

# 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  A1C		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>		
TYPE GEN	<b>X</b>	PERSONAL APPEARANCE			RECORD REVIEW			
COUNSEL YES      No		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL			
<div style="text-align: center;"><b>X</b></div>								
MEMBER SITTING <div style="border: 1px dashed black; width: 100%; height: 100%;"></div>				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
								X
								X
								X
								X
ISSUES <b>A94.01</b> <b>A94.05</b>		INDEX NUMBER <b>A67.50</b>		EXHIBITS SUBMITTED TO THE BOARD				
				<b>1</b>	ORDER APPOINTING THE BOARD			
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE			
				<b>3</b>	LETTER OF NOTIFICATION			
				<b>4</b>	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 <b>22 Oct 2004</b>		CASE NUMBER <b>FD-2003-00559</b>						
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. via video teleconference from Travis AFB, CA.</p> <p>Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.</p> <div style="border: 1px dashed black; width: 100%; height: 50px; margin-top: 20px;"></div>								
INDORSEMENT				DATE: 10/23/2004				
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-2003-00559**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, a change of the reason and authority for the discharge, and a change the reenlistment code.

The applicant appeared before the Discharge Review Board (DRB) at Andrews AFB, Maryland, via video teleconference (VTC) from Travis AFB, California. Although he acknowledged his right to be represented by counsel, the applicant waived his right to counsel.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

The applicant submitted the following additional documents:

- Exhibit #5: Two-Page Letter of Recommendation from [REDACTED] (undated);
- Exhibit #6: Copy of two pages of medical records, dated 2 April 2001.

**FINDINGS:** Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are 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 generally contends his discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, six Letters of Reprimand, and three Records of Individual Counseling misconduct occurring from on or about 6 March 2000 to on or about 29 November 2002. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 13 Feb 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 6 Dec 79. Enlmt Age: 18 6/12. Disch Age: 23 2/12. Educ: HS DIPL. AFQT: N/A. A-56, E-70, G-50, M-62. PAFSC: 2A351B - F-15/F-111 Avionics Systems Journeyman. DAS: 21 Feb 02.

b. Prior Sv: (1) AFRes 23 Jun 98 - 29 Dec 98 (6 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Dec 98 for 6 yrs. Svd: 4 Yrs 1 Mo 15 Das, all AMS.

b. Grade Status: A1C - 12 Feb 99

c. Time Lost: None.

d. Art 15's: (1) 1 May 01, Osan AB, Korea - Article 92. You, who knew of your duties, on or about 12 Apr 01, were derelict in the performance of those duties, in that you negligently failed to remain awake at work, as if was your duty to do. Suspended reduction to Airman, suspended forfeiture of \$150.00 pay per month for two months. Forty five days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 06 DEC 02 - Late for duty, lying, and not reporting to complete his shift.

LOR, 06 DEC 02 - Reckless driving on base.

LOR, 07 NOV 02 - Traffic ticket for speeding and failure to provide insurance.

RIC, 21 OCT 02 - Late for duty.

LOR, 03 DEC 01 - Disrespect to an NCO.

RIC, 05 JUN 01 - Late for duty, dereliction of duty, failure to obey an order, and lying.

LOR, 19 DEC 00 - Failure to obey an order and failure to go.

LOR, 16 MAR 00 - Lying.

RIC, 07 MAR 00 - Making a false statement.

f. CM: None.

g. Record of SV: 30 Dec 98 - 15 Jul 00 Dyess AFB 3 (HAF Dir)  
 06 Jul 01 - 27 Jan 02 Osan AB 2 (CRO)REF  
 28 Jan 02 - 27 Jan 03 Travis AFB 3 (Annual)

(Discharged from Travis AFB)

h. Awards & Decs: AFTR, NDSM, AFLSAR, AFOSSTR, MB.

