

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██		GRADE AMN	AFSN/SSAN ████████████████████			
TYPE GEN	PERSONAL APPEARANCE		X	RECORD REVIEW		
NAME OF COUNSEL AND OR ORGANIZATION		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 A92.35 A92.21 A93.01		INDEX NUMBER A67.90		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 17 Mar 2004		CASE NUMBER FD-2004-00005				

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.

*[Handwritten Signature]*

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

FD-2004-00005

**GENERAL:** The applicant appeals to upgrade discharge to honorable and to change the reenlistment code.

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 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 1. Applicant contends discharge was based on one isolated incident. The records indicated the applicant received an Article 15 and six Letters of Reprimand for misconduct that included underage drinking, failure to go, reporting to duty without his required equipment, stealing personal property of another military member, failing to maintain his quarters in a sanitary condition, and stealing government property from the dormitory. Additionally, member had an Enlisted Performance Report rated an overall referral "2" that noted his off-duty behavior was continually below standards. The DRB opined that through the unit's many administrative actions, the applicant had ample opportunities to change his negative behavior and he was unwilling or unable to do so. The Board concluded his misconduct was a significant departure from conduct expected of all military members. 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 characterization of the discharge received by the applicant was found to be appropriate.

Issues 2 and 4. Applicant infers that he should not be penalized indefinitely for a mistake he made when younger. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was as old as the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of discharge was appropriate due to the misconduct.

Issue 3 applies to the applicant's desire to reenter military service. While the DRB commends the applicant on this aspiration, it does not comprise an inequity or impropriety in his discharge or offer a basis for upgrade. The Board concluded applicant's misconduct appropriately characterized his term of service.

At the time of the discharge, member cited his desire to receive the G.I. Bill benefits as justification to receive an honorable separation. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on March 22, 1999) that he understood he must receive an honorable discharge to receive future educational entitlements.

**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 AIC)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 11 Dec 00 UP AFI 36-3208, para 5.50.2 (Patter of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 12 Jul 81. Enlmt Age: 17 6/12. Disch Age: 19 4/12. Educ: HS DIPL. AFQT: N/A. A-36, E-73, G-53, M-75. PAFSC: 3P031 - Security Forces Apprentice. DAS: 6 Aug 99.

b. Prior Sv: (1) AFRes 19 Jan 99 - 9 Mar 99 (1 month 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Mar 99 for 6 yrs. Svd: 1 Yrs 9 Mo 2 Das, all AMS.

b. Grade Status: Amn - 6 Nov 00 (Article 16, 6 Nov 00)  
 AIC - 26 Apr 99

c. Time Lost: None.

d. Art 15's: (1) 6 Nov 00, Moody AFB, GA - Article 121. You did, on or about 26 Oct 00, wrongfully appropriate an RCA Symphonic VCR, of a value of about \$200.00, the property of the United States Air Force. Reduction to Airman, forfeiture of \$200.00 pay per month for 2 months, 45 days restriction, and 45 days extra duty.  
 (Appeal/Denied) (No mitigation)

e. Additional: LOR, 06 NOV 00 - Late for work.  
 LOR, 23 OCT 00 - Failing to maintain quarters in a satisfactory manner and loud conduct.  
 LOR, 23 OCT 00 - Stealing a flag. (Document missing from file)  
 LOR, 21 OCT 00 - Reporting for duty without required equipment  
 LOR, 10 OCT 00 - Failure to go.  
 LOR, 21 AUG 00 - Underage drinking.

f. CM: None.

g. Record of SV: 10 Mar 99 - 14 Nov 00 Moody AFB 2 (HAF Dir)REF

(Discharged from Moody AFB)

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

i. Stmt of Sv: TMS: (1) Yrs (10) Mos (23) Das  
TAMS: (1) Yrs (9) Mos (2) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Jan 04.  
(Change Discharge to Honorable and Change the RE Code)

Issue 1: My discharge was inequitable because it was based on one incident in 21 months of service and the supporting documents were not enough for this discharge.

Issue 2: I am not trying to make excuses for what I did, I just want a second chance to prove myself. I was 17 when I joined and I have learned all the aspects of life that I should have learned before ever joining the Air Force.

Issue 3: Listed on the DD Form 293 under section 3 Board Action Requested, I marked A. change discharge to Honorable. However all I want is my reentry code to be changed so that I can serve my country again in this time of need.

