

**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> ████████████████						
<b>TYPE GEN</b>		<b>PERSONAL APPEARANCE</b>			<b>X 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>VOTE OF THE BOARD</b>						
					HON	GEN	UOTHC	OTHER	DENY		
									X		
									X		
									X		
									X		
									X		
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>							
A95.00		A67.10		<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>			<b>CASE NUMBER</b>								
12 Jan 2004			FD-2003-00449								
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>											
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>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-2003-00449

**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 three AETC Forms 341 for failure to complete his homework, six DDIFLC Forms 864 for continuous failure to complete his homework, one Letter of Counseling for failure to complete his homework and for being late for class, four Letters of Reprimand for failure to properly prepare for class, unacceptable behavior in class, sleeping in class and for being disrespectful to an instructor and classmates by immature and unprofessional conduct in class, five AETC Forms 173 for sleeping in class numerous times, failure to follow classroom procedures, failure to maintain area neat and tidy before break and returning to class late from break, a Memorandum For Record for walking in the opposite direction of formation and lying to a SNCO about having an appointment, and a AETC Form 125A for elimination from Air Traffic School due to academic deficiencies. 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. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

**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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 5 Sep 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 22 Dec 79. Enlmt Age: 21 5/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-97, E-93, G-92, M-80. PAFSC: 3E432 - Liquid Fuels Apprentice. DAS: 4 Jun 02.

b. Prior Sv: (1) AFRes 31 May 01 - 18 Jun 01 (19 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 19 Jun 01 for 6 yrs. Svd: 1 Yr 2 Mos 18 Das, all AMS.

b. Grade Status: A1C - 11 Jan 02

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AETC FORM 125A, 30 JUL 02 - Elimination from Air Traffic School due to academic deficiencies.

MFR, 17 JUL 02 - Walking in the opposite direction of formation and lying to a SNCO about having an appointment.

AETC FORM 173, 16 JUL 02 - Sleeping in class.

AETC FORM 173, 10 JUL 02 - Sleeping in class.

AETC FORM 173, 9 JUL 02 - Sleeping in class

LOR, 25 JUN 02 - Disrespectful to instructor and classmates by immature and unprofessional conduct in class.

AETC FORM 13 JUN 02 - Sleeping in class.

AETC FORM 173, 12 JUN 02 - Failure to maintain area neat and tidy before break and returning to class late from break.

AETC FORM 173, 11 JUN 02 - Sleeping in class and failure to follow classroom procedures.

LOR, 11 JUN 02 - Sleeping in class.

LOR, 14 FEB 02 - Sleeping in class.

LOR, 24 JAN 02 - Failure to properly prepare for class and unacceptable behavior in class.

DDIFLC FORM 864, 23 JAN 02 - Failure to complete homework.  
DDIFLC FORM 864, 29 NOV 01 - Continuous failure to complete homework.  
LOC, 6 NOV 01 - Counseled on responsibility to complete homework and being on time for class.  
DDIFLC FORM 864, 5 NOV 01 - Failure to complete homework.  
DDIFLC FORM 864, 2 NOV 01 - Failure to complete homework.  
DDIFLC FORM 864, 30 OCT 01 - Failure to complete homework.  
DDIFLC FORM 864, 24 OCT 01 - Late for class.  
AETC Form 341, 1 OCT 01 - Failure to complete homework.  
AETC Form 341, 1 OCT 01 - Failure to complete homework.  
AETC Form 341, 1 OCT 01 - Failure to complete homework.

f. CM: None.

g. Record of SV: None.

(Discharged from Keesler AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yr (3) Mos (6) Das  
TAMS: (1) Yr (2) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Sep 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

**ATCH**  
None.

23 Oct 03/cr



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

AUG 12 2002

MEMORANDUM FOR A1C [REDACTED]

FROM: 334 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory duty performance. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section E, paragraph 5.26, and Section H, paragraph 5.49 (minor disciplinary infractions). The primary basis for discharge is 5.49. If my recommendation is approved, your discharge will be described as general.
2. My reasons for this action are:
  - a. On or about 30 Jul 02, you were eliminated from the Air Traffic control course due to academic deficiencies, as noted on AETC Form 125A, dated 30 Jul 02. (Atch 1, Appendix A w/atc)
  - b. On or about 17 Jul 01, you were observed to be walking in the opposite direction of formation. In addition, you lied about having an appointment to MSgt [REDACTED] as noted in Memo for Record, dated 17 Jul 02. (Atch 1, Appendix B)
  - c. On or about 16 Jul 02, you were derelict in the performance of your duties by sleeping in class, as noted on AETC Form 173, dated 16 Jul 02. (Atch 1, Appendix C)
  - d. On or about 10 Jul 02, you were derelict in the performance of your duties by sleeping in class, as noted on AETC Form 173, dated 10 Jul 02. (Atch 1, Appendix D w/atc)
  - e. On or about 9 Jul 02, you were derelict in the performance of your duties by sleeping in class, as noted on AETC Form 173, dated 9 Jul 02. (Atch 1, Appendix E w/atc)
  - f. On or about 24 Jun 02, you were found to be disrespectful to your instructor and to your classmates by conducting yourself immaturely and unprofessionally in class by belching, picking your nose, and removing your boots to scratch your feet, for which you received a Letter of Reprimand, dated 25 Jun 02. (Atch 1, Appendix F)
  - g. On or about 13 Jun 02, you were found to be sleeping in class, for which you were instructed to stand outside the classroom at attention, for which you were counseled, as noted on AETC Form 173, dated 13 Jun 02. (Atch 1, Appendix G)

