

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE AIC	AFSN/SSAN ██████████
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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	VOICE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.53	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>	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
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HEARING DATE 08 Jan 2004	CASE NUMBER FD-2003-00469	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL ACTION 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.

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-2003-00469

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.

Applicant received a general discharge for minor disciplinary infractions. He had received an Article 15, five Letters of Reprimand, three Records of Individual Counseling and an Unfavorable Information File. His misconduct included five instances of failure to go, failure to obey an order, twice failing to clean his dormitory room, disrespect to a noncommissioned officer, and stealing military property. Member had two Enlisted Performance Reports, both rated an overall "3." They noted his unacceptable off-duty conduct, and inability to maintain dress and appearance standards as well as the standards in his room. Furthermore, the medical records disclosed member had been diagnosed at various times with a depressive disorder and occupational problems with narcissistic and schizotypal features. At the time of the discharge processing, member waived his right to consult counsel or submit statements in his own behalf. The DRB opined that through the unit's many administrative actions, the applicant had ample opportunities to change his negative behavior and was unwilling or unable to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members. 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 characterization of the discharge received by the applicant was therefore 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 8 Apr 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 8 Jun 80. Enlmt Age: 18 10/12. Disch Age: 22 10/12. Educ: HS DIPL. AFQT: N/A. A-51, E-52, G-44, M-34. PAFSC: 3M051 - Services Journeyman. DAS: 1 Apr 00.

b. Prior Sv: (1) AFRes 30 Apr 99 - 7 Dec 99 (7 Months 8 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 8 Dec 99 for 4 yrs. Svd: 3 Yrs 4 Mos 1 Das, all AMS.

b. Grade Status: A1C - 8 Apr 01
AMN - 8 Jun 00

c. Time Lost: None.

d. Art 15's: (1) 4 Apr 01, Hurlburt Field, Fl - Article 92. You, who knew of your duties, between on or about 8 Mar 01 and on or about 9 Mar 01, were derelict in the performance of those duties in that you willfully failed to clean your dormitory room when directed to do so by MSgt [REDACTED], as it was your duty to do. Article 121. You did, on or about 8 Mar 01, steal three dining facility signs, military property of a value of about \$15.00, the property of the military dining facility. Suspended reduction to AB, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 11 MAR 03 - Failure to obey an order.
LOR, 28 FEB 03 - Disrespect to an NCO and unprofessional behavior.
LOR, 18 NOV 02 - Failed dormitory room inspection.
LOR, 26 AUG 02 - Failure to report on time to a mandatory formation.
RIC, 16 JUL 02 - Failure to obey an order.
LOR, 19 FEB 02 - Failure to go.
LOC, 23 JUL 01 - Failure to go.
RIC, 12 JUL 01 - Late for work.
RIC, 22 MAY 01 - Failure to go.

f. CM: None.

g. Record of SV: 08 Dec 99 - 9 Sep 01 Hurlburt Field 3 (Initial)REF
10 Sep 01 - 9 Sep 02 Hurlburt Field 3 (Annual)

(Discharged from Hurlburt Field)

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

i. Stmt of Sv: TMS: (3) Yrs (11) Mos (10) Das
TAMS: (3) Yrs (4) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Sep 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
None.

3 Nov 03/cr



DEPARTMENT OF THE AIR FORCE
16th SERVICES SQUADRON (AFSOC)

FD2003-00469

28 MAR 2003

MEMORANDUM FOR AIC [REDACTED] 16 SVS

FROM: 16 SVS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, more specifically, minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.49. If my recommendation for discharge is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.
2. My reasons for this action are based on the following:
 - a. On or about 16 Jul 02, you were given a No Contact Order to not have any contact with SrA [REDACTED]. Between 19 Jan 03 and 3 Mar 03, you contacted her more than ten times, for which you received a Letter of Reprimand (LOR), dated 11 Mar 03, which was filed in your Personnel Information File (PIF).
 - b. On or about 26 Feb 03, you were disrespectful to a noncommissioned officer and failed to conduct yourself in a professional manner, for which you received an LOR, dated 28 Feb 03, which was filed in your PIF.
 - c. On or about 6 Nov 02, you were derelict in the performance of your duties in that you failed your weekly dormitory room inspection, for which you received an LOR, dated 18 Nov 02. This established and is filed in your Unfavorable Information File (UIF).
 - d. On or about 23 Aug 02, you failed to report on time to a mandatory function, for which you received a Letter of Counseling (LOC), dated 26 Aug 02, which was filed in your PIF.
 - e. On 24 May 02, you were given a no contact order to say away from SrA [REDACTED]. On or about 12 Jul 02, you made contact with her, for which you received a Record of Individual Counseling (RIC), dated 16 Jul 02, which was filed in your PIF.
 - f. On or about 15 Feb 02, you failed to report to a mandatory formation, for which you received a LOR, dated 19 Feb 02, which was filed in your PIF.
 - g. During the month of Jun 01, you failed to attend squadron physical training on the prescribed dates and times, for which you received a LOC, dated 23 Jul 01, which was filed in your PIF.

h. On 12 Jul 01, you received a RIC for repeatedly being late for work, which was filed in your PIF.

i. On or about 22 May 01, you failed to attend a scheduled dental appointment, for which you received a RIC, dated 22 May 01, which was filed in your PIF.

j. Between on or about 8 Mar 01 and on or about 9 Mar 01, you were derelict in the performance of your duties in that you failed to clean your dormitory room and stole three dining facility signs, for which you received Nonjudicial Punishment under Article 15, UCMJ, dated 4 Apr 01, which was filed in your Unfavorable Information File (UIF).

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Courts-Martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.

5. 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 at Hurlburt Field, FL, Bldg 90042, on 26 MAR 03 at 10:00 hours. You may consult civilian counsel at your own expense.

6. 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 your receipt of this memorandum, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. 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.

8. You are scheduled for a medical examination and you should report to the Hurlburt Clinic at 0945 hrs on 28 MAR 03 for the examination.

9. 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 at the unit orderly room.


Lt Col, 16 SVS
Commander

Attachments – See next page

Attachments:

Supporting documents--for the reason for discharge

1. LOR, dtd 11 Mar 03, (1pg.) w/ No contact order, dtd 16 Jul 02 (1p.)
2. LOR, dtd 28 Feb 03, (2pgs.)
3. LOR, dtd 18 Nov 02, (2pgs.) w/AF FM 1137, dtd 22 Nov 02 (1p.)
4. LOC, dtd 26 Aug 02 (2pgs.)
5. RIC, dtd 16 Jul 02, (2pgs.) w/no contact order, dtd 24 May 02 (1p.)
6. LOR, dtd 19 Feb 02, (2pgs.)
7. LOC, dtd 23 Jul 01 (2pgs.)
8. RIC, dtd 12 Jul 01, (2pgs.)
9. RIC, dtd 22 May 01, (2pgs.)
10. AF FM 3070, dtd 4 Apr 01 (1p.)
11. Airman's receipt of notification memorandum