

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

ISSUES A93.01	INDEX NUMBER A67.90	EXHIBITS SUBMITTED TO THE BOARD			
		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			
HEARING DATE 07 Jan 2004	CASE NUMBER FD-2003-00446				

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

INDORSEMENT		DATE: 01/09/2004
TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	FROM:	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

FD-2003-00446

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge, and to change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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 does not contest his discharge. He states that since his discharge he has grown and gained focus in his life with marriage and the birth of a son. He would like to reenter the Air Force. The records indicated the applicant received two Article 15s. The first for wrongfully and unlawfully making under lawful affirmation, two false statements in substance. The second one for failure to obey a lawful order to not drive his vehicle on base. In addition, he received two Letters of Reprimand and one Letter of Counseling for careless driving, being late for duty, failure to go and receiving a speeding ticket. 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.

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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 Aug 01 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 17 Oct 81. Enlmt Age: 18 4/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-50, E-41, G-52, M-27. PAFSC: 3P031 - Security Forces Apprentice. DAS: 18 Feb 01.

b. Prior Sv: (1) AFRes 16 Mar 00 - 4 Sep 00 (5 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 5 Sep 00 for 6 yrs. Svd: 0 Yrs 11 Mo 19 Das, all AMS.

b. Grade Status: AB - 10 Aug 01 (Article 15, 10 Aug 01)
AMN - 2 Aug 01 (Article 15, 2 Aug 01)
A1C - 10 Oct 00

c. Time Lost: None.

d. Art 15's: (1) 10 Aug 01, Offutt AFB, NE - Article 92. You, having knowledge of a lawful order issued by MSgt [REDACTED], to wit: not to drive your vehicle on base, an order which it was your duty to obey, did, on or about 1 Aug 01, fail to obey the same by wrongfully operating your vehicle on base. Reduction to AB. (No appeal) (No mitigation)

(2) 02 Aug 01, Offutt AFB, NE - Article 134. You did, on or about 17 Jul 01, on an Air Force Form 1168, Statement of Suspect/Witness/Complainant, wrongfully and unlawfully make under lawful affirmation a false statement in substance as follows: "I sent the money order worth \$226.00 to the [REDACTED] Police Department," which statement you did not then believe to be true. You did, on or about 19 Jul 01, on an Air Force Form 1168, Statement of Suspect/Witness/Complainant, wrongfully and unlawfully make under lawful affirmation a false statement in substance as follows: "I mailed the money to the [REDACTED] Police Department," which statement you did not then believe to be true. Reduction to Airman, 14 days extra duty, and 14 days

restriction. (No appeal) (No mitigation)

e. Additional: LOR, 05 JUL 01 - Failure to go and speeding ticket.
 LOC, 18 MAY 01 - Late for duty.
 LOR, 01 MAY 01 - Careless driving.

f. CM: None.

g. Record of SV: None.

(Discharged from Offutt AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (5) Mos (8) Das
 - TAMS: (0) Yrs (11) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Sep 03.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: Hello, my name is [REDACTED] (former Airman [REDACTED]). I am writing this sincere letter in hopes that you will grant me an honorable discharge and a reentry code that will allow me to reenter the United States Armed Forces.

I joined the military immediately after High School; I admit I joined for the wrong reasons. I joined because I wanted to make my father proud, I didn't know which direction to take in life. I was considered an adult, but still immature in many ways. I never thought about my future or where I would be in the next 5 years; I was only thinking about the time being. I was irresponsible, reckless, and non-goal oriented.

Since being discharged, I have grown and gained focus in my life with marriage and the birth of my son. Looking back, being discharged was the biggest mistake of my life. Being discharged was a hard lesson learned and made me realize where I want to be in life. It would be a great honor to defend my country with pride and dignity. Thank you for your much-appreciated consideration.

ATCH

1. Two Character References.

7OCT03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

FD 2003 - 00496

MEMORANDUM FOR AB [REDACTED]

15 Aug 01

FROM: 55 SFS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Pattern of Misconduct. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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. You did, on or about 14 April 2001, drive carelessly in base housing. For this incident you received a Letter of Reprimand, dated 1 May 2001. (Atch 1-1)

b. You did, on or about 11 May 2001, without authority, fail to go at the time prescribed to your appointed place of duty. For this incident you received a Letter of Counseling, dated 18 May 2001. (Atch 1-2)

c. You did, on or about 27 June 2001, without authority, fail to go at the time prescribed to your appointed place of duty

d. You did, on or about 27 June 2001, receive a speeding ticket for driving 14 miles over the posted speed limit.

For the incidents in paragraphs c and d about you received a Letter of Reprimand, dated 5 July 2001. In addition, an Unfavorable Information File (UIF) was also established. (Atch 1-3)

e. You did, at or near Offutt Air Force Base, Nebraska, on or about 17 July 2001, on an Air Force Form 1168, Statement of Suspect/Witness/Complainant, wrongfully and unlawfully make under lawful affirmation a false statement in substance as follows: "I sent the money order worth \$226.00 to the Omaha Police Department," which statement you did not then believe to be true.

f. You did, at or near Offutt Air Force Base, Nebraska, on or about 19 July 2001, on an Air Force Form 1168, Statement of Suspect/Witness/Complainant, wrongfully and unlawfully make under lawful affirmation a false statement in substance as follows: "I mailed the money to the Omaha Police Department," which statement you did not then believe to be true

For the incidents listed in paragraphs e and f above you received Nonjudicial Punishment, dated 2 August 2001, consisting of reduction to Airman, 14 days extra duty and restriction to Offutt Air Force Base, Nebraska, for 14 days. In addition, this Letter of Reprimand was placed in your already existing UIF. (Atch 1-4)

g. You, having knowledge of a lawful order issued by Master Sergeant [redacted] to wit: not to drive your vehicle on base, an order which it was your duty to obey, did, at or near Offutt Air Force Base, Nebraska, on or about 1 August 2001, fail to obey the same by wrongfully operating your vehicle on base. For this incident you received Nonjudicial Punishment, dated 10 August 2001, consisting of a reduction to the grade of Airman Basic. In addition, this action was placed in your already existing UIF. (Atch 1-5)

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. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably any other branch of the military.

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 Captain [redacted] Bldg 323C, RM 302, Phone 4-3939, at 1530 on 15 Aug 01. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 20 Aug 01 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 on 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 55th Medical Group, Faichild Hall at 0800 on 16 Aug 01 for the examination. Please pick up your medical records prior to your appointment.

8. You have been scheduled for an initial separation appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 1030 on 16 Aug 01 with your escort.

9. You have been scheduled for a pre-separation briefing. You must report to the Family Support Center at _____ on _____ for the briefing.

10. 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.

11. Execute the acknowledgment provided and return it to me immediately.


Lt Col, USAF
Commander, 55th Security Forces Squadron

Attachments:

- Atch 1-1; LOR, dated 1 May 01
- Atch 1-2; LOC, dated 18 May 01
- Atch 1-3; LORUIF established, dated 5 Jul 01
- Atch 1-4; NJP/UIF entry, dated 2 Aug 01
- Atch 1-5; NJP/UIF entry, dated 10 Aug 01