h. On or about 12 Jun 02, you failed to keep your area neat and tidy when you left for break; in addition to returning to class late from break, as noted on AETC Form 173, dated 12 Jun 02. (Atch 1, Appendix H)

i. On or about 11 Jun 02, you were verbally counseled several times for sleeping in class and failing to follow classroom procedures, as noted on AETC Form 173, dated 11 Jun 02. (Atch 1, Appendix I)

j. On or about 11 Jun 02, you were derelict in the performance of your duties by sleeping in class, for which you received a Letter of Reprimand, dated Jun 02. (Atch 1, Appendix J)

k. On or about 1 Feb 02, you were observed to be acting in an unprofessional manner while attending class by sleeping in class, for which you received a Letter of Reprimand, dated 14 Feb 02. (Atch 1, Appendix K w/atchs)

l. On or about 24 Jan 02, you were noted as having a consistent problem with proper preparation and unacceptable behavior in class, for which you received a Letter of Reprimand, dated 24 Jan 02. (Atch 1, Appendix L w/atchs)

m. On or about 23 Jan 02, you were counseled for failing to perform your military duty as a student by failing to complete your homework, as noted on DLIFLC Form 864, dated 23 Jan 02. (Atch 1, Appendix M)

n. On or about 28 Nov 01, you were counseled for continuously failing to complete your homework assignment and for being late to class, as noted on DLIFLC Form 864, dated 29 Nov 01. (Atch 1, Appendix N w/atch)

o. On or about 6 Nov 01, you were reminded of your responsibility to complete assigned homework on several occasions, and about being on time to class, for these actions you received a Letter of Counseling, dated 6 Nov 01. (Atch 1, Appendix O)

p. On or about 5 Nov 01, you failed to complete your homework assignment, as noted on DLIFLC Form 864, dated 5 Nov 01. (Atch 1, Appendix P)

q. On or about 2 Nov 01, you failed to complete your homework assignment, as noted on DLIFLC Form 864, dated 2 Nov 01. (Atch 1, Appendix Q)

r. On or about 30 Oct 01, you failed to complete your homework assignment, as noted on DLIFLC Form 864, dated 30 Oct 01. (Atch 1, Appendix R)

s. On or about 24 Oct 01, you were late for class, as noted on DLIFLC Form 864, dated 24 Oct 01. (Atch 1, Appendix S)

t. On or about 1 Oct 01, you failed to complete your homework assignment, as noted on AETC Form 341, dated 1 Oct 01. (Atch 1, Appendix T)

u. On or about 1 Oct 01, you failed to complete your homework assignment, as noted on AETC Form 341, dated 1 Oct 01. (Atch 1, Appendix U)

v. On or about 26 Sep 01, you failed to complete your homework assignment, as noted on AETC Form 341, dated 1 Oct 01. (Atch 1, Appendix V)

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 higher 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 legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult N/A at Bldg 0701, Room 102, on N/A at N/A hours. 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 N/A by 1630 hours 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 Physical Exams on 13 Aug 02, 2002 at 13<sup>00</sup> hours 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 Bldg 7404, CQ.

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



Lt Col, USAF

Commander

Attachments:

1. Supporting Documents
  - a. AETC Form 125A, dated 30 Jul 02 w/atch
  - b. Memorandum For Record, dated 17 Jul 02
  - c. AETC Form 173, dated 16 Jul 02
  - d. AETC Form 173, dated 10 Jul 02 w/atchs
  - e. AETC Form 173, dated 9 Jul 02 w/atch

- f. Letter of Reprimand, dated 25 Jun 02
  - g. AETC Form 173, dated 16 Jun 02
  - h. AETC Form 173, dated 12 Jun 02
  - i. AETC Form 173, dated 11 Jun 02
  - j. Letter of Reprimand, dated 11 Jun 02
  - k. Letter of Reprimand, dated 14 Feb 02 w/atchs
  - l. Letter of Reprimand, dated 24 Jan 02 w/atchs
  - m. DLIFLC Form 864, dated 23 Jan 02
  - n. DLIFLC Form 864, dated 28 Nov 01 w/atch
  - o. Letter of Counseling, dated 6 Nov 01
  - p. DLIFLC Form 864, dated 5 Nov 01
  - q. DLIFLC Form 864, dated 2 Nov 01
  - r. DLIFLC Form 864, dated 30 Oct 01
  - s. DLIFLC Form 864, dated 24 Oct 01
  - t. AETC Form 341, dated 1 Oct 01
  - u. AETC Form 341, dated 1 Oct 01
  - v. AETC Form 341, dated 26 Sep 01
2. Airman's Receipt of Notification Memorandum
  3. Airman's Statements