

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
	X				
	X				
					X
					X
	X				

ISSUES A67.10	INDEX NUMBER A94.06	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 24 Feb 2004	CASE NUMBER FD-2003-00542	
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APPLICANT'S ISSUES 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.

[Handwritten Signature]

INDORSEMENT		DATE: 2/26/2004
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-2003-00542

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: The Board grants the requested relief.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, two Letters of Reprimand, and one Record of Individual Counseling. The DRB opined that the Article 15 was too harsh in that the applicant was on approved leave and could not help that the aircraft was stuck in Ramstein. The Board did not condone the other misconduct that the applicant had, i.e. being late for work and for financial irresponsibility, however, characterization of the discharge received by the applicant was found to be harsh and should be changed to honorable.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge under the provisions of Title 10, USC 1553. The reason and authority for discharge and the RE Code will 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 19 Jun 98 UP AFI 36-3208, 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Jul 76. Enlmt Age: 18 7/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-41, E-73, G-46, M-53. PAFSC: 2T431 - General Purpose Vehicle Maintenance Apprentice. DAS: 29 Mar 97.

b. Prior Sv: (1) AFRes 6 Mar 95 - 25 Apr 95 (1 month 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Apr 95 for 4 yrs. Extended 12 Nov 96 for 12 months. Svd: 3 Yrs 1 Mo 25 Das, all AMS.

b. Grade Status: A1C - 27 Aug 96
 AMN - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 24 Jul 97, Aviano AB, Italy - Article 86. You, did, on or about 8 Jul 97, without authority, absent yourself from your unit, and did remain so absent until on or about 9 Jul 97. Suspended reduction to Airman. Suspended forfeiture of \$200.00 pay per month for 2 months. Forty five days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 12 MAY 98 - Late to work and making a false statement.
 LOR, 21 APR 98 - Financial irresponsibility.
 RIC, 15 DEC 97 - Late to work on several occasions.

f. CM: None.

g. Record of SV: 26 Apr 95 - 25 Dec 96 Fort Hood 3 (Initial)
 26 Dec 96 - 25 Dec 97 Aviano AB 2 (Annual)REF

(Discharged from Wright-Patterson AFB)

h. Awards & Decs: AFTR, NDSM, SAEMR, NATO MEDAL, AFOUA, AFGCM, AFOSLTR.

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

TAMS: (3) Yrs (1) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 21 Nov 03.
(Change Discharge to Honorable)

Issue 1: I feel that I have made changes in my life since my discharge under the circumstances, I am more financially stable and want to pursue other benefits available as a veteran. My conduct in the military was of good conduct and feel if my martial (sic) probelms (sic) were different I would still be in the militay (sic). Raising a family of 3 on an E-3 salary overseas is very tough. My sole concern when joining was to experience the world, live abroad and earn my education while serving my county (sic). Please let me finish. Thank you for your time.

ATCH

1. Police Report.
2. Character References (5).
3. DD Form 214.

24DEC03/ia

DEPARTMENT OF THE AIR FORCE
31st Fighter Wing (USAFE)

FD 2003 - 00542

27 May 98

MEMORANDUM FOR [REDACTED]

FROM: 31 TRNS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, para 5.49, Minor Disciplinary Infractions. This action could result in your separation with an Under Other Than Honorable Conditions discharge. I am recommending that your service be characterized as Under Honorable Conditions (General).
2. My reasons for this action are as follows:
 - a. Between on or about 13 Apr 98 and 1 May 98, you were late for work on at least nine separate occasions. For this misconduct, you received a Letter of Reprimand (LOR) dated 12 May 98.
 - b. On or about 21 Apr 98, the first sergeant was made aware that you were three months behind to the Omni Credit Company. You had agreed to make 24 monthly payments of \$78.20 per month and the last payment they received from you was on or about 26 Jan 98. For this misconduct, you received an LOR dated 21 Apr 98.
 - c. On or about 15 Dec 97 you failed to show for duty at the prescribed time. For this infraction, you received a Letter of Counseling dated 15 Dec 97.
 - d. You, did, on or about 8 Jul 97, without authority, absent yourself from your unit, to wit: 31st Transportation Squadron located at Aviano Air Base, Italy, and did remain so absent until on or about 9 Jul 97. For this offense, you received nonjudicial punishment dated 24 Jul 97, which included the following punishment: reduction to the grade of E-2 (Airman), forfeiture of \$200 pay per month for two months, with both the reduction and forfeiture of pay suspended until 22 Jan 98, unless sooner vacated; 45 days extra duty; and a reprimand.

I have attached copies of the supporting documents that will be forwarded to the separation authority. 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 may be ineligible for reenlistment in the Air Force. In addition, any special pay, bonus, or education assistance funds may be subject to recoupment.

3. You have the right to consult counsel. Military legal counsel is available to assist you. I have made an appointment for you to consult [redacted] Area Defense Counsel, at Building 134, Area 1, on 28 May 1998 at 0900 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 by 0900 hours on 30 May 1998 unless you request and receive an extension for good cause shown. I will forward your statements 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 will report for two medical examinations: You are to report to the 31 FW/SGOAF (Physical Exams) on 5 June 1998 at 1030 hours. Your second appointment is on 10 June 1998 at 0900 hours. You will need to report 15 minutes prior to your appointment and pick-up your medical records.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use in the unit orderly room or ADC office.

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



Attachments:

- 1. LOR, 12 May w/ atchs;
- LOR, 21 Apr 98 w/ atchs;
- LOC, 15 Dec 97;
- Art 15, 24 Jul 97 w/ atchs.
- 2. Airman's receipt of notification memorandum

[Faint handwritten notes or signature]