

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

ISSUES A93.01	INDEX NUMBER A67.10	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 14 Jan 2004	CASE NUMBER FD-2003-00451	
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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

[Signature]

ENDORSEMENT **DATE: 01/14/2004**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00451

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

ISSUE: Applicant does not contest his discharge. He states that he was young and naïve and made some bad choices and that he is now mature and has become responsible and would like the opportunity to serve again. The records indicated the applicant received an Article 15 for being AWOL for 18 days. In addition, he received four Letters of Reprimand and two AETC Form 173s for horseplay in class, disrespect to an NCO, failure to go on several occasions, refusing to do assigned details, lying, disobeying a lawful order, and missing medical appointments. 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

(Former AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 21 Aug 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 2 Jun 80. Enlmt Age: 19 7/12. Disch Age: 20 2/12. Educ: HS DIPL. AFQT: N/A. A-50, E-45, G-41, M-28. PAFSC: 3E111 - Heating, Ventilation, Air Conditioning, and Refrigeration Helper. DAS: 27 Mar 00.

b. Prior Sv: (1) AFRes 31 Jan 00 - 8 Feb 00 (9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Feb 00 for 6 yrs. Svd: 0 Yrs 6 Mo 12 Das, of which AMS is 5 months 25 days (excludes 18 days lost time).

b. Grade Status: None.

c. Time Lost: 1 Jun 00 thru 18 Jun 00 (18 days).

d. Art 15's: (1) 11 Jul 00, Sheppard AFB, TX - Article 86. You did, on or about 1 Jun 00, without authority, absent yourself from your unit, to wit: 366th Training Squadron, located at Sheppard AFB, Texas, and did remain so absent until on or about 19 Jun 00. Forfeiture of \$502.00 pay per month for 2 months, and 30 days restriction. (Appeal/Withdrawn) (No mitigation)

e. Additional: LOR, 07 AUG 00 - Failure to obey a lawful order.
LOR, 29 JUN 00 - Failure to go on several occasions.
LOR, 24 MAY 00 - Uniform and Phase I violations, disobeying a lawful order, and three missed medical appointments.
AETC 173, 23 MAY 00 - Failure to complete homework
LOR, 17 MAY 00 - Horseplay in class, failure to go on two occasions, refusing to do assigned details, and lying.
AETC 173, 26 APR 00 - Horseplay in class and disrespect to an NCO.

f. CM: None

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (0) Yrs (6) Mos (04) Das
TAMS: (0) Yrs (5) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Sep 03
(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: I would greatly like the opportunity to get back into the military. I believe that I would be beneficial not only to the military but also to myself. I want to prove to myself that I can accomplish what I had once set out to do but because I was young and naive I made some bad choices. Those mistakes I hope to learn from and I feel if I am let back into the military I can grow as a person. I feel that now that I am a few years older I have matured and have become more responsible. At this time I feel that it is my duty to serve my country and would like the opportunity to do so. Please take this into consideration and thank you for you (sic) time.

ATCH

1. Two Letters of Support.
2. DD Form 214.

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DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2003-00451

11 4 AUG 2000

MEMORANDUM FOR AB [REDACTED] 366 TRS

FROM: 366 TRS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You, having knowledge of a lawful order issued by [REDACTED], to wit: an order which ~~is~~ was your duty to obey, did, at or near Sheppard AFB TX, on or about 29 Jul 00, fail to obey the same by wrongfully not remaining on Sheppard AFB TX. For this misconduct you received a Letter of Reprimand (LOR) on 7 Aug 00.

b. You did, at or near Sheppard AFB TX, between on or about 26 Jun 00 and on or about 29 Jun 00, failed to go to your appointed place of duty at the appointed time, to wit: morning formation. For this misconduct, you received a Letter of Reprimand on 29 Jun 00.

c. You did, at or near Sheppard AFB TX, on or about 1 Jun 00, without authority, absent yourself from your unit, to wit: 366th Training Squadron, located at Sheppard AFB TX, and did remain so absent until on or about 19 Jun 00. For this misconduct you received an Article 15 on 11 Jul 00.

