

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]			
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
ISSUES A67.10	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			
			TAPE RECORDING OF PERSONAL APPEARANCE			
HEARING DATE 15 Jan 2004	CASE NUMBER FD-2003-00552					
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: 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-2003-00552

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: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, one Letter of Reprimand, and five Records of Individual Counseling for misconduct. The DRB 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

FD2003-00552

MISSING MEDICAL RECORDS
(Former AMN) (HGH AIC)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 12 Jun 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 29 Dec 79. Enlmt Age: 18 6/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-37, E-66, G-68, M-65. PAFSC: 2W051 - Munitions System Journeyman. DAS: 21 Dec 98.

b. Prior Sv: (1) AFRes 27 Jul 98 - 11 Aug 98 (16 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 12 Aug 98 for 4 yrs. Svd: 2 Yrs 10 Mos 1 Das, all AMS.

b. Grade Status: AMN - 21 May 01 (Article 15, 21 May 01)
AIC - 12 Dec 99
AMN - 12 Feb 99

c. Time Lost: None.

d. Art 15's: (1) 21 May 01, Seymour Johnson AFB, NC - Article 134. You were, on or about 26 Apr 01, as a result of wrongful previous overindulgence in intoxicating liquor or drugs incapacitated for the proper performance of your duties. Reduction to AMN, and a reprimand. (No appeal) (No mitigation)

(2) 26 Dec 00, Seymour Johnson AFB, NC - Article 92. You, who knew of your duties, on divers occasions, between on or about 30 Sep 00 and on or about 23 Nov 00, were derelict in the performance of those duties in that you willfully used your Bank of America government charge card for purposes other than those connected with official government travel and official government use, as it was your duty not to do. Suspended reduction to AMN, 25 days restriction, 25 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 10 OCT 00 - Financial irresponsibility.
RIC, 06 JUL 00 - Making a false official statement.
RIC, 03 DEC 99 - Missed scheduled appointment.
RIC, 29 NOV 99 - Financial irresponsibility.
LOR, UNDATED - Underage drinking.
RIC, 26 APR 99 - Missed two scheduled appointments.

f. CM: None.

g. Record of SV: 12 Aug 98 - 11 Apr 00 Seymour Johnson AFB 3 (Initial)
12 Apr 00 - 11 Apr 01 Seymour Johnson AFB 2 (Annual) REF

(Discharged from Seymour Johnson AFB)

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

i. Stmt of Sv: TMS: (2) Yrs (10) Mos (17) Das
TAMS: (2) Yrs (10) Mos (1) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 8 Dec 03.
(Change Discharge to Honorable)

Issue 1: I feel considering good service, that I got in trouble only 2 times, that it should be change.

ATCH

1. DD Form 214.

5 Jan 04/cr



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

FD2003-00552

24 May 2001

MEMORANDUM FOR AMN [REDACTED]

FROM: 4 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. According to Table 1.3 of AFI 36-3208, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action:

a. On or about 31 March 1999 and on or about 6 April 1999, you failed to report to your mandatory dental appointments for which you received a Record of Individual Counseling (AF Form 174). These actions are documented by an AF Form 174, dated 26 April 1999 with attachments (Tab 1a).

b. On or about 29 October 1999, you were derelict in the performance of your duties, in that you consumed alcoholic beverages while under the legal age of 21, as it was your duty not to do. For this misconduct you received a Letter of Reprimand. These actions are documented by a Letter of Reprimand, undated (Tab 1b).

c. On or about 14 September 1999, you wrote a personal check in the amount of \$100.00 to an Air Force Finance Office, which was dishonored by your financial institution. For this misconduct you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 29 November 1999 with attachments (Tab 1c).

d. On or about 23 November 1999, you failed to report for mandatory Chemical Warfare Refresher Training for which you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 3 December 1999 (Tab 1d).

e. On or about 30 June 2000, you made a false official statement to SSgt [REDACTED] in that you lied about living in the dormitory, when in fact you later admitted that you were living off-base. For this misconduct you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 6 July 2000 (Tab 1e).

f. On or about 6 October 2000, you were derelict in the performance of your duties, in that you wrote a check that was dishonored by your financial institution for which you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 10 October 2000 (Tab 1f).

g. Between on or about 30 September 2000 and on or about 23 November 2000, you were derelict in the performance of your duties, in that you used your Government Bank of America charge card for purposes other than those connected with official travel and government use as it was your duty not to do, for which you received an Article 15. These actions are documented by an AF Form 3070, dated 19 December 2000 (Tab 1g).

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h. On or about 26 April 2001, you wrongfully overindulged in intoxicating liquor that caused you to be incapacitated for the proper performance of your duties for which you were punished under Article 15 of the Uniform Code of Military Justice (UCMJ). These actions are documented by an AF Form 3070, dated 11 May 2001 (Tab 1h).

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 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, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. [REDACTED] or DSN [REDACTED]. Your appointment has been scheduled on 24 May 01 (date) at 1400 (time). 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 30 May 01 (allow three duty days) 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 mandatory medical examination at the Physical Examination Section, 4th Medical Group, Seymour Johnson AFB, at 1200 hours on 25 May 2001. You are scheduled for a mandatory follow-up examination at Family Practice (Gold Team) at 1300 hours on 25 May 2001.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 33-332 is available for your use at the unit orderly room or the Area Defense Counsel office.

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

[REDACTED]
Major, USAF

Attachments:

Supporting Documents

- a. AF Form 174, dated 26 April 1999
- b. Letter of Reprimand, undated
- c. AF Form 174, dated 29 November 1999
- d. AF Form 174, dated 3 December 1999
- e. AF Form 174, dated 6 July 2000
- f. AF Form 174, dated 10 October 2000
- g. AF Form 3070, dated 19 December 2000
- h. AF Form 3070, dated 11 May 2001