

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> AIC	<b>AFSN/SSAN</b> ██████████
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</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
					X
					X
					X
					X
					X

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A67.50	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
		<b>4</b>	BRIEF OF PERSONNEL FILE	
			COUNSEL'S RELEASE TO THE BOARD	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

<b>HEARING DATE</b> 27 Feb 2004	<b>CASE NUMBER</b> FD-2003-00516
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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.

<b>INDORSEMENT</b>		<b>DATE</b> 2/27/2004
<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	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2003-00516**

**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. The records indicated the applicant received an Article 15, four Letters of Reprimand, four civilian traffic citations, a Memorandum for Record, and had an Unfavorable Information File for misconduct. His infractions included cheating on a nuclear surety test, failing to obey orders, failing to go, being late for duty, driving without insurance, driving without a valid registration, driving without a license, failure to appear in civilian court, driving the wrong way down a one-way street, and fleeing local police. The DRB opined that through these administrative actions and civil court 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 found to be 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 August 24, 1998) 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)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 20 NOV 01 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 8 Oct 79. Enlmt Age: 18 5/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-80, E-72, G-82, M-81. PAFSC: 2M051 - Missile and Space Systems Electrical Maintenance. DAS: 16 Jul 99.

b. Prior Sv: (1) AFRes 23 Mar 98 - 11 Aug 98 (4 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 12 Aug 98 for 4 yrs. Svd: 3 Yrs 3 Mo 9 Das, all AMS.

b. Grade Status: A1C - 9 Oct 01 (Article 15, 9 Oct 01)  
SrA - 12 Dec 00

c. Time Lost: None.

d. Art 15's: (1) 9 Oct 01, F.E. Warren AFB, WY - Article 86. You did, on or about 15 Sep 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C and a reprimand. (No appeal) (No mitigation)

e. Additional: MFR, 15 SEP 01 - Reporting late for duty.  
TRAFFIC CITATION, 22 Aug 01 - Driving without insurance.  
TRAFFIC CITATION, 22 Aug 01 - Operating a vehicle with an  
An expired registration.  
LOR, 05 JUL 01 - Civil arrest for fleeing police, driving  
the wrong way on a one way, careless  
driving, and operating a motorcycle  
without a license.  
TRAFFIC CITATION, 11 May 01 - Operating a vehicle with an  
Expired registration. In  
addition, failed to appear in  
Court.  
LOR, 08 JUN 00 - Late for duty.  
LOR, 01 MAY 00 - Failure to obey a direct order.  
LOR, 14 APR 00 - Cheating on Nuclear Surety exam.  
TRAFFIC TICKET, 27 AUG 99 - Speeding.

f. CM: None.

g. Record of SV: 12 Aug 98 - 15 Jan 00 F.E. Warren AFB 5 (HAF Dir)  
16 Jan 00 - 15 Jan 01 F.E. Warren AFB 3 (Annual)

(Discharged from F.E. Warren AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (7) Mos (29) Das  
TAMS: (3) Yrs (3) Mos (9) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Oct 03.  
(Change Discharge to Honorable)

Issue 1: I feel receiving a General Discharge was a little too severe considering the time I served opposed to how minor my offenses were. Although I made a few mistakes, I feel I was wrongfully denied my final nine months of active duty. I fought alongside my Area Defense Counsel to stay in, but failed after a couple of months. I deserve this upgrade in discharge status because I worked hard and my intentions were honorable despite a few stupid mistakes. I would also like to reap the benefits of the G.I. Bill I invested in my first year of active duty.

