

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE A1C	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

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

ISSUES	A94.53 A92.37	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	08 Jan 2004	CASE NUMBER	FD-2003-00478
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.

[Handwritten Signature]

INDORSEMENT		DATE: 1/5/2004
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-2003-00478

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.

Issue 1. Applicant received a general discharge for minor disciplinary infractions. The records indicated the applicant received two Letters of Reprimand, nine Records of Individual Counseling and two AETC Forms 341. His misconduct included four instances of failure to go, two dress and appearance violations, four dormitory room inspection failures, a violation of Technical Training phase policies, and failure to update his locator card. A record of administrative training action indicated member was unable to consistently meet standards outside of the classroom and was unwilling to accept responsibility for his actions. At the time of the discharge processing, member submitted a statement accepting responsibility for his infractions and noting that his transition to military life was simply taking longer than it did for other members. He also noted his infractions were minor and requested to be retained. The DRB opined that through the unit's numerous administrative actions, the applicant had ample opportunities to change his negative behavior and was either unwilling or unable to do so. The Board concluded his misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was therefore found to be appropriate.

The applicant inferred he was told his discharge would automatically be upgraded in 4 months. The DRB noted this common issue, the result of miscommunication. While a discharge may be upgraded after 4 months, an upgrade is not automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal.

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 20 Apr 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 1 Jul 72. Enlmt Age: 21 2/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-87, E-81, G-74, M-70. PAFSC: 2A112 - Avionics Guidance & Control Systems Helper. DAS: 2 Nov 93.

b. Prior Sv: (1) AFRes 14 Sep 93 - 16 Sep 93 (3 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 17 Sep 93 for 4 yrs. Svd: 0 Yrs 7 Mos 4 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: RIC, 16 MAR 94 - Failed dorm room inspection.
 RIC, 16 MAR 94 - Violation of phase policy.
 LOR, 01 MAR 94 - Failed dorm room inspection.
 RIC, 24 FEB 94 - Failed dorm room inspection.
 RIC, 22 FEB 94 - Violation of AFR 35-10 dress and appearance standards.
 ATC FM 341, 23 JAN 94 - Failure to update locator card and to place door tag on room door.
 RIC, 20 DEC 93 - Failed dorm room inspection.
 RIC, 14 DEC 93 - Violation of AFR 35-10 dress and appearance standards.
 LOR, 07 DEC 93 - Failure to go.
 RIC, 26 NOV 93 - Failure to go.
 RIC, 26 NOV 93 - Failure to go.
 ATC FM 341, 16 NOV 93 - Violation of AFR 35-10 hair standards.
 RIC, 15 NOV 93 - Late for detail.

f. CM: None.

g. Record of SV: None.

(Discharged from Keesler AFB)

h. Awards & Decs: AFTR NDSM.

i. Stmt of Sv: TMS: (0) Yrs (7) Mos (7) Das
TAMS: (0) Yrs (7) Mos (4) Das

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

Issue 1: I was told an upgrade to "Honorable" would be available after 4 months from discharge.

ATCH

None.

6 Nov 03/cr



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

6 Apr 94

MEMORANDUM FOR 332 TRS
ATTENTION: A1C [REDACTED]

FROM: 332 TRS/MTF
835 Falcon Street, Suite 102
Keesler AFB MS 39534-2205

SUBJECT: Notification Letter - ACTION MEMORANDUM

1. I am recommending your discharge from the United States Air Force for misconduct (minor disciplinary infractions.) The authority for this action is AFR 39-10, paragraph 5-46. 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 13 Nov 93, you failed to show for your appointed detail, for which you were counseled on 15 Nov 93. (Atch 1, Appendix A)

b. On 16 Nov 93, you were in violation of AFR 35-10 hair standards, for which you were counseled on 16 Nov 93. (Atch 1, Appendix B)

c. On 24 Nov 93, you failed to show up for duty bay briefing, for which you were counseled on 26 Nov 93. (Atch 1, Appendix C)

d. On 25 Nov 93, you failed to report for your detail, for which you were counseled and received a Letter of Reprimand on 7 Dec 93. (Atch 1, Appendix D)

e. On 7 Dec 93, you were in violation of AFR 35-10 by having a dirty service coat, for which you were counseled on 14 Dec 93. (Atch 1, Appendix E)

f. On 16 Dec 93, you failed a routine room inspection with 5 demerits, for which you were counseled on 20 Dec 93. (Atch 1, Appendix F)

g. On 23 Jan 94, you failed to update your locator card, for which you were counseled on 23 Jan 94. (Atch 1, Appendix G)

h. On 18 Feb 94, you were in violation of AFR 35-10 by having unshined boots, for which you were counseled on 22 Feb 94. (Atch 1, Appendix H)

i. On 23 Feb 94, you failed a routine room inspection with 4 demerits, for which you were counseled on 24 Feb 94 and received a Letter of Reprimand on 1 Mar 94. (Atch 1, Appendix I)

j. On 11 Mar 94, you were in violation of the 81st TRG Phase program by not being present or accounted for bedcheck, for which you were counseled on 16 Mar 94. (Atch 1, Appendix J)

k. On 16 Mar 94, you failed a routine room inspection with 4 demerits, for which you were counseled on 16 Mar 94. (Atch 1, Appendix K)

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander, 81st Training Group, Keesler Air Force Base, Mississippi, or 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.

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 MAJOR [REDACTED] at Bldg 0701, Room 124, on 6 APR 94 at 1430 hours. 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 [REDACTED] 12 APR 94 at 0830 hours 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 behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a medical examination. You must report to the 81st Medical Group, Keesler AFB, at 0700 hours on 11 APR 94 for the examination. Pick up your medical records from the out patient records section and bring them with you to the exam.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 2. A copy of AFR 39-10 is available for your use in the Military Training Flight Admin Section.

8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
2d Lt, USAF
Commander, Military Training Flight
332d Training Squadron

Attachments: Listed on next page

Attachments:

1. AF Form 174, 15 Nov 93
2. ATC Form 341, 16 Nov 93
3. AF Form 174, 26 Nov 93
4. AF Form 174, 26 Nov 93, w/ atch
5. AF Form 174, 14 Dec 93
6. AF Form 174, 20 Dec 93
7. ATC Form 341, 23 Jan 94
8. AF Form 174, 22 Feb 94, w/ atch
9. AF Form 174, 16 Mar 94
10. TRW Form 15, 23 Feb 94
12. AETC Form 125A/156, 29 Mar 94, w/atch
13. Airman's Receipt of Notification Letter