

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="padding: 2px;">COUNSEL</th> </tr> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">No</td> </tr> <tr> <td style="text-align: center; padding: 2px;"></td> <td style="text-align: center; padding: 2px;">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				
	HON	GEN	UOTHC	OTHER	DENY
					X
					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	24 Feb 2004	CASE NUMBER	FD-2003-00557
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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: 2/24/2004
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-2003-00557

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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received three Article 15s for failure to go and for driving while intoxicated. In addition, he received six Letters of Reprimand, three Letters of Counseling, and one Memorandum for Record 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

(Former AMN) (HGH A1C)

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

2. **BACKGROUND:**

a. DOB: 24 Jan 72. Enlmt Age: 24 8/12. Disch Age: 29 1/12. Educ: HS DIPL. AFQT: N/A. A-48, E-62, G-66, M-51. PAFSC: 3P051 - Security Forces Journeyman. DAS: 21 Jul 97.

b. Prior Sv: (1) AFRes 17 Oct 96 - 4 Mar 97 (4 Months 16 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 5 Mar 97 for 4 yrs. Svd: 3 Yrs 11 Mos 25 Das, all AMS.

b. Grade Status: AMN - 14 Feb 01 (Article 15, 14 Feb 01)
A1C - 27 Jul 99
AMN - 27 Sep 98
AB - 27 Mar 98 (Article 15, 27 Mar 98)
AMN - 5 Sep 97

c. Time Lost: None

d. Art 15's: (1) 14 Feb 01, Brooks AFB, TX - Article 86. You, did, on or about 24 Dec 00, without authority, fail to go at the time prescribed to your appointed place of duty. Article 111. You, did, on or about 24 Dec 00, physically control a vehicle, to wit: a pasenger car while the alcohol concentration of your blood was 0.10 grams of alcohol per 100 milliliters of blood or greater as shown by chemical anyalysis. Reduction to AMN, and 14 days extra duty. (Appeal/Denied) (No mitigation)

(2) 28 Dec 00, Brooks AFB, TX - Article 86. You, did, on or about 17 Nov 00, without authority, absent yourself from your unit, and did remain so absent until on or about 19 Nov 00. Article 92. You, having knowledge of a lawful order issued by MSGt [REDACTED] and SSgt [REDACTED] to sign into your unit upon your return from leave, no later than 2400 hours on 17 Nov 00, an order which it was your duty to obey, fail to obey the same by wrongfully failing to report to your unit on 17 Nov 00. Suspended reduction to AMN, forfeiture of \$150.00 pay, and 14 days extra duty. (No appeal) (No mitigation)

(3) 27 Mar 98, Brooks AFB, TX - Article 86. You, did, on or about 12 Mar 98, without authority, fail to go at the time prescribed to your appointed place of duty.
Reduction to AB. (No appeal) (No mitigation)

- E. Additional: LOR, 24 OCT 00 - Late for work.
LOR, 19 OCT 00 - Late for work.
LOR, 04 OCT 00 - Lack of respect for fellow unit personnel, disrespect to an NCO, and lack of professionalism.
MFR, 01 AUG 00 - Financial irresponsibility.
LOR, 03 FEB 99 - Late for work.
LOR, 22 APR 98 - Failure to go.
LOR, 18 FEB 98 - Failure to follow instructions.
LOC, 11 FEB 98 - Failure to attend a mandatory meeting.
LOC, 09 NOV 97 - Failure to go.
LOC, 27 OCT 97 - Sleeping during training.

f. CM: None.

- g. Record of SV: 05 Mar 97 - 12 Dec 98 Brooks AFB 4 (Initial)
13 Dec 98 - 12 Dec 99 Brooks AFB 5 (Annual)
13 Dec 99 - 12 Dec 00 Brooks AFB 3 (Annual)

(Discharged from Brooks AFB)

h. Awards & Decs: AFAM W/1 DEV, AFTR, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (4) Mos (13) Das
TAMS: (3) Yrs (11) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 Oct 03.
(Change Discharge to Honorable)

Issue 1: My discharge was not proper I felt I had no say in my defense. It was rush and planned by my squadron leaving me little or no room to defend myself. The Air Force gave me a honorable under (general) discharge. I will like to request for it to be change to Honorable besides. If I committed (sic) a misconduct I got my punishment while on active duty. Thanks you.

ATCH

1. DD Form 214.

7 Jan 04/cr



FD2003-00557

4 DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 311TH HUMAN SYSTEMS WING (AFMC)
BROOKS AIR FORCE BASE TEXAS

21 FEB 2001

MEMORANDUM FOR AMN [REDACTED] 311 SFS

FROM: 311 ABG/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct consisting of a pattern of minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. If my recommendation is approved, your current term of service may be characterized as honorable, general under honorable conditions, or under other than honorable conditions (UOTHC). I am recommending that your service be characterized as general under honorable conditions.

