

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE A1C	AFSN/SSAN ██████████			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
NAME OF COUNSEL AND OR ORGANIZATION						
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A94.05	A67.10	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					
12 Jan 2004	FD-2003-00458					
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: 01/12/2004		
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-2003-00458

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 contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, the first for failure to go and the second one for failure to go and for failure to obey a lawful order. He also received a Vacation action under the UCMJ for being derelict in the performance of his duties. Additionally, he received four Letters of Reprimand for drinking under age on numerous occasions, failure to go, being late for duty and for reckless driving. 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 4 Mar 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 25 Feb 82. Enlmt Age: 18 9/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-42, E-50, G-36, M-38. PAFSC: 2A631E - Aerospace Propulsion (F110 Jet Engines) Apprentice. DAS: 25 Sep 01.

b. Prior Sv: (1) AFRes 30 Nov 00 - 26 Mar 01 (3 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Mar 01 for 6 yrs. Svd: 1 Yrs 11 Mo 6 Das, all AMS.

b. Grade Status: AB - 14 Jan 03 (Article 15, 14 Jan 03)
 AMN - 20 Dec 02 (Vacation of Article 15, 13 Jan 03)
 A1C - 11 May 01

c. Time Lost: None.

- d. Art 15's: (1) 14 Jan 03, Cannon AFB, NM - Article 86. You, did, on or about 7 Jan 03, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, having knowledge of a lawful order issued by MSgt [REDACTED] to have your Mandatory Clothing Requirements for Correctional Custody at his office by 1500, 7 Jan 03, an order which it was your duty to obey, did, on or about 7 Jan 03, fail to obey the same. Reduction to AB, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)
- (2) 13 Jan 03, Vacation, Cannon AFB, NM - Article 92. You, who knew of your duties, on or about 3 Jan 03, were derelict in the performance of those duties in that you willfully failed to end your leave in the local area, as it was your duty to do. Reduction to Airman. (No appeal) (No mitigation)
- (3) 20 Dec 02, Cannon AFB, NM - Article 86. You, did, on or about 2 Dec 02, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Airman, and 30 days correctional custody. (No appeal) (No mitigation)

e. Additional: LOR, 13 FEB 03 - Reckless driving.
LOR, 07 OCT 02 - Late for duty.
LOR, 03 APR 02 - Failure to go.
LOR, 28 DEC 01 - Drinking under age on numerous occasions.

f. CM: None.

g. Record of SV: None.

(Discharged from Cannon AFB)

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

i. Stmt of_Sv: TMS: (2) Yrs (3) Mos (3) Das
TAMS: (1) Yrs (11) Mos (6) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Sep 03.
(Change Discharge to Honorable)

Issue 1: My discharge was handed down to me without giving me a second chance to try to correct what I messed upon first is the main reason why I believe I deserve a honorable discharge.

ATCH
None.

30OCT03/ia



FD 2003-00450

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 27th FIGHTER WING (ACC)
CANNON AIR FORCE BASE NEW MEXICO

24 Feb 03

MEMORANDUM FOR AB [REDACTED] 27 AMXS

FROM: 27 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, 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 general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 10 Feb 03, you drove your vehicle in a careless manner and hit a fixed object. For this incident, you received a traffic citation, as evidenced by a Letter of Reprimand, dated 13 Feb 03. (Atch a)

b. On or about 7 Jan 03, you failed to report to your appointed place of duty at the time prescribed, and you disobeyed a lawful order given to you by MSgt [REDACTED] as evidenced by an Article 15 action, dated 14 Jan 03. (Atch b)

c. On or about 3 Jan 03, you were derelict in the performance of your duties in that you willfully failed to end your leave in the local area, as evidenced by an Article 15 Vacation action, dated 14 Jan 03. (Atch c)

d. On or about 2 Dec 02, you failed to report to your appointed place of duty at the time prescribed, as evidenced by an Article 15 action, dated 20 Dec 02. (Atch d)

e. On or about 21 Aug 02, 22 Aug 02, 5 Sep 02, and 10 Sep 02, you failed to report to your appointed place of duty at the time prescribed, as evidenced by a Letter of Reprimand, dated 7 Oct 02. (Atch e)

f. On or about 30 Mar 02, you failed to report to your appointed place of duty at the time prescribed, as evidence by a Letter of Reprimand, dated 3 Apr 02. (Atch f)

g. On numerous occasions, you consumed alcoholic beverages while under the legal drinking age of 21, as evidenced by a Letter of Reprimand, dated 28 Dec 01. (Atch g)

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 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, bonuses, 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. An appointment will be made for you to consult with a military legal counsel from the Cannon AFB Area Defense Counsel's Office at building 600, ext. 2915. 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 **3 duty days** from today 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 will complete a medical examination at the 27th Medical Group on _____ at _____ hours.

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 your unit orderly room, or you may download a copy from <http://afpubs.hq.af.mil/>.


Lt Col, USAF
Commander, 27 AMXS

Attachments:

- a. Letter of Reprimand, dated 13 Feb 03.
- b. Article 15 action, dated 14 Jan 03
- c. Article 15 Vacation action, dated 13 Jan 03
- d. Article 15 action, dated 20 Dec 02
- e. Letter of Reprimand, dated 7 Oct 02
- f. Letter of Reprimand, dated 3 Apr 02
- g. Letter of Reprimand, dated 28 Dec 01