

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██	<b>GRADE</b> AIC	<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>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>		
	<b>X</b>		

<b>MEMBER SITTING</b>	<b>VOICES OF THE BOARD</b>				
	<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
██ ██ ██ ██ ██					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>

<b>ISSUES</b> A94.53	<b>INDEX NUMBER</b> A67.10	<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> 06 Jan 2004	<b>CASE NUMBER</b> FD-2003-00442
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**APPROVALS AND THE BOARD'S DECISIONS**

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

*[Handwritten Signature]*

<b>INDORSEMENT</b>	<b>DATE</b> 1/7/2004
<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

FD2003-00442

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

The applicant was offered a personal appearance before the Discharge Review Board 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 applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for misconduct, minor disciplinary infractions. He had an Article 15, a vacation of suspended punishment, four Letters of Reprimand, six Records of Individual Counseling, and an Unfavorable Information File. His misconduct included seven incidents of failure to go, recklessly driving a government vehicle resulting in an accident and causing damage to two other parked vehicles, displaying an unacceptable attitude and undisciplined behavior to include insubordination, writing four bad checks and failing to pay the resultant debts, and sleeping on duty. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf requesting an honorable discharge. Member was age 21 to 23 when his misconduct occurred, and there is no evidence he was immature or did not know right from wrong; he was essentially the same age as other airmen who adhere to the expected standards and are discharged honorably without any misconduct. The Board opined that through the unit's numerous administrative actions, member had ample opportunity to correct his negative behavior, but he was either unable or unwilling to do so. After a thorough review of the records, the Board did not find any mitigation or extenuation to warrant an upgrade, and the records review disclosed no inequity or impropriety.

The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. While the Board was sympathetic to the impact the loss of these benefits was having on the applicant, this is not a matter of inequity or impropriety which would warrant an upgrade.

**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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 May 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Sep 71. Enlmt Age: 20 5/12. Disch Age: 23 8/12. Educ: HS DIPL. AFQT: N/A. A-36, E-62, G-48, M-56. PAFSC: 2E632 - Communications - Cable Systems Apprentice. DAS: 4 Oct 92.

b. Prior Sv: (1) AFRes 22 Feb 92 - 10 Mar 92 (18 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 11 Mar 92 for 6 yrs. Svd: 3 Yrs 2 Mos 13 Das, all AMS.

b. Grade Status: A1C - 6 Mar 95 (Vacation of Article 15, 6 Mar 95)  
SRA - Unknown  
A1C - 2 May 92

c. Time Lost: None.

d. Art 15's: (1) 6 Mar 95, Vacation, Eglin AFB, FL - Article 92. You, who knew of your duties, on or about 7 Feb 95, were derelict in the performance of those duties in that you negligently failed to refrain from sleeping during duty hours, as it was your duty to do. Reduction to A1C, and forfeiture of \$248.00 pay. (No appeal) (No mitigation)

(2) 24 Jan 95, Eglin AFB, FL - Article 134. You did, between 21 Nov 94 and 30 Nov 94, make and utter to the Eglin AFB, Exchange four checks, to wit: Check No. 122, dated 21 Nov 94, in the amount of \$65.00, Check No. 125, dated 23 Nov 94, in the amount of \$50.00, Check No. 128, dated 30 Nov 94, in the amount of \$5.00, and Check No. 127, dated 27 Nov 94, in the amount of \$30.00, drawn upon the Amsouth Bank, made payable to the order of the Eglin AFB, Exchange, and signed [REDACTED] for the purpose of obtaining legal currency or other items of value, did thereafter dishonorably fail to maintain sufficient funds in said bank for the payment of said checks in full upon presentment for payment. Suspended reduction to A1C, suspended forfeiture of \$248.00 pay, and 14 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 22 NOV 94 - Late for work.  
 RIC, 26 JUL 94 - Unacceptable attitude and undisciplined behavior.  
 RIC, 12 JAN 94 - Dereliction of duty.  
 LOR, 10 DEC 93 - Late for work.  
 LOR, UNDATED - Late for work  
 RIC, 24 AUG 93 - Late for work.  
 LOR, 28 JUL 93 - Caused a traffic accident due to careless driving.  
 RIC, 30 MAR 93 - Late for work.  
 RIC, 26 MAR 93 - Late for work.  
 RIC, 15 JAN 93 - Late for work.
- f. CM: NOne.
- g. Record of SV: 11 Mar 92 - 10 Nov 93 Eglin AFB 3 (Initial)  
 11 Nov 93 - 05 Oct 94 Eglin AFB 3 (CRO)  
 (Discharged from Eglin AFB)
- h. Awards & Decs: AFTR, NDSM, AFOUA W/1 DEC, AFGCM.
- i. Stmt of Sv: TMS: (3) Yrs (3) Mos (1) Das  
 TAMS: (3) Yrs (2) Mos (13) Das
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Aug 03.  
 (Change Discharge to Honorable)