2. My reasons for this action are:

a. On 23 October 1997, while you were deployed to Camp Bullis for required mobility training, you were found asleep during a team movement. You were given a Letter of Counseling dated 27 October 1997 (Atch 1).

b. On 9 November 1997, you were not present for scheduled guardmount at 0545 hours. As a result, you were given a Letter of Counseling dated 9 November 1997 (Atch 2).

c. On 5 February 1998, you failed to appear for a mandatory dormitory meeting which you were required to be. As a result, you received a Letter of Counseling dated 11 February 1998 (Atch 3).

d. On 17 February 1998, you failed to follow instructions by the acting Chief of Flight Medicine to take all of your prescribed medication and to report back to the Clinic. Your failure to follow the instructions impacted your worldwide qualification and delayed the completion of your treatment. As a result, you were given a Letter of Reprimand dated 18 February 1998 (Atch 4).

e. On 12 March 1998, you failed to go to your appointed place of duty. As a result, you were given an Article 15 (Nonjudicial Punishment) on 27 March 1998. Your punishment consisted of a reduction to the grade of Airman Basic (Atch 5).

f. On 13 April 1998, you failed to appear to your mandatory substance abuse education appointment. As a result, you received a Letter of Reprimand dated 22 April 1998 (Atch 6).

g. On 30 January 1999, you failed to appear to guardmount duty at the prescribed time of 0530 hours. As a result you were given a Letter of Reprimand on 3 February 1999 (Atch 7).

h. On 30 May 2000, you wrote a bad check in the amount of \$200.00 to an Air Force office in Southwest Asia. As a result, you were verbally counseled and the full amount of \$200.00 was deducted from your military pay on 1 August 2000 (Atchs 8 and 9).

i. On 4 October 2000, you were reprimanded for your unprofessional conduct and for displaying a lack of respect for your fellow unit members and for the base populace. The Letter of Reprimand was dated 4 October 2000 (Atch 10).

j. On 19 October 2000, you failed to appear for guardmount duty at 0530 hours. For this, you were given a Letter of Reprimand dated 19 October 2000 (Atch 11).

k. On 24 October 2000, you failed again to appear for guardmount duty at 0530 hours. You were given another Letter of Reprimand dated 24 October 2000 (Atch 12).

l. From 17 November 2000 until 19 November 2000, you were absent from the unit without authority. Additionally, you failed to obey a lawful order by wrongfully failing to report to the unit on 17 November 2000. As a result, you were given an Article 15 (Nonjudicial Punishment) on 28 December 2000. Your punishment consisted of a suspended reduction to the grade of Airman, forfeiture of \$150.00 pay, and fourteen days extra duty (Atch 13).

m. On 24 December 2000, you failed to appear for guardmount duty at 0520 hours and you physically drove a passenger car while impaired. As a result, you were given an Article 15 (Nonjudicial Punishment) on 14 February 2001. Your punishment consisted of a reduction to the grade of Airman and fourteen days extra duty (Atch 14).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial 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. Furthermore, any special pay, bonuses, or education assistance funds you have received may be subject to recoupment.

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] Office of the Area Defense Counsel, Building 399, Room B40, Randolph AFB, TX, on 22 Feb 2001 at 0845 hours. 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 26 Feb 2001 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 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 the Brooks AFB Clinic, Flight Surgeon's Office at 1300 hours on 21 Feb 2001 for the examination.

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 the unit orderly room and at the Office of the Area Defense Counsel, Building 399, Room B40, Randolph AFB, TX.



Colonel, USAF
311th Air Base Group Commander

14 Attachments:

1. Letter of Counseling dated 27 October 1997;
2. Letter of Counseling dated 9 November 1997;
3. Letter of Counseling dated 11 February 1998;
4. Letter of Reprimand dated 18 February 1998;
5. Article 15 (Nonjudicial Punishment) dated 27 March 1998, w atchs dated 23 & 20 March, 1998;
6. Letter of Reprimand dated 22 April 1998;
7. Letter of Reprimand dated 3 February 1999;
8. Memorandum for Record dated 1 August 2000;
9. Notification of Dishonored Check dated 25 July 2000;
10. Letter of Reprimand dated 4 October 2000;
11. Letter of Reprimand dated 19 October 2000;
12. Letter of Reprimand dated 24 October 2000;
13. Article 15 (Nonjudicial Punishment) dated 28 December 2000; w atch dated 21 December, 2000;
14. Article 15 (Nonjudicial Punishment) dated 14 February 2001. w atch dated 13 February 2001.