d. You did, at or near Sheppard AFB TX, on or about 23 May 00 and on or about 24 May 00, fail to go to your appointed place of duty at the appointed time, to wit: three mandatory medical appointments. For this misconduct and subparagraph "e" through "l" below, you received an LOR on 24 May 00.

e. You did, at or near Sheppard AFB TX, on or about 23 May 00, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 5.2.2, by failing to remain in proper military uniform at all times and not wear civilian clothes on or off duty.

f. You did, at or near Sheppard AFB TX, on or about 20 May 00, violate a lawful general instruction, to wit: SAFBI 36-2902, dated 15 Oct 97, paragraph 5.2.2, by failing to remain in proper military uniform at all times.

g. You did, at or near Sheppard AFB TX, on or about 20 May 00, violate a lawful general instruction, to wit: SAFBI 36-2902, dated 15 Oct 97, paragraph 5.2.1, by failing to remain on Sheppard AFB.

h. You did, at or near Sheppard AFB TX, on or about 16 May 00, violate a lawful general instruction, to wit: SAFBI 36-2902, dated 15 Oct 97, paragraph 2.1.2, by failing to carry at least two properly filled out AETC Forms 341, at all times.

i. You did, at or near Sheppard AFB TX, on or about 16 May 00, violate a lawful general instruction, to wit: SAFBI 36-2902, dated 15 Oct 97, paragraph 5.2.3, by using your privately owned vehicle (POV).

j. You did, at or near Sheppard AFB TX, on or about 16 May 00, violate a lawful general instruction, to wit: SAFBI 36-2902, dated 15 Oct 97, paragraph 5.2.2, by failing to remain in proper military uniform at all times.

k. You, having knowledge of a lawful order issued by SrA [REDACTED] to wit: an order which is was your duty to obey, did, at or near Sheppard AFB TX, on or about 16 May 00, fail to obey the same by using your POV to return to building 776.

l. You did, at or near Sheppard AFB TX, on or about 16 May 00, violate a lawful general instruction, to wit: AFI 36-2903, dated 8 Jun 98, table 2.7, by failing to wear headgear while outdoors.

m. You did, at or near Sheppard AFB TX, on or about 16 May 00, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 2.1.2, by failing to carry and safeguard your SAFB Form 303, Phase Card, and by failing to surrender your SAFB Form 303 upon request. For this misconduct and subparagraphs "n through q" below, you received an LOR on 17 May 00.

n. You did, at or near Sheppard AFB TX, on or about 15 May 00, failed to go to your appointed place of duty at the appointed time, to wit: morning formation

o. You did, at or near Sheppard AFB TX, on or about 9 May 00, failed to go to your appointed place of duty at the appointed time, to wit: mandatory assigned details.

p. You did, at or near Sheppard AFB TX, on or about 28 Apr 00, failed to go to your appointed place of duty at the appointed time, to wit: morning formation.

q. You did, at or near Sheppard AFB TX, on or about 26 Apr 00, arm wrestle with another student during class and refused to give an AETC Fm 341 to an NCO.

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 and will probably be denied enlistment in any component of the armed forces.

3. 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] Area Defense Counsel, at Bldg 1638, on 15 Aug 00 at 0900. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 18 Aug 00 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a physical examination on 3 Aug 00 at 0930.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available in the 366th Training Squadron, Military Training Flight, Personnel Office for your use.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
USAF
Squadron Section Commander

Attachments:

1. LOR, 7 Aug 00
2. AF Form 1168, 31 Jul 00
3. AF Form 1168, 31 Jul 00
4. LOR, 29 Jun 00
5. AF Fm 3070, 11 Jul 00
6. AETC Fm 1168, 19 Jun 00, AB [REDACTED]
7. AF Fm 2098, 19 Jun 00
8. AETC Fm 1168, 5 Jun 00, MSgt [REDACTED]
9. MFR, 366 TRS/CCQ Memo, 5 Jun 00
10. AF Fm 2098, 5 Jun 00
11. LOR, 24 May 00
12. LOR, 17 May 00
13. AETC Form 125A, 4 Aug 00
14. AF Fm 156, 200428.

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15. AETC Fm 173, 23 May 00
16. AETC Fm 173, 26 Apr 00
17. Airman's Receipt to Notification Memorandum