

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE AMN		AFSN/SSAN ████████████████████	
TYPE GEN	PERSONAL APPEARANCE			X	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No				
	X				
MEMBER SITTING				NOTE OF THE BOARD	
				HON	GEN
				UOHC	OTHER
					DENY
					X
					X
					X
					X
					X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD	
A93.21 A93.09		A67.50		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		CASE NUMBER			
10 Feb 2004		FD-2003-00452			
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.					
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					
INDORSEMENT				DATE: 2/10/2004	
TO:			FROM:		
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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-2003-00452

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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for a pattern of misconduct. The records indicated the applicant received an Article 15, a vacation of suspended punishment, two Letters of Reprimand, and a Letter of Counseling for misconduct. His offenses all concerned being late for work or failure to go. Applicant now contends he was distracted by personal problems such as his mother-in-law's heart attack, being geographically separated from his wife and daughter, and a potential divorce. Applicant states his First Sergeant sent him to see a doctor who prescribed a medication for depression. Unfortunately, applicant's medical records were unavailable to the DRB for review. While the Board notes it is understandable that a member experiencing personal problems has additional stress, the applicant has not shown how his problems were unique. Additionally, the Board concludes there is insufficient evidence to evaluate the merits of applicant's alleged mitigating factors. After examining the records, the DRB concluded the misconduct was a significant departure from conduct expected of all military members and that the discharge was procedurally proper and equitable. Thus no change is warranted; 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

MISSING MEDICAL RECORDS

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 21 Oct 02 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 27 Feb 73. Enlmt Age: 27 7/12. Disch Age: 29 7/12. Educ: HS DIPL. AFQT: N/A. A-48, E-37, G-44, M-45. PAFSC: 2A333A - Tactical Aircraft Maintenance F-15. DAS: 26 Nov 01.

b. Prior Sv: (1) AFRes 17 Nov 00 - 3 Jan 01 (1 month 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Jan 01 for 6 yrs. Svd: 1 Yrs 9 Mo 18 Das, all AMS.

b. Grade Status: AMN - 19 Mar 02 (Vacation of Article 15, 14 Aug 02)
A1C - 16 Feb 01

c. Time Lost: None.

d. Art 15's: (1) 14 Aug 02, Vacation, Mountain Home AFB, ID - Article 86. You, did, on or about 29 Jul 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. (No appeal) (No mitigation)

(2) 19 Mar 02, Mountain Home AFB, ID - Article 86. You, did, on or about 7 Mar 02, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Airman. (No appeal) (No mitigation)

e. Additional: LOR, 02 JUL 02 - Failure to go and lying.
LOR, 02 MAY 02 - Failure to go.
LOC, 14 DEC 01 - Late for work, and returning late from lunch.

f. CM: None.

g. Record of SV: 4 Jan 01 - 17 Aug 02 Mountain Home AFB 1 (Cmdr Dir) REF
(Discharged from Mountain Home AFB)

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

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (5) Das
TAMS: (1) Yrs (9) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Nov 03.
(Change Discharge to Honorable)

Issue 1: I would like to start this letter by letting you know how hard I worked to get in to (sic) the Air Force being that I was 29 when I enter. My career was blooming until I got to my first duty base. I was informed of my mother-n-law (sic) have a massive heart attack and needing a triple by Pass Surgery. I tried to get a Humaniterian (sic) Package done but they wouldn't accept it. At this time my wife just had our daughter back in Ohio and was threating (sic) to leave me because she thought I was lying. She start (sic) cheating on me I couldn't consintrat (sic) on my work as a crewchief and it really effected (sic) my work performance (sic). My first shirt had me see a doctor who had me on depression pills. I finally got put out the Air Force, could not find a job to pay my bonus off, can't find a job because they were going on my discharge. I hope that the broad (sic) will be sensitive to what I have been through and understand that I tried to better myself then and now.

ATCH

None.

1DEC02/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 366TH WING (ACC)
MOUNTAIN HOME AIR FORCE BASE, IDAHO

3 Oct 02

MEMORANDUM FOR AMN [REDACTED]

FROM: 366 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, specifically, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50. If my recommendation is approved, your service can be characterized as honorable or general. I am recommending your service be characterized as general.
2. My reasons for this action are:
 - a. On or about 29 Jul 02, you failed to go at the time prescribed to your place of duty. As a result, you received an Article 15 vacation action on 14 Aug 02. (Tab 1, Atch 1).
 - b. On or about 1 Jul 02, you failed to go at the time prescribed to your place of duty. As a result, you received a Letter of Reprimand (LOR) on 2 Jul 02. (Tab 1, Atch 2).
 - c. On or about 27 Apr 02, you failed to go at the time prescribed to your place of duty. As a result, you received an LOR on 2 May 02. (Tab 1, Atch 3).
 - d. On or about 7 Mar 02, you failed to go at the time prescribed to your place of duty. As a result, you received an Article 15, UCMJ, on 19 Mar 02. (Tab 1, Atch 4).
 - e. On or about 14 Dec 01, you failed to go at the time prescribed to your place of duty. As a result, you received a Letter of Counseling (LOC) on 11 Dec 01. (Tab 1, Atch 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 will decide whether you will be discharged or retained in the Air Force. If you are discharged, he will also determine how your service will be characterized. If 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 made an appointment for you to consult with the Area Defense Counsel on 03 OCT 02 at 1430 hours in building 512. The telephone number is 828-2675. 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 within three workdays of the date of this

memorandum unless you request and receive an extension for good cause. I will forward 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 the Physical Examination Section at the hospital on Mountain Home AFB. Your scheduled medical examination is on 04 OCT 02 / 0800 HRS at 0800^{HRS} hours. You must be in uniform. If you wear glasses, wear them to the scheduled 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 at the Area Defense Counsel's office or your squadron orderly room.

9. You will surrender your ID card to me immediately. Proceed with a copy of this letter to the Military Personnel Flight (MPF), Customer Service, Building 512, Mountain Home AFB no later than 03 OCT 02 / 1400 HRS where you will be issued a temporary ID card valid for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.

10. A copy of this letter also authorizes you to proceed to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than 03 OCT 02 / 1600 HRS where you will turn in your Mountain Home AFB vehicle sticker and your DoD vehicle decal. They will issue a temporary permit good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle permit will be issued to you until the case is finalized.

11. Finally, proceed with a copy of this letter to the Traffic Management Office (TMO), in Building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.


Lt Col, USAF
Commander

5 Attachments:

1. Art 15 vacation action, dtd 14 Aug 02
2. LOR, dtd 2 Jul 02
3. LOR, dtd 2 May 02
4. Art 15, dtd 19 Mar 02
5. LOC, dtd 11 Dec 01