

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	VOICE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.53	INDEX NUMBER A67.90	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 15 Apr 2004	CASE NUMBER FD-2003-00512	
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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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

ENDORSEMENT	DATE 4/16/2004
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-2003-00512

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.

ISSUES:

Issue 1. Applicant was discharged for conduct prejudicial to good order and discipline. The records indicated the applicant received an Article 15, vacation of suspended punishment, eight Letters of Reprimand, two Letters of Counseling, one Record of Individual Counseling, two Memorandums for Record, and had an Unfavorable Information File for misconduct. His infractions included numerous incidents of dereliction of duty, being late for work, and financial irresponsibility. At the time of the discharge, member consulted counsel and waived his right to 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. His commander stated in fact that "despite our efforts, we continue to see a markedly unacceptable decline in his behavior, both on and off duty." The Board thus 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. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on June 7, 1999) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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 A1C) (HGH SRA)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 1 Oct 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 24 Sep 79. Enlmt Age: 19 5/12. Disch Age: 23 0/12. Educ: HS DIPL. AFQT: N/A. A-69, E-57, G-59, M-54. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 23 Nov 99.

b. Prior Sv: (1) AFRes 18 Mar 99 - 25 May 99 (2 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 26 May 99 for 6 yrs. Svd: 3 Yrs 4 Mo 6 Das, all AMS.

b. Grade Status: A1C - 12 Mar 02 (Vacation of Article 15, 29 Aug 02)
SrA - 09 Nov 01
A1C - 09 Jul 99

c. Time Lost: None.

d. Art 15's: (1) 29 Aug 02, Vacation, Elmendorf AFB, AK - Article 92. You, who knew of your duties, on or about 30 Jul 02, were derelict in the performance of those duties in that you negligently failed to properly supervise a 30 day M61A1 gun lube inspection on Aircraft 84-0005, as it was your duty to do. Reduction to A1C. (No appeal) (No mitigation)

(2) 12 Mar 02, Elmendorf AFB, AK - Article 92. You, who knew of your duties, on or about 8 Feb 02, was derelict in the performance of those duties in that you willfully failed to follow established technical order guidance, as it was your duty to do. Article 107. You, did, on or about 8 Feb 02, with intent to deceive, make an official statement on AFTO Form 781A, to wit: that you had accomplished LAU-128 Launcher Operational Checks in accordance with established technical order guidance which statement was totally false, and was then known by you to be so false. Suspended reduction to A1C, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 12 FEB 02 - Late for work.

LOR, 08 FEB 02 - Financial irresponsibility.
LOR, 3 JAN 02 - Financial irresponsibility.
LOR, 17 DEC 01 - Late for work.
LOR, 02 NOV 01 - Late for work.
LOR, 13 AUG 01 - Dereliction of duty.
LOR, 11 AUG 00 - Late for work.
RIC, 07 JUN 00 - Dereliction of duty.
LOC, 24 MAY 00 - Traffic ticket for speeding.
LOC, 08 MAY 00 - Dereliction of duty.
LOR, 28 FEB 00 - Dereliction of duty.

f. CM: None.

g. Record of SV: 26 May 99 - 15 Jan 01 Elmendorf AFB 4 (HAF Dir)
16 Jan 01 - 19 Oct 01 Elmendorf AFB 5 (CRO)

(Discharged from Elmendorf AFB)

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

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (14) Das
TAMS: (3) Yrs (4) Mos (6) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Oct 03.
(Change Discharge to Honorable)

Issue 1: I would like an upgrade of my discharge to honorable in order to make use of educational benefits.

