

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00453

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.

ISSUE: Applicant does not contest his discharge; he states that he has done well for himself after being discharged. He has kept a job and is going back to school soon and will be entering an ROTC program. The records indicated the applicant received an Article 15 for assault, failure to go, failure to secure his weapon and vehicle and disobeying an order. In addition, he received seven Letters of Reprimand, one Letter of Counseling and a Memorandum for Record for dereliction of duty, traffic violation for not having proper insurance, failure to appear in court, failure to obey a lawful order, reporting to duty without shaving, civil arrest for theft, failure to go on several occasions, and failure to comply with proper military grooming standards. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 19 Apr 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 11 Aug 81. Enlmt Age: 17 6/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-76, E-43, G-52, M-47. PAFSC: 3P051 - Security Journeyman. DAS: 9 Feb 00.

b. Prior Sv: (1) AFRes 20 Feb 99 - 24 Aug 99 (6 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 25 Aug 99 for 4 yrs. Svd: 2 Yrs 7 Mo 26 Das, all AMS.

b. Grade Status: AMN - 13 Feb 02 (Article 15, 13 Feb 02)

c. Time Lost: None.

d. Art 15's: (1) 13 Feb 02, Malmstrom AFB, MT - Article 92. You, having knowledge of a lawful order, issued by Lt Col [REDACTED] to wit: You will physically reside in your assigned dorm room until further notice or words to that effect, an order which it was your duty to obey, did, at or near Great Falls, Montana, between on or about 24 Dec 01 and on or about 25 Dec 01, fail to obey the same by wrongfully residing at an off-base location. You, who knew of your duties at or near Malmstrom AFB, Montana, on or about 10 Jan 02, were derelict in the performance of those duties in that you willfully failed to secure a government vehicle and weapons in your possession, as it was your duty to do. Article 128. You did, between on or about 24 Dec 01 and on or about 25 Dec 01, assault Airman [REDACTED] by striking at him with your fist. Article 86. You did, at or near Malmstrom AFB, Montana, on or about 1 Feb 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 500. Reduction to Airman, suspended forfeiture of \$300.00 pay per month for 2 months, and 30 days restriction. (No appeal) (No mitigation)

e. Additional: LOR, 20 MAR 02 - Failure to go.
LOR, 10 JAN 02 - Failure to go.

LOR, 10 JAN 02 - Failure to comply with proper military grooming standards.
 LOR, 16 NOV 01 - Failure to go.
 LOR, 15 NOV 01 - Civil arrest for theft.
 LOC, 08 NOV 01 - Reporting to duty without shaving.
 LOR, 10 JUL 01 - Failure to obey a lawful order.
 MEMO, 11 JUL 00 - Traffic violation for not having proper insurance and failure to appear in court.
 LOR, 08 JUN 00 - Dereliction of duty.

f. CM: None.

g. Record of SV: 25 Aug 99 - 24 Apr 01 Malmstrom AFB 5 (Initial)
 25 Apr 01 - 05 Dec 01 Malmstrom AFB 1 (Cmdr Dir) REF

(Discharged from Malmstrom AFB)

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

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (0) Das
 TAMS: (2) Yrs (7) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Sep 03
 (Change Discharge to Honorable)

Issue 1: I have done well for myself after being discharged. I have kept a job and I am going back to school soon and will be entering an ROTC program. I request that my discharge be upgraded.

ATCH

None.

28OCT03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 341ST SPACE WING (AFSPC)

FD 2003-00453

3 APR 02
MWA

MEMORANDUM FOR 564 MS (ATTN: [REDACTED])

FROM: 564 MS/CC

SUBJECT: Notification Memorandum

1. Pursuant to AFPD 36-32 and AFI 36-3208, paragraph 5.49, I am recommending your discharge from the United States Air Force for minor disciplinary infractions. If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending a general discharge.
2. My reasons for this action are:
 - a. On 1 Jun 00, you violated security procedures in that you allowed a vehicle without a vehicle pass to enter the installation without instructing the individual to obtain a visitor's pass. Moreover, the individual proceeded to the dorms unlawfully because she was not of age to be in the dorms without a proper escort. For this misconduct, you received a Letter of Reprimand (LOR) dated 8 Jun 00.
 - b. On or about 15 Jun 00, you failed to report a hit and run accident in which you were the passenger. Further, you admitted to being intoxicated at the time of the accident. You are not of age to be in possession of alcoholic beverages. This information is documented in a Great Falls Police Department (GFPD) report dated 16 Jun 00.
 - c. On or about 11 Jul 00, you were cited by GFPD for a traffic violation. In addition, you were cited for not having auto insurance. You were to appear in court and failed to do so, resulting in a warrant being posted for your arrest. For this collective misconduct, your driving privileges on Malmstrom AFB were suspended for 30 days.
 - d. On or about 1 Jun 01, your Military Star account was overdue. The amount due was \$138.00. For this misconduct, you were verbally counseled. This counseling is documented on the delinquency letter dated 1 Jun 01.
 - e. On 8 Jul 01, you failed to take computer tests in preparation for your CDC re-evaluation as directed. Further, you failed to return to duty following a physical therapy appointment at 1330. For this misconduct, you received an LOR dated 10 Jul 01.
 - f. On 8 Nov 01, you failed to shave prior to reporting for duty. For this misconduct, you received a Letter of Counseling dated 8 Nov 01.

