. 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 COB 3 March 03 (3 duty days) unless you request and receive an extension for good cause shown. I will send all submitted statements 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.

[REDACTED]

7. You have been scheduled for a medical examination. You must report to the 341st Medical Group Force Health Management Section, x3613, at 0700 hours on 3 March 03 for the examination. You **MUST** be in uniform for this appointment. If you wear glasses, you must also bring them to this appointment.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, *Administrative Separation of Airmen*, is available for your use at your orderly room.

9. Execute the attached acknowledgement and return it to me immediately.

  
 , Capt, USAF  
 Section Commander, 819th Red Horse Sq

Attachments:

1. Supporting documents:
  - a. LOR dated 2 Mar 01
  - b. Delinquency Letter dated 7 May 01
  - c. Armed Forces Traffic Ticket dated 9 May 01
  - d. Delinquency Letter dated 6 Jun 01
  - e. Delinquency Letter dated 7 Aug 01
  - f. Delinquency Letter dated 10 Sep 01
  - g. LOA dated 13 Sep 01
  - h. LOR dated 18 Sep 01 and Armed Forces Traffic Ticket dated 29 Aug 01
  - i. No Contact Order
  - j. UIF Summary
  - k. LOR/UIF dated 20 Mar 02
  - l. Article 15/UIF dated 30 May 02
  - m. LOR/UIF (2) dated 6 Feb 03
  - n. Article 15/UIF dated 23 Jan 03
  - o. Documents in Attachment 6
2. Airman's Receipt of Notification Memorandum