ATCH

1. Letter of Recommendation.

10DEC03/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

SEP 10 2002

MEMORANDUM FOR A1C [REDACTED] 19 FS

FROM: 19 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct; specifically, conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as general.
2. My reasons for this action are:
 - a. On 30 Jul 02, you failed to properly supervise a 30-day M61A1 gun lube inspection on Aircraft 84-0005. For this offense the suspended reduction to Airman first class pursuant to an Article 15, dated 12 Mar 02 was vacated. Also, an Unfavorable Information File (UIF) entry was accomplished (Atchs 1 and 5).
 - b. On 8 Feb 02, you willfully failed to follow established technical order guidance. Furthermore, you made an official statement on AFTO Form 781A, to wit: that you had accomplished LAU-128 Launcher Operational Checks in accordance with established technical order guidance which was totally false. Based on your misconduct you received an Article 15 punishment, dated 12 Mar 02, of a suspended reduction to the grade of airman first class, 45 days extra duty, and a UIF entry was accomplished (Atchs 2 and 5).
 - c. On 8 Feb 02, you received a Letter of Reprimand (LOR), for failure to make timely payments to various financial institutions and credit agencies. Also, a UIF was established (Atchs 3, 4 and 5);
 - d. On 11 Feb 02, you failed to go at the time prescribed to your appointed place of duty. Based on your misconduct you received an LOR, dated 12 Feb 02 (Atch 6);
 - e. On 3 Jan 02, you received an LOR, for failure to maintain sufficient funds in your checking account (Atch 7);
 - f. On 10 Dec 01, you were late reporting for duty. Based on your misconduct you received an LOR, dated 17 Dec 01 (Atch 8);
 - g. On 29 Oct 01, you were late for work. Based on your misconduct you received an LOR, dated 2 Nov 01 (Atch 9);

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h. On 10 Aug 01, you disobeyed an order issued by SSgt [REDACTED] to ensure that your number was clear from support prior to leaving for the duty. Based on your misconduct you received an LOR, dated 13 Aug 01 (Atch 10);

i. From 8 Aug 00 through 10 Aug 00, you failed to go at the time prescribed to your appointed place of duty. Based on your misconduct you received an LOR, dated 11 Aug 00 (Atch 11);

j. On 7 Jun 00, you failed to ensure that all required items were in your mobility bag, prior to them being inspected. This is evidenced by a Record of Individual Counseling, dated 7 Jun 00 (Atch 12);

k. On 13 May 00, you received a second traffic ticket in less than three weeks for speeding on base. Based on your misconduct you received a Letter of Counseling (LOC), dated 24 May 00 (Atch 13);

l. On 8 May 00, you failed to show job proficiency and made an official statement, to wit: that you performed the evaluated tasks, which was false. Based on your misconduct you received an LOC, dated 8 May 00 (Atch 14);

m. On 24 Feb 00, you failed to properly download the CTAM-120 IAW TO 1F-15A-33-1-2, para 3-14 when you performed critical steps in the wrong sequence. Based on your misconduct you received an LOR, dated 28 Feb 00 (Atch 15).

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 are discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force, and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [REDACTED] 552-3887, at Bldg 10480, Rm 330 on 10 SEPT 02 at 1600. You may consult civilian counsel at your own expense.

5. 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 duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide to the separation authority.

6. 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.

7. You have been scheduled for medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 5595, at 12 SEPT 02 on 1400 0700 *mm*
for your first exam, at which time you will be notified of the time for your second exam. You *W*

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are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.

8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 11 SEPT 02 on 1400. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Rm 247 at 13 SEPT 02 on 0730. You must be in uniform for all appointments.

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 your Squadron Orderly Room.


Lt Col, USAF
Commander

Attachments:

1. AF Form 366, 29 Aug 02
2. AF Form 3070, 12 Mar 02
3. LOR, 8 Feb 02
4. AF Form 1058
5. AF Form 1137
6. LOR, 12 Feb 02
7. LOR, 3 Jan 02
8. LOR, 17 Dec 01
9. LOR, 2 Nov 01
10. LOR, 13 Aug 01
11. LOR, 11 Aug 00
12. AF Form 174, 7 Jun 00
13. LOC, 24 May 00
14. LOC, 8 May 00
15. LOR, 28 Feb 00