**ATCH**  
None.

11DEC03/ia



DEPARTMENT OF THE AIR FORCE  
90TH SPACE WING (AFSPC)

29 OCT 2001

MEMORANDUM FOR SRA [REDACTED]

FROM: 90 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reasons for this action are:
  - a. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 15 September 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 332, Electro-Mechanical Team Support Section, as evidenced by an Article 15 dated 9 Oct 01. This Article 15 was placed in your existing UIF.
  - b. You did, at or near Cheyenne, Wyoming, on or about 12 Aug 01, receive a citation for not having insurance. You were ordered to appear in court on 22 Aug 01. You pled and were found guilty of the charge. You were fined \$400.00 (\$200.00 was suspended), as evidenced by Cheyenne Municipal Court Docket, dated 22 Aug 01.
  - c. You did, at or near Cheyenne, Wyoming, on or about 12 Aug 01, receive a citation for operating a vehicle with an expired registration. You were ordered to appear in court on 22 Aug 01. You pled and were found guilty of the charge. You were fined \$60.00 (\$30.00 was suspended), as evidenced by Cheyenne Municipal Court Docket, dated 22 Aug 01.
  - d. You, at or near Cheyenne, Wyoming, on or about 24 Jun 01, were arrested by civilian law enforcement authorities and charged with fleeing police; driving the wrong way on a one-way street, careless driving, and operating a motorcycle without a license. You were found guilty of all charges in civil court. Your punishment consisted of the following: 180 days in jail (177 days was suspended) for fleeing the police; a \$60.00 fine for going the wrong way on a one way street; a \$60.00 fine for careless driving; and a \$100.00 fine for driving without a license, as evidenced

by a Letter of Reprimand (LOR), dated 5 Jul 01. You also had an Unfavorable Information File (UIF) established.

e. You did, at or near Cheyenne, Wyoming, on or about 11 May 01, receive a citation for operating a vehicle with an expired registration. You were ordered to appear in court on 25 May 01. You did not show for the court on 25 May 01 and paid a forfeiture of \$50.00, as evidenced by an Abstract of Court Record, dated 31 May 01.

f. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 7 Jun 00, fail to show for a standby dispatch. For this misconduct, you received a LOR, dated 8 Jun 00.

g. You, having knowledge of a lawful order to get a new ID card which accurately reflects your hair color, did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 27 Apr 00, fail to obey the same by not getting a new ID card. For this misconduct, you received a LOR, dated 1 May 00.

h. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 13 Apr 00, cheat on the Nuclear Surety exam, to wit: you brought in a Nuclear Surety study guide with you in to the testing area and used it during the exam. For this misconduct, you received a LOR, dated 14 Apr 00.

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 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. 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 with an attorney at the Area Defense Counsel's Office at Building 292, extension 3248, on 30 Oct 01 at 0900. You may consult civilian counsel at your own expense.

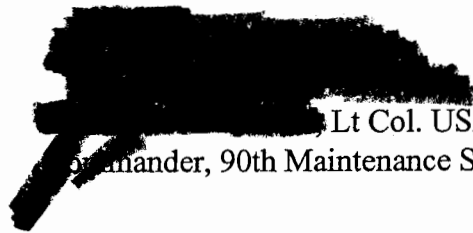
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three workdays after receipt of the notification memorandum, that date being 1 Nov 2001, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.

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 a medical examination. You must report to Physical Exams at 0700 hours, on 30 Oct 01 for the examination.

8. 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 your Command Support Staff office.

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

 Lt Col. USAF  
Commander, 90th Maintenance Squadron

Attachments:

1. Article 15 action and supporting documents, 9 Oct 01
1. Cheyenne Municipal Court Docket, dated 22 Aug 01
2. Cheyenne Municipal Court Docket, dated 22 Aug 01
3. AF Form 1058 w/Atch: LOR, dated 5 Jul 01
4. Abstract of Court Record, dated 31 May 01
5. LOR, dated 8 Jun 00
6. LOR, dated 1 May 00
7. LOR, dated 14 Apr 00
8. Other derogatory data not listed in the Notification Memorandum: Denial of AFGCM letter, dated 18 Sep 01; MFR, dated 15 Sep 01; and Armed Forces Traffic Ticket, dated 27 Aug 99.