

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>		GRADE A1C	AFSN/SSAN <div style="background-color: black; width: 100px; height: 15px;"></div>			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING <div style="border: 1px dashed black; width: 250px; height: 120px; margin-top: 10px;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A95.00 A01.00		INDEX NUMBER A67.10		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	
HEARING DATE 11 Mar 2004		CASE NUMBER FD-2003-00561				
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: 3/11/2004		
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-2003-00561

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 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.

ISSUE:

The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received an Article 15 and one Letter of Reprimand for misconduct. The misconduct included failure to obey a lawful order by refusing anthrax vaccinations. 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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 17 Mar 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 28 Jul 80. Enlmt Age: 19 6/12. Disch Age: 22 7/12. Educ: HS DIPL. AFQT: N/A. A-94, E-90, G-82, M-89. PAFSC: 3C051 - Communications Apprentice. DAS: 8 Sep 00.

b. Prior Sv: (1) AFRes 17 Feb 00 - 29 Mar 00 (1 month 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 30 Mar 00 for 4 yrs. Svd: 2 Yrs 11 Mo 16 Das, all AMS.

b. Grade Status: A1C - 13 Feb 03 (Article 15, 13 Feb 03)
SrA - 30 Jul 02

c. Time Lost: None.

d. Art 15's: (1) 13 Feb 03, Hurlburt Field, FL - Article 92. You, having knowledge of a lawful order issued by LTC [REDACTED] to wit: to begin the Anthrax Vaccination Program, an order which it was your duty to obey, did, on or about 22 Jan 03, fail to obey the same by wrongfully refusing to begin the Anthrax Vaccination Program. Reduction to A1C. (No appeal) (No mitigation)

e. Additional: LOR, 15 JAN 03 - Failure to obey a lawful order.

f. CM: None.

g. Record of SV: 30 Mar 00 - 29 Nov 01 Hurlburt Field 5 (Initial)
30 Nov 01 - 01 Oct 02 Hurlburt Field 5 (CRO)
11 Jan 02 - 10 Jan 03 Hurlburt Field 5 (Annual)

(Discharged from Hurlburt Field)

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

i. Stmt of Sv: TMS: (3) Yrs (1) Mos (1) Das
TAMS: (2) Yrs (11) Mos (16) Das

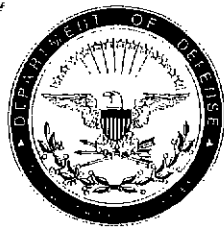
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Dec 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

14JAN03/ia



(FD 2003-00561)
DEPARTMENT OF THE AIR FORCE
16th COMMUNICATION SQUADRON (AETC)

MEMORANDUM FOR A1C [REDACTED] 16 CS

FEB 27 2003

FROM: 16 CS/CC

SUBJECT: Notification of Discharge Recommendation

1. I am recommending your discharge from the United States Air Force for misconduct, more specifically, 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 for discharge is approved, your service will be characterized as either honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are based on the following:

a. You, having knowledge of a lawful order issued by Lieutenant Colonel [REDACTED] to wit: to begin the Anthrax Vaccination Program, an order which it was your duty to obey, did at or near Hurlburt Field, Florida, on or about 22 January 2003, fail to obey the same by wrongfully refusing to begin the Anthrax Vaccination Program, for which you were given Nonjudicial Punishment under Article 15, UCMJ, on 13 Feb 03, which was filed in your Personnel Information File (PIF).

b. On 7 Jan 03, you failed to obey a written order by Lt Col [REDACTED] to immediately begin the Anthrax Vaccine Immunization Program.

c. On 6 Jan 03, you failed to obey an order by SMSgt [REDACTED] to begin the Anthrax Vaccine Immunization Program, for which you received a Letter of Reprimand, dated 15 Jan 03, which was filed in your PIF.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Courts-Martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, the characterization of your discharge. Additionally, 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 the Area Defense Counsel at Bldg 90042, Hurlburt Field, FL, on 28 Feb 03 at 1430 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays of your receipt of this memorandum, unless you request and receive an extension for good cause. If you provide such statements, I will send them to the separation authority.

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

7. You are scheduled for a medical examination and you must report to the Hurlburt Clinic at 0900 hrs on 28 Feb 03 for this purpose.

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 at the unit orderly room.



Lt Col, USAF

Commander

Attachments:

Supporting documents--for the reason for discharge

1. AF Form 3070, dtd 13 Feb 03 (6 p.)
2. LOR, dtd 15 Jan 03 (5 p.)
3. MFR, dtd 7 Jan 03 (1p.)
4. Airman's receipt of notification memorandum