i. Stmt of Sv: TMS: (4) Yrs (7) Mos (22) Das  
 TAMS: (4) Yrs (1) Mos (15) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Dec 03.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I at any time am willing to die for my country. I still wish to fix planes or helicopters for the Air Force. I am currently building helicopters that put out fires, (logg?), and do construction all over the world. (Erickson Air Crane). But I miss the military. If I were given a second chance I would serve my country anywhere needed. Maybey (sic) another Branch if so be it. In the past 8 months I have had time to think. Yes I had some disciplinary issues, but I gave up when I was punished in Korea for falling asleep. Everyone in a supervisor position played C.Y.A. I got no stripe & 2 months of 12 hours. Strichen (sic) to Base for what. (sic) Because I was on Dexepin. All supervisors knew I was on Dexepin. For pulling a U turn on Base to tell a cop that the light is messed up. So be it. But once your in trouble it's hard to DIG YOURSELF OUT. You will never see that I did community service @ Osan AB. You will never see how many times I fixed a plane and went unnoticed. You will never see Nose Art I did on C-130's (sic) in Texas. But you will be able to see my Rebuttal to all that has happen (sic) to me an hear my words on paper since paper is what brought me to write you.

**ATCH**

1. Notification Memorandum.
2. Response to Notification Discharge Proceedings.
3. Medical Proof.
4. Response to Letter of Reprimand.

30JAN04/ia



DEPARTMENT OF THE AIR FORCE  
60TH AIRCRAFT MAINTENANCE SQUADRON (AMC)

FD 2003-00557

21 Jan 03

MEMORANDUM FOR A1C [REDACTED] 60 AMXS

FROM: 60 AMXS/CC  
120 Goodall Street  
Travis AFB CA 94535

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service may 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 6 Mar 00, you failed to report for duty, for which you received a record of individual counseling (RIC), dated 7 Mar 00, with establishment of an unfavorable information file (UIF) on 19 Dec 00 (Atch 1, Tab 1).

b. On or about 14 Mar 00, you made a false official statement MSgt [REDACTED] by stating you were feeling extremely ill and requested to be excused from duty. You were allowed to remain in your quarters until sick call. The following day you said you had attended sick call when you had not. For this, you received a letter of reprimand (LOR), dated 16 Mar 00, which was placed in your existing UIF on 19 Dec 00 (Atch 2 Tab 1).

c. On or about 2 Dec 00, at Dyess AFB, Texas, you were absent without leave for three days. You also make a false official statement to MSgt [REDACTED] by stating that you were in El Paso, Texas when in fact you were in Las Vegas, Nevada. For this, you received an LOR, dated 19 Dec 00, which was placed in your existing UIF on 19 Dec 00 (Atch 3, Tab 1).

d. On or about 12 April 01, you were derelict in the performance of your duties in that you failed to remain awake at work, a violation of Article 92, UCMJ. For this, you received an Article 15, dated 1 May 01, which was placed in your existing UIF. Punishment consisted of a suspended reduction to the grade of airman, forfeiture of \$150.00 per month for two months suspended until 31 Oct 01, and 45 days of extra duty (Atch 4, Tab 1).

e. On or about 3 May 01, you reported late for duty. On or about 16 May 01, you were assigned speedy details during aircraft recovery. While the aircraft was taxiing in past your post, you were a hundred yards away on top of a hill watching other aircraft land. On or about 31 May 01, you were asked by SSgt [REDACTED] not to ride your bike to work because of its unsafe condition. You continued to ride your bike to work over the weekend and hid it around the compound. On 4 Jun 01, you were told again not to ride your bike to work until it was fixed. On or about 5 Jun 01 you rode your bike to work again and hid it behind the hangar. When questioned about your bike you stated that you did not ride your bike to work. Later, you admitted you did in fact ride in it. For your actions, you received an RIC, dated 5 Jun 01, which was placed in your existing UIF (Atch 5, Tab 1).

