

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
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

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

ISSUES A01.13 A93.07 A94.05	INDEX NUMBER A67.90	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <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> </tbody> </table>	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
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HEARING DATE 04 Aug 2004	CASE NUMBER FD-2003-00496	
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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, and the right to a personal appearance with/without counsel.

DD Form 149 submitted. The case will be forwarded to the AFBCMR for further processing.

[Handwritten Signature]

INDORSEMENT		DATE: 04/2004
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	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00496

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 contends discharge was inequitable because it was too harsh. He noted most of his incidents related to off duty conduct, that he was not given an opportunity to go to Correctional Custody to correct his behavior, and that he felt some of the disciplinary actions taken were unjust. The records indicated the applicant received seven Letters of Reprimand, a verbal counseling, and had an Unfavorable Information File due to his misconduct. His infractions included numerous instances of writing bad checks and failing to pay his debts, two failures to go, two incidents of dereliction of duty, a domestic altercation, and communicating a threat to another dependent wife. Applicant also had an Enlisted Performance rated an overall referral "2" that chronicled his problems with professionalism, military bearing, meeting standards, and requiring close supervision. The DRB opined that through these 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 and the characterization of the discharge received by the applicant was appropriate.

Issue 2. Applicant contended many of his disciplinary issues arose as a result of his marital problems. While the Board recognized the applicant's marital problems may have had a bearing on his difficulties, the Board did not find these of sufficient mitigation to explain his misconduct. The Board finds the discharge procedurally proper and equitable and no change is warranted.

Issue 3. Applicant cited his desire to seek a career in civilian law enforcement and not wanting his mistakes of youth to continue preventing his future advancement. While the Board recognized applicant was age 20 when he was discharged, he was the same age as other first term airmen who adhere to the standards and successfully complete their enlistments without misconduct. There was no evidence he was immature or did not know right from wrong. Furthermore, while the Board commends applicant on his post-service aspirations, and is sympathetic to the impact of his discharge on those, these are not relevant to his period of service for which his misconduct appropriately characterizes the discharge.

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 Beale AFB, CA on 21 Sep 90 UP AFR 39-10, para 5-47b (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Feb 70. Enlmt Age: 17 7/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-65, E-87, G-76, M-96. PAFSC: 81152 - Law Enforcement Specialist. DAS: 13 Dec 88.

b. Prior Sv: (1) AFRes 6 Oct 87 - 18 Jul 88 (9 months 13 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Jul 88 for 6 yrs. Svd: 2 Yrs 2 Mo 3 Das, all AMS.

b. Grade Status: A1C - 1 Sep 88

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 06 SEP 90 - Commuting a threat.
LOR, 13 JUL 90 - Misuse of a government vehicle.
LOR, 15 MAY 90 - Domestic altercation.
LOR, 27 MAY 90 - Dereliction of duty.
LOR, 01 MAY 90 - Failure to go.
LOC, 19 NOV 89 - Financial irresponsibility.
LOC, 17 OCT 89 - Financial irresponsibility.
LOC, 02 OCT 89 - Uniform violation.
VBC, UNDATED - Unauthorized guests on post.
LOR, 15 FEB 89 - Failure to go.
LOR, 17 JAN 89 - Dereliction of duty.

f. CM: None.

g. Record of SV: 19 Jul 88 - 12 Apr 90 Beale AFB 2 (Initial)REF

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

i. Stmt of Sv: TMS: (2) Yrs (11) Mos (16) Das
TAMS: (2) Yrs (2) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Oct 03.

(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 149.
3. DD Form 214.

9JUN04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 814TH COMBAT SUPPORT GROUP (SAC)
BEALE AIR FORCE BASE, CALIFORNIA 95903-5000



REPLY TO: 814 SPS/CC
ATTN OF:

11 Sep 90

SUBJECT: Letter of Notification

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, conduct prejudicial to good order and discipline. The authority for this action is AFR 39-10, paragraph 5-47b. 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 detailed in the subparagraphs listed below. 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.

a. On 15 Jan 89, at Beale AFB, CA, you were derelict in the performance of your duties as the Main Gate Sentry in that you failed to check the Base Barment Letter, as it was your duty to do, and subsequently allowed a person who was on the Base Barment Letter to enter the base. As a result of your actions, you received a Letter of Reprimand dated 17 Jan 89, attachment 1.

b. On 15 Feb 89, at Beale AFB, CA, you failed to go at the prescribed time to your appointed place of duty, to wit: M-60 class. For this infraction you received a Letter of Reprimand dated 15 Feb 89, attachment 2.