g. On 7 Nov 01, you were apprehended by the GFPD for the offense of theft. For this misconduct, you received an LOR dated 15 Nov 01. An unfavorable information file (UIF) was established, you were placed on the control roster and you were ordered to reside in an assigned dormitory room.

h. On 6 Nov 01, you failed to report for Commander's Call at 1400 hours as directed. For this misconduct, you received an LOR dated 16 Nov 01.

i. On 1 Jan 02, you violated dress and appearance standards by not having your uniform pressed, your boots not polished, and your hair not within regulation as directed. Further, on 8 Jan 02, you failed to go to physical training as directed. For this misconduct, you received two LORs, each dated 10 Jan 02, which were filed in your UIF.

j. Between on or about 24 Dec 01 and on or about 25 Dec 01, you failed to obey a lawful order issued by ██████████ by wrongfully residing at an off-base location when you were ordered to physically reside in your assigned dorm room until further notice. In addition, on or about 10 Jan 02, you were derelict in the performance of your duties in that you failed to secure a government vehicle and weapons in your possession. In addition, between on or about 24 Dec 01 and on or about 25 Dec 01, you assaulted Amn ██████████ by striking at him with your fist. Further, on or about 1 Feb 02, you failed to go at the time prescribed to your appointed place of duty, to wit: Bldg 500. For this collective misconduct, you received an Article 15 dated 13 Feb 02, with the following punishment: reduction to the grade of airman, forfeiture of \$300.00 pay per month for 2 months (suspended), and restriction to MAFB, MT for 30 days. This document was filed in your UIF.

k. On 15 Mar 02, you failed to go to Air Base Defense training. For this misconduct, you received an LOR dated 20 Mar 02.

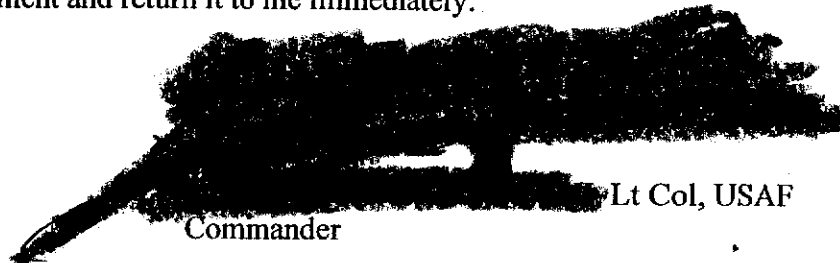
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and 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 have made an appointment for you to consult the Area Defense Counsel, x4723, 7015 Goddard Drive, Bldg 145, Room 144 on 4 APR 02 at 1130. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. You have 3 duty days from the date of this letter (COB 8 APR 02), to provide me with any statements you want the separation authority to consider. You may request and receive an extension for good cause shown. I will send all submitted statements 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 must receive a medical examination. You are scheduled for a medical examination at the 341st Medical Group Physical Examination Section, x4453, on 8 APR 02 at 0730 hours. You **MUST** be in uniform for this appointment. If you wear glasses, you must also bring them to this appointment.
8. Any personal information you provide in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, *Administrative Separation of Airmen*, is available for your use at your orderly room.
9. Execute the attached acknowledgement and return it to me immediately.



Lt Col, USAF
Commander

Attachments:

1. Supporting documents:
 - a. LOR dated 8 Jun 00
 - b. GFPD Incident Report dated 16 Jun 00
 - c. Revocation of Driving Privileges dated 11 Jul 00
 - d. Military Star Account Delinquency Letter dated 1 Jun 01
 - e. LOR dated 10 Jul 01
 - f. LOC dated 8 Nov 01
 - g. LOR dated 15 Nov 01 w/ UIF/Control Roster
 - h. Order to Reside in Dormitory dated 16 Nov 01
 - i. LOR dated 16 Nov 01
 - j. LOR dated 10 Jan 02 #1 w/ UIF
 - k. LOR dated 10 Jan 02 #2 w/ UIF
 - l. Article 15 dated 13 Feb 02 w/ UIF
 - m. LOR dated 20 Mar 02
 - n. Documents in Attachment 6
2. Airman's Receipt of Notification Memorandum