

**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>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</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	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A93.01 A92.37	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		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

<b>HEARING DATE</b> 19 Mar 2004	<b>CASE NUMBER</b> FD-2003-00541	
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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.

*[Handwritten Signature]*

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b>	<b>DATE:</b> 3/19/2004 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-2003-00541**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, 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, change of reason and authority for discharge, and change of reenlistment code are 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:** Applicant received a general discharge for minor disciplinary infractions. The records indicated the applicant received an Article 15, two Letters of Reprimand, three Records of Individual Counseling and had an Unfavorable Information File for misconduct. His infractions included five instances of failure to go, failure to perform duties as directed, and failure to report his apprehension for driving without insurance, and failure to report his involvement in a motor vehicle accident to his first sergeant. Additionally, member had an Enlisted Performance Report rated an overall referral "2" that noted his lack of self discipline, substandard off duty conduct, and his having failed his Career Development Course. Applicant now contends he was young and his behavior was the result of errors in juvenile judgment. The DRB recognized the applicant was 21 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was as old as the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB further opined that through the unit's many administrative actions, the applicant had ample opportunities to change his negative behavior and was unable or unwilling to do so. The Board concluded his misconduct was a significant departure from the conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate due to the misconduct. The Board reviewed the entire record and found no evidence of impropriety or inequity on which to base an upgrade of discharge.

The applicant cited his desire to return to military service. While the DRB commends the applicant on that aspiration, it does not provide a basis of inequity or impropriety which warrants a change of his discharge. The Board concluded applicant's misconduct appropriately characterized his term of service.

**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 21 May 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority Discharge.

2. **BACKGROUND:**

a. DOB: 18 Nov 71. Enlmt Age: 19 3/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-86, E-81, G-74, M-60. PAFSC: 60535 - Apprentice Air Transportation Specialist. DAS: 13 Feb 92.

b. Prior Sv: (1) AFRes 26 Feb 91 - 12 May 91 (2 months 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 13 May 91 for 4 yrs. Svd: 2 Yrs 0 Mo 9 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 28 Apr 93, Pope AFB, NC - Article 86. You, did, on or about 20 Apr 93, without authority, absent yourself from your place of duty at which you were required to be. Suspended reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 20 APR 93 - Failure to report apprehension by the Military Police for driving without insurance. Also, failure to report a vehicle accident.

LOR, 08 DEC 92 - Failure to obey a lawful order.

RIC, 08 SEP 92 - Late for work.

RIC, 10 SEP 92 - Late for work.

RIC, 10 SEP 92 - Failure to notify supervisor of TDY delay and not showing for duty.

f. CM: None.

g. Record of SV: 13 May 91 - 12 Jan 93 Pope AFB 2 (Initial) REF

(Discharged from Pope AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (2) Mos (26) Das  
TAMS: (2) Yrs (0) Mos (9) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Jan 04.  
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I request that my discharge be changed. At the time of discharge I was young and made some very juvenile errors in judgement. I feel that I have matured since that time and would like to allowed (sic) to return to active duty status. I am sure that the errors made in my younger days would not be repeated if allowed to serve my country once again.

**ATCH**

None.

30JAN04/ia

FD2003-00541



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 23D WING (ACC)  
POPE AIR FORCE BASE, NORTH CAROLINA

FROM: 3 APS/CC

30 Apr 93

SUBJ: Notification Letter

TO: AIC [REDACTED]

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. 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:

a. On or about 20 Apr 93, without authority, you were absent from your appointed place of duty, as evidenced by an Article 15 dated 28 Apr 93.

b. In Feb 93, you were apprehended by the Ft. Bragg Military Police for driving without insurance on your vehicle. In addition, in Mar 93, you were involved in a car accident. You failed to report these incidents to the First Sergeant, as evidenced by a Letter of Reprimand dated 20 Apr 93 which was placed in an Unfavorable Information File.

c. On 8 Dec 92, you failed to perform your assigned squadron details as instructed by the First Sergeant, as evidenced by a Letter of Reprimand dated 8 Dec 92.

d. On 4 Sept 92, you reported late for duty, as evidenced by a Record of Individual Counseling dated 8 Sep 92 and Memo For Record.

e. On 10 Sep 92, you reported 30 minutes late for duty, as evidenced by a Record of Individual Counseling and Memo For Record dated 10 Sep 92.

f. On 5 and 6 Sep 92, you failed to report at the prescribed time to your appointed place of duty, as evidenced by a Record of Individual Counseling dated 10 Sep 92.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Wing Commander, who exercises 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.

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 Capt [REDACTED] Area Defense Counsel on 3 May 93 at 0845 hrs. You may consult civilian counsel at your own expense.

5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 5 May 93 at 1400 hrs 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 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 Medical Exams at 0730 hrs on 4 May 93 for the examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, which is available for your use.

[Redacted Signature]

Lt Col, USAF

Commander

- 6 Atchs
- 1. Article 15, dated 28 Apr 93
- 2. LOR, dated 20 Apr 93 w/UIF
- 3. LOR, dated 8 Dec 92
- 4. Record of Individual Counseling & MFR, dated 8 Sep 92
- 5. Record of Individual Counseling & MFR, dated 10 Sep 92
- 6. Record of Individual Counseling, dated 10 Sep 92