

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ██████████
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>YES</b></td> <td style="width:50%;"><b>No</b></td> </tr> <tr> <td></td> <td align="center"><b>X</b></td> </tr> </table>	<b>YES</b>	<b>No</b>		<b>X</b>		
<b>YES</b>	<b>No</b>					
	<b>X</b>					

<b>MEMBER SITTING</b>	<b>VOICE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>

<b>ISSUES</b> A94.53 A92.21	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
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<b>HEARING DATE</b> 23 Jan 2004	<b>CASE NUMBER</b> FD-2003-00492	
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**APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE REVERSE OF THIS FORM.**

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.

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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

FD-2003-00492

**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.

Issue 1. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received two verbal counselings, four Letters of Reprimand, two Letters of Counseling, and had an Unfavorable Information file for misconduct. His infractions included speeding, parking in a fire lane, twice reporting for work unshaven, four instances of failure to go or being late for work, a loud noise complaint in the dormitory, and failure to obey an order from the First Sergeant regarding compliance with established leave policy and procedures. At the time of the discharge, applicant consulted counsel and submitted a statement in his own behalf requesting retention. Applicant doesn't dispute his misconduct, noting he made some regrettable mistakes and blames no one but himself. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior and was unwilling or unable to do so at the time. The Board concluded the misconduct was a departure from conduct expected of all military members, and while member was age 21 – 22, there was no evidence he was immature or did not know right from wrong. 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 found to be appropriate.

Applicant notes his post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, this does not constitute an inequity or impropriety on which to base an upgrade. The Board concluded the misconduct of the applicant appropriately characterized his service.

**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 9 Apr 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 15 Nov 75. Enlmt Age: 19 8/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-58, E-61, G-37, M-50. PAFSC: 2A636 - Aircraft Electrical and Environmental Systems Apprentice. DAS: 27 Apr 96.

b. Prior Sv: (1) AFRes 29 Jul 95 - 16 Aug 95 (19 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 17 Aug 95 for 4 yrs. Svd: 2 Yrs 7 Mos 23 Das, all AMS.

b. Grade Status: A1C - 17 Dec 96  
AMN - 17 Feb 96

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 04 MAR 98 - Late for work.  
LOR, 20 FEB 98 - Failure to go.  
LOR, 11 FEB 98 - On duty with unshaven appearance.  
LOR, 10 FEB 98 - Failure to obey an order and to comply with established procedures and policy.  
SECURITY BLOTTER, 08 JAN 98 - Loud noise complaint.  
LOC, 22 AUG 97 - Failure to go.  
MEMO, 4 JUN 97 - Late for work.  
TRAFFIC TICKET, 18 MAY 97 - Speeding.  
LOC, 12 MAY 97 - Reported for work unshaven.  
TRAFFIC TICKET, 29 JAN 97 - Parking in a fire lane.

f. CM: None.

g. Record of SV: 17 Aug 95 - 16 Apr 97 Shaw AFB 3 (Initial)

(Discharged from Shaw AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (12) Das  
TAMS: (2) Yrs (7) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Oct 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

**ATCH**

1. Applicant's Statement.

18 Nov 03/cr



**DEPARTMENT OF THE AIR FORCE**  
**20th FIGHTER WING (ACC)**  
**SHAW AIR FORCE BASE, SOUTH CAROLINA**

24 Mar 98

MEMORANDUM FOR AIC [REDACTED]

FROM: 77 FS/CC  
 750 Fighting Falcon Street  
 Shaw AFB SC 29152-5045

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct – 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 29 Jan 97, you were unlawfully parked in a fire lane, for which you were verbally counseled, as evidenced by a DD Form 1408, dated 29 Jan 97.

b. On or about 5 May 97, you failed to comply with AFI 36-2903, Dress and Appearance, in that you were unshaven. For this misconduct, you received a letter of counseling (LOC), dated 12 May 97.

c. On or about 18 May 97, you were driving 41 miles per hour in a 30 miles per hour zone, as evidenced by a DD Form 1408, dated 18 May 97.

d. On or about 4 Jun 97, you failed to go to your appointed place of duty at the prescribed time, for which you were verbally counseled, as evidenced by SrA [REDACTED] memorandum, dated 4 Jun 97.

e. On or about 22 Aug 97, you again failed to go to your appointed place of duty at the prescribed time. This resulted in your receiving a LOC, dated 22 Aug 97.

f. On or about 8 Jan 98, you were playing your music too loud in your dorm room. As a result, the Security Police were called to your room, as evidenced by the Security Police blotter, dated 8 Jan 98.

g. On or about 29 Jan 98, you failed to follow a direct order given to you by your first sergeant, MSgt [REDACTED], to return to the local area by 30 Jan 98 in order to correct a problem with your leave statement. You ignored his order and failed to return to the local area until 6 Feb 98. For this misconduct, you received a letter of reprimand (LOR), dated 10 Feb 98, and an Unfavorable Information File (UIF) was established on 19 Feb 98.

h. On or about 10 Feb 98, you failed to go to a scheduled dental appointment. For this misconduct, you received a LOR, dated 20 Feb 98, which was placed in your existing UIF on 23 Feb 98.

*Global Power For America*

i. On or about 11 Feb 98, you again failed to comply with AFI 36-2903, Dress and Appearance, in that you were unshaven. For this misconduct, you received a LOR, dated 11 Feb 98, which was placed in your existing UIF on 13 Feb 98.

j. On or about 4 Mar 98, you again failed to go to your appointed place of duty at the prescribed time. This resulted in your receiving a LOR, dated 4 Mar 98, and subsequently, Lt Col [REDACTED], 77th Fighter Squadron Commander, decided to initiate administrative discharge procedures, as evidenced by his memorandum, dated 19 Mar 98.

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.

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 Capt [REDACTED] Area Defense Counsel, [REDACTED] at building 321, on 26 Mar 98, at 0800 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 within three days after receipt of the notification memorandum, 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 own behalf, your failure will constitute a waiver of your right to do so.

6. You must report, in uniform, to the Shaw AFB Hospital, Physical Examinations Section, on 31 Mar 98, at 0830 hours for a medical examination.

7. 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 the orderly room.

8. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge if the reason is not homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

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

[REDACTED]  
Maj, USAF

## Attachments:

1. DD Form 1408, 29 Jan 97
2. AF Form 174, 12 May 97
3. DD Form 1408, 18 May 97
4. SrA [REDACTED] Memorandum, 4 Jun 97
5. AF Form 174, 22 Aug 97
6. Security Police Blotter, 8 Jan 98
7. LOR, 10 Feb 98
8. AF Form 1058, 19 Feb 98
9. LOR, 20 Feb 98
10. AF Form 1058, 23 Feb 98
11. 20<sup>th</sup> SGGD Memorandum, 13 Feb 98
12. LOR, 11 Feb 98
13. AF Form 1058, 13 Feb 98
14. LOR, 4 Mar 98
15. Lt Col [REDACTED] Memorandum, 19 Mar 98
16. Airman's Receipt of Notification Memorandum