c. On 30 Mar 89, at Beale AFB, CA, while assigned as Gate Sentry at the Vassar Lake Gate, you allowed two female personnel to remain at your post and inside the gate shack for an unreasonable length of time. As a result of your actions, you were counseled by your Flight Chief, as documented on Memo For Record, attachment 3.

d. On 12 Sep 89, at Beale AFB, CA, you wrote a check to the Beale AFB Exchange in the amount of \$45.00. This check was subsequently returned for insufficient funds in your account. As a result, you received a Dishonored Check Notification from the Base Exchange dated 26 Oct 89, attachment 4.

e. On 29 Sep 89 and 30 Sep 89, at Beale AFB, CA, you were in violation of AFR 35-10, in that you wore a set of unserviceable BDU pants while on duty. Additionally, you violated Article 92 of the UCMJ, in that you failed to obey a lawful order given to you by a superior noncommissioned officer, not to wear that particular set of BDU pants because they were in an unserviceable condition. As a result of your actions, you received a Letter of Counseling dated 2 Oct 89, attachment 5.

f. On 16 Oct 89, it was discovered that you had failed to pay your monthly rent which was due to your landlord no later than 5 Oct 89. Further, it was found that your telephone had been disconnected because of your failure to pay the bill and that the check you wrote to your landlord for September's rent had been returned for insufficient funds in your account. As a result of your financial irresponsibility, you received a letter of Counseling dated 17 Oct 89, attachment 6.

g. On or about 19 Nov 89, your supervisor was advised that you had written checks to McMahan's Furniture which had been returned for insufficient funds in your account. As a result of your actions, you received a Letter of Counseling dated 19 Nov 89, attachment 7.

h. On 2 Dec 89, at Beale AFB, CA, you cashed a check at the Beale Billeting Fund, in the amount of \$207.90. This check was subsequently returned for insufficient funds in the account. As a result, you received a letter dated 28 Dec 89, attachment 8, notifying you of the required actions.

i. On 12 Apr 90, at Beale AFB, CA, you failed to report at the prescribed time to your appointed place of duty, to wit: a scheduled dental appointment. As a result of your actions, you received a Letter of Reprimand dated 1 May 90, attachment 9, which was placed into an Unfavorable Information File.

j. On 29 Apr 90, at Beale AFB, CA, you were derelict in the performance of your duty in that you failed to complete an AF Form 75, Visitor's Pass, in accordance with Air Force directives, as it was your duty to do. As a result, you received a Letter of Reprimand dated 27 May 90, attachment 10.

j. On 5 May 90, at Beale AFB, CA, you were involved in a domestic altercation with your wife. Additionally, your government quarters were found to be very unkept and in a state of disarray, not according to the standards as required by AFR 90-1. As a result, you received a Letter of Reprimand dated 15 May 90, attachment 11.

k. On 11 Jun 90, at Beale AFB, CA, you violated squadron policy, in that after previously being briefed concerning unauthorized stops at the Automatic Teller Machine (ATM), while on duty, in government vehicles, you did in fact stop at the ATM, while on duty, in a government vehicle. As a result of your actions, you received a Letter of Reprimand dated 13 Jul 90, attachment 12.

l. On or about 4 Sep 90, at Beale AFB, CA, you communicated a threat over the telephone to a dependent wife caring for your daughter. As a result of your actions, you received a Letter of Reprimand dated 6 Sep 90, attachment 13.

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 [redacted] at the ADC Office, building 2179, room 102, on 11 Sep 90, at 1400 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 14 Sep 90, 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 have been scheduled for a medical examination. You must report to the 814th Strategic Hospital, Flight Surgeon's office at 0730 hours on 12 Sep 90, for this examination.
- 7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the orderly room.
- 8. Execute the attached acknowledgment and return it to me immediately.



Commander, 814 SPS

13 Atch

- 1. Letter of Reprimand, 17 Jan 89
- 2. Letter of Reprimand, 15 Feb 89
- 3. Memo For Record
- 4. Dishonored Check Notification, 26 Oct 89
- 5. Letter of Counseling, 2 Oct 89
- 6. Letter of Counseling, 17 Oct 89
- 7. Letter of Counseling, 19 Nov 89
- 8. 814 CSG/MWR Letter, 28 Dec 89
- 9. Letter of Reprimand, 1 May 90
- 10. Letter of Reprimand, 27 May 90
- 11. Letter of Reprimand, 15 May 90
- 12. Letter of Reprimand, 13 Jul 90
- 13. Letter of Reprimand, 6 Sep 90