Issue 1: I was informed that I have to have an honorable discharge to use my educational benefits. I joined the Air Force to help my country and to take advantage of the things that the Air Force had to offer me. I would be very grateful and appreciative of the request. Thank you.

**ATCH**  
 None.

21 Oct 03/cr



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 96TH COMMUNICATIONS-COMPUTER SYSTEMS GROUP (AFMC)  
EGLIN AIR FORCE BASE, FLORIDA

FD2003-00442



13 April 95

MEMORANDUM FOR AIC [REDACTED] 96 CCSG

FROM: 96 CCSG/CCQ

SUBJECT: Notification Letter - Recommendation for Discharge

1. I am recommending your discharge from the United States Air Force for a pattern of minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. This action could result in your separation with an honorable or general discharge. I am recommending that your discharge be characterized as general.
2. My reasons for this action are:
  - a. On 15 Jan 93, you failed to go to your duty section at the prescribed time for which you received a Record of Individual Counseling (AF Form 174) dated 15 Jan 93
  - b. On 26 Mar 93, you failed to go to your duty section at the prescribed time for which you received a Record of Individual Counseling (AF Form 174) dated 26 Mar 93
  - c. On 30 Mar 93, you failed to go to your duty section at the prescribed time for which you received a Record of Individual Counseling (AF Form 174) dated 30 Mar 93
  - d. On 02 Jun 93, you caused extensive damage to three vehicles while driving recklessly for which you received a Letter of Reprimand dated 28 Jul 93
  - e. On 24 Aug 93, you failed to go to your duty section at the prescribed time for which you received a Record of Individual Counseling (AF Form 174) dated 24 Aug 93
  - f. On 03 Sep 93, you failed to go to your duty section at the prescribed time for which you received Letter of Reprimand dated 3 Sep 93
  - g. On 09 Dec 93, you were 45 minutes late for work, for which you received a Letter of Reprimand and Unfavorable Information File Action (AF Form 1058) was taken dated 15 Dec 93
  - h. On 11 Jan 94, you failed to sign and or check out a GOV prior to operation for which you received a Record of Individual Counseling (AF Form 174) dated 12 Jan 94
  - i. On 26 July 94, you were counseled that your attitude and undisciplined behavior were unacceptable and must be corrected, for which you received a Record of Individual Counseling (AF Form 174) for misconduct and Performance below standards dated 26 Jul 94
  - j. On 18 Nov 94 you again failed to go to your duty section at the prescribed time for which you received a Letter of Reprimand dated 22 Nov 94
  - k. Between 21 Nov and 30 Nov 94, you wrote four checks to the exchange and thereafter dishonorably failed to maintain sufficient funds for payment for which you received a Record of Nonjudicial Punishment Proceedings (Article 15) (AF Form 3070) dated 24 Jan 95

1. On 7 Feb 95, you were derelict in the performance of your duties in that you negligently failed to refrain from sleeping during duty hours, for which you received a Record of Proceedings of Vacation of Suspended Nonjudicial Punishment (AF Form 366) dated 10 Mar 95

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 Major William H. [redacted] at 0900 on 19 Apr 95 at Blk 8. You may consult civilian counsel at our own expense.

5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 25 Apr 95 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 Eglin Regional Medical Center at 0715 on 6 April 1995 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 96 CCSG Orderly Room.

[Redacted Signature]

1Lt, USAF  
Squadron Section Commander