

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	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A94.10	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 13 Feb 2004	CASE NUMBER FD-2003-00531
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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

INDORSEMENT

DATE: 02/13/2004

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00531

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge, and to change the reenlistment code.

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 and change of reason and authority for discharge, and change of reenlistment code are 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:

Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, three Records of Individual Counseling and one verbal counseling for misconduct. The misconduct included drunk and disorderly conduct, underage drinking, failure to maintain dormitory room within standards, failure to prepare for training, disrespect to a non-commissioned officer, unsatisfactory duty performance, and a missed appointment. The Board opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

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 29 Apr 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 14 Oct 73. Enlmt Age: 18 4/12. Disch Age: 20 6/12. Educ: HS DIPL. AFQT: N/A. A-79, E-71, G-52, M-67. PAFSC: 2A636 - Aircraft Electrical Environmental Systems Apprentice. DAS: 19 Feb 93.

b. Prior Sv: (1) AFRes 21 Feb 92 - 30 Jun 92 (4 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Jul 92 for 4 yrs. Svd: 1 Yrs 9 Mo 29 Das, all AMS.

b. Grade Status: A1C - 1 Nov 93
AMN - 1 Jan 93

c. Time Lost: None.

d. Art 15's: (1) 22 Nov 93, Hurlburt Field, FL - Article 134. You, were, on or about 6 Nov 93, drunk and disorderly. Article 92. You did, on or about 6 Nov 93, violate a lawful general regulation, to wit: AFR 215-7, paragraph 1-4, dated 27 Sep 91, by wrongfully drinking alcoholic beverages while under the age of 21, the legal drinking age in the state of Florida. Suspended reduction to Amn. Forfeiture of \$50.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: RIC, 25 JAN 94 - Failure to maintain dormitory room within standards.
RIC, 16 DEC 93 - Failure to prepare for training and disrespect to an NCO.
RIC, 26 OCT 93 - Unsatisfactory duty performance.
VBC, 29 JUN 93 - Missed appointment.

f. CM: None.

g. Record of SV: 1 Jul 92 - 28 Feb 94 Hurlburt Field 2 (Initial) REF

(Discharged from Hurlburt Field)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (2) Mos (9) Das
TAMS: (1) Yrs (9) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Nov 03.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I was specifically asked by my superindendant (sic) (SMGT [REDACTED]) if I wanted a discharge due to my difficulty in acclimating to the military lifestyle. Because I was given a choice for discharge I fully expected an Honorable Discharge and was nothing short of surprised by my General Discharge, as I would not have accepted had I known this beforehand (sic). I was also discharged under "misconduct" for trivial offenses that would not normally cause a discharge from military service.

I respectfully request a review of my provided attachment and request change to Honorable Discharge. If you do not see it fit for change, please consider my Narrative Reason for Separation, and Separation Code, to reflect a more honorable and dignified reason (such as GMJ).

ATCH

1. Notification Memorandum.
2. DD Form 214.

17DEC03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 16th SPECIAL OPERATIONS WING (AFSOC)

MEMORANDUM FOR A1C [REDACTED], [REDACTED]

FROM: 8 SOS/CCQ

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for misconduct, more specifically, minor disciplinary infractions. The authority for this action is AFR 39-10, Section H, paragraph 5-46. If my recommendation is approved, your service will be characterized as General. I am recommending that your service be characterized as General.

2. My reasons for this action are based on the following:

a. On or about 25 Jun 93, you failed to go to your appointed place of duty, to wit: Hurlburt Clinic, Hurlburt Fld FL. This resulted in a verbal counselling on 20 Aug 93.

b. On 26 Oct 93, you received a letter of counselling for failure to comply with guidelines stated and agreed upon in the training record, Forms 623a, pages 2 & 3.

c. You, were, at Hurlburt Field FL, on or about 6 Nov 93, were drunk and disorderly. In addition, you did, at Hurlburt Field, FL on or about 6 Nov 93, violate a lawful general regulation, to wit: AFR 215-7, by wrongfully drinking alcoholic beverages while under the age of 21. For these offenses you received Article 15, UCMJ punishment on 22 Nov 93.

e. On or about 16 Dec 93, you were derelict in the performance of your duties by willfully failing to prepare for an assigned task. This resulted in a letter of counselling on 16 Dec 93.

f. On or about 25 Jan 94, you were derelict in the performance of your duties by willfully failing to maintain your assigned dormitory room within minimum standards. This resulted in a letter of counselling on 25 Jan 94.

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. 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] Hurlburt Field, FL, Bldg 90042, on 7 APRIL 94 at 1030 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 3 duty days of the date of this letter 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 are scheduled for a medical examination and you should report to the Hurlburt Clinic, at 0730 hours on 7 APRIL 94 for the examination.

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 at the unit orderly room.

[REDACTED]
[REDACTED], 2Lt, USAF
Squadron Section Commander

Attachments:

1. Record of Verbal Counseling, 29 Jun 93
2. LOC, 26 Oct 93
3. Art 15 Punishment, 22 Nov 93
4. LOC, 16 Dec 93
5. LOC, 25 Jan 94