

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>			GRADE AB		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>							
TYPE GEN		PERSONAL APPEARANCE			X RECORD REVIEW							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">No</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL												
YES	No											
	X											
MEMBER SITTING				VOTE OF THE BOARD								
<div style="border: 1px dashed black; width: 250px; height: 120px; margin-bottom: 5px;"></div>				HON	GEN	UOTHC	OTHER	DENY				
								X				
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								X				
								X				
								X				
ISSUES A30.70		INDEX NUMBER A94.05		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								
HEARING DATE 15 Jan 2004		CASE NUMBER FD-2003-00536		TAPE RECORDING OF PERSONAL APPEARANCE								
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE												
<p>Case heard at Washington, D.C.</p> <p>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</p> <div style="text-align: right; margin-top: 50px;"> </div>												
INDORSEMENT				DATE: 3/26/2004								
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-2003-00536
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of Discharge is denied.</p> <p>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.</p> <p>ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. 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 records indicated applicant received three Article 15s and one Letter of Reprimand for misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

MISSING MEDICAL RECORDS

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 Jan 97 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 15 Sep 71. Enlmt Age: 21 11/12. Disch Age: 25 4/12. Educ: HS DIPL. AFQT: N/A. A-70, E-48, G-41, M-74. PAFSC: 74 - 2W031 - Munitions Systems Apprentice. DAS: 18 Apr 94.

b. Prior Sv: (1) AFRes 16 Aug 93 - 13 Dec 93 (3 Months 28 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 14 Dec 93 for 4 yrs. Svd: 3 Yrs 1 Mos 11 Das, all AMS.

b. Grade Status: AB - 6 Jan 97 (Article 15, 6 Jan 97)
A1C - 14 Apr 95
AMN - 14 Jun 94

c. Time Lost: None.

d. Art 15's: (1) 6 Jan 97, Seymour Johnson AFB, NC - Article 128. You did, on or about 9 Dec 96, unlawfully strike your wife, [REDACTED], by grabbing her by both arms and pushing her into the bedroom wall then throwing her onto the floor and kicking her repeatedly. Article 134. You were, on or about 9 Dec 96, drunk and disorderly. Reduction to AB, and a reprimand. (No appeal) (No mitigation)

(2) 7 Oct 94, Seymour Johnson AFB, NC - Article 111. You did, on or about 17 Sep 94, operate a vehicle, to wit: a passenger car, while drunk. Suspended reduction to AB, forfeiture of \$466.00 pay per month for two months, and 30 days correctional custody. On 26 Oct 94, commander set aside forfeitures in excess of \$416.00 pay per month for two months. (No appeal) (No mitigation)

(3) 1 Mar 94, Lowry AFB, CO - Article 92. Preliminary investigation has disclosed that you did, on or about 20 and 21 Feb 94, in violation of a lawful general regulation, to wit: Lowry Training Center Group Regulation 90-1, paragraph 4.4.1., dated 30 Sep 92, wrongfully transport alcoholic beverages into the

dormitory, Building 1477. Forfeiture of \$125.00 pay per month for one month, 14 days extra duty, 7 days restriction, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 15 JAN 95 - Apprehended for illegal entry and exit of an Air Force installation.
TRAFFIC TICKET, 6 AUG 94 - Failure to stop for a traffic light.

f. CM: None.

- g. Record of SV: 14 Dec 93 - 13 Aug 95 Seymour Johnson AFB 3 (Initial)
14 Aug 95 - 13 Aug 96 Seymour Johnson AFB 4 (Annual)

(Discharged from Seymour Johnson AFB)

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

- i. Stmt of Sv: TMS: (3) Yrs (5) Mos (9) Das
TAMS: (3) Yrs (1) Mos (11) Das

- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Oct 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH

None.

31 Dec 03/cr



DEPARTMENT OF THE AIR FORCE

4TH FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

MEMORANDUM FOR AB [REDACTED] EMS

15 JAN 1997

FROM: 4 EMS/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 my recommendation is AFD 36-32 and AFI 36-3208, Chapter 5, section H, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.
2. My reasons for this action are:
 - a. On 20 and 21 February 1994, you wrongfully transported alcoholic beverages into your training center dormitory at Lowry Air Force Base, CO contrary to your duty and training center regulation. You received Nonjudicial Punishment under Article 15 dated 3 Mar 94 for this misconduct. (atch 1a)
 - b. On 6 Aug 94 you failed to stop for a traffic light on base at Seymour Johnson Air Force Base, NC. You received a traffic ticket for this offense dated 6 August 1994 (atch 1b)
 - c. On 17 September 1994, you operated a vehicle on Seymour Johnson Air Force Base while drunk. For this misconduct you received Nonjudicial Punishment under Article 15 dated 12 Oct 94. (atch 1c)
 - d. On 27 Dec 94, you illegally entered Seymour Johnson Air Force Base. For this infraction, you received a Letter of Reprimand dated 12 Jan 95. It entered an Unfavorable Information File on 15 Jan 95. (atch 1d)
 - e. On 9 Dec 96, you unlawfully assaulted your wife, [REDACTED] by grabbing her by both arms and pushing her into the bedroom wall then throwing her onto the floor and kicking her repeatedly. You received Nonjudicial Punishment under Article 15 dated 6 Jan 97 for this misconduct. (atch 1e)
 - f. On 9 Dec 96, you were drunk and disorderly at Seymour Johnson Air Force Base, NC. For this misconduct you received Nonjudicial Punishment under Article 15 dated 6 Jan 97. (atch 1e)

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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.

4. You have the right to counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel, duty phone 5336, on 16 Jan 97 at 1400. 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 by 21 Jan 97 (3 workdays) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or submit statements in your behalf, your failure will constitute a waiver of your right to do so.

7. You were previously scheduled for a mandatory medical examination, at the Physical Examination Section, 4th Medical Group, Seymour Johnson AFB, at 0645 hours on 16 Jan 97 and at 1650 hours on 16 Jan 97 at Family Practice.

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 Orderly Room.

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



Commander, 4 EMS

Attachments:

1. Supporting documents:
 - a. Art 15, dated 3 Mar 94
 - b. Traffic Ticket, 6 Aug 94
 - c. Art 15, dated 12 Oct 94
 - d. Letter of Reprimand, dated 15 Jan 95
 - e. Art 15, dated 6 Jan 97
2. Receipt of Notification Memorandum