f. On or about 30 Nov 01, you were disrespectful toward a NCO by continually interrupting a conversation between SSgt [REDACTED] and SSgt [REDACTED] and after being told to stop interrupting the conversation you responded by saying "alright screw you guys!" For your actions, you received an LOR, dated 3 Dec 01, which was placed in your existing UIF on 31 Jan 02 (Atch 6, Tab 1).

g. On or about 20 Oct 02, you failed to show to Blue flight roll call at 0630 in Hangar 841, for which you received an RIC, dated 21 Oct 02, which was placed in your existing UIF (Atch 7, Tab 1).

h. On or about 28 Oct 02, you were cited for driving 36 mph in a 25 mph speed limit zone and without a valid vehicle insurance. This was your third traffic citation since 31 Mar 02. For your actions, you received an LOR, dated 07 Nov 02, which was placed in your existing UIF (Atch 8, Tab 1).

i. On or about 17 Nov 02, you were observed by Security Forces driving recklessly on Travis Avenue. Specifically, you were spinning your tires with enough velocity to generate a squealing noise. Then upon entering Travis Avenue westbound your vehicle turned across the entire four lanes of traffic. Additionally, you turned rapidly onto southbound Burgan Boulevard, failing to signal or yield to cross vehicles and pedestrian traffic. For your actions, you received an LOR, dated 06 Dec 02, which was placed in your existing UIF on 25 Nov 02 (Atch 9, Tab 1).

j. On or about 29 Nov 02 you failed to report for duty at the time prescribed. At 0615 you called MSgt [REDACTED] and told him you were stuck in Fresno, California because your car broke down. You were told to report no later than 1600. You did report to duty at 1600 in the car that you said was broken down. Previous history revealed that you (1) failed to report for duty on 29 Oct 02 claiming your car had broken down in Oregon when in fact it was working fine; and (2) failed to return to duty on 14 Sep 02 after your supervisor allowed you to go get some sleep. For your actions, you received an LOR, dated 06 Dec 02, which was placed in your existing UIF on 29 Dec 02 (Atch 10, Tab 1).

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 are to 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, and any special pay, bonus monies, or education assistance funds may be subject to recoupment.

4. You have the right to consult with an attorney. Military legal counsel has been obtained to assist you. I have made an appointment for you to speak with Captain [REDACTED] Area Defense Counsel, 540 Airlift Drive, Bldg. 381, Suite D-100, Travis AFB, California, 94535-2479, DSN 837-4569; Commercial, (707) 424-4569, on 23 JAN 03 at 0830 hours. You may also consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you wish the separation authority to consider must reach me by (three workdays from service of this letter) 24 JAN 03, no later than 1030 hours, unless you request and receive an extension for good cause. I will send the separation authority any documents you submit.

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

7. You have been scheduled for a separation physical examination on 22 Jan 03 at 0935 hours, Force Health Management (formerly Physical Exams Section), David Grant Medical Center. You also have an appointment in the Primary Care Clinic on 22 Jan 03 at 1035 hours to consult with a physician.

8. Any personal information you furnish in rebuttal will be covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the Orderly Room.

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

[REDACTED]

Commander

Attachments:

1. AF Form 174, 7 Mar 00; AF Form 1058, 19 Dec 00
2. LOR, 16 Mar 00; AF Form 1058, 19 Dec 00
3. LOR, 19 Dec 00; AF Form 1058, 19 Dec 00
4. AF Form 3070, 1 May 01; AF Form 1137 UIF
5. AF Form 174, 5 Jun 01; AF Form 1058, 8 Aug 01
6. LOR, 3 Dec 01; AF Form 1058, 31 Jan 02
7. AF Form 174, 21 Oct 02; AF Form 1137 UIF
8. LOR, 7 Nov 02; AF Form 1137 UIF
9. LOR, 6 Dec 02; AF Form 1058, 25 Nov 02
- 10 LOR, 6 Dec 02; AF Form 1058, 29 Dec 02