Issue 4: I under stand (sic) that I still owe the government money from when I was discharged. I am getting ready to pay it off by June of this year. When reviewing my case please understand that I am trying to better myself and would like another chance to prove that I have what it takes to be the model airman.

Issue 5: Thanks you for you (sic) time in reading what I have to say regarding my discharge review.

**ATCH**

1. DD Form 214.

4FEB04/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 347TH WING (ACC)  
MOODY AIR FORCE BASE, GEORGIA

21 November 2000

MEMORANDUM FOR AMN [REDACTED] 347 SFS

FROM: 347 SFS/CC

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 AFI 36-3208, paragraph 5.50.2. If my recommendation for discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reasons for this action are as follows:
  - a. On or about 18 Aug 00, an investigation disclosed that you violated a lawful order at Moody AFB, Georgia by consuming alcohol while under the age of 21. You admitted this illegal activity to the First Sergeant on 18 Aug 00. For this offense, you received a Letter of Reprimand dated 21 Aug 00 (Atch 1a).
  - b. On or about 9 Oct 00, you did not show up for a scheduled appointment that SSgt [REDACTED] made for you. SSgt [REDACTED] met with you face to face three times and spoke with you about this appointment. SSgt [REDACTED] came in on her time off to help you study for your upcoming end of course exam and you failed to show up or call to offer an excuse why you were not there. For this offense, you received a Letter of Reprimand dated 10 Oct 00 (Atch 1b).
  - c. On or about 21 Oct 00, you reported for duty without your required ascot. On this date you were assigned duties as the sentry at the Main Gate. When asked why you didn't have your ascot, you replied that you thought it was in your bag that you carried to post with you. Your conduct shows a lack of responsibility to have your required equipment for work. For this offense, you received a Letter of Reprimand dated 21 Oct 00 (Atch 1c).
  - d. On or about 12 Oct 00, the room you were subletting was found in complete disorder and a complaint from the landlord resulted. For this offense, you received a Letter of Reprimand dated 23 Oct 00 that was placed in a UIF (Atch 1d).
  - e. On or about 15 Oct 00, you were found in the possession of a U.S. Flag that had been stolen from TSgt [REDACTED], whom you subletted a room from. When asked about the flag, you said it was a gift from a friend. After being asked a second time you admitted the flag did belong to TSgt [REDACTED]. Your conduct is a violation of Article 121 of the UCMJ. For this offense, you received a Letter of Reprimand dated 23 Oct 00 that was placed in a UIF (Atch 1e).

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f. On or about 3 Nov 00, you failed to report for duty at 0700 as required. You were found proceeding to your vehicle at 0715, and at that time you said you had no excuse for being late. Your conduct is a violation of Article 86 UCMJ. For this offense, you received a Letter of Reprimand dated 6 Nov 00 (Atch 1f).

g. On or about 26 October 00, you wrongfully appropriated an RCA Symphonic VCR, of a value of about \$200.00, the property of the United States Air Force. For this offense, you received a Nonjudicial punishment under Article 15 that became legally sufficient on 20 Nov 00 (Atch 1g).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (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 may be ineligible for reenlistment in the Air Force.

3. 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 with the **Area Defense Counsel** in Bldg 5107, extension 3421, on **22 Nov 00 at 0900**. Please take your copy of this Notification Memorandum and the attachments with you to your appointment. You may consult civilian counsel at your own expense.

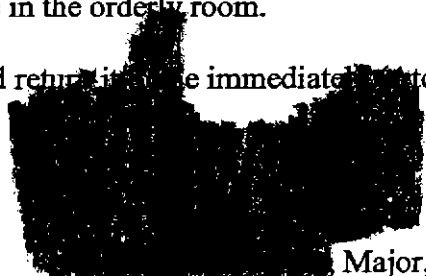
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within **three** duty days after receipt of this notification letter, unless you request and receive an extension for good cause shown. **If your appointment with defense counsel is beyond three duty days after receipt of this letter, you should contact the Area Defense Counsel office at extension 7-3421 to obtain a delay request.** I will send any statement(s) you submit 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 have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, **Physical Exams Section, Bldg 3296 at 1300 on 27 Nov 00. This is a mandatory appointment. Be sure to bring your medical records to this appointment.**

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

8. Execute the attached acknowledgment and return it to me immediately (Atch 2).



Major, USAF  
Commander, 347 Security Forces Squadron

**Attachments:**

1. Supporting Documents, Reasons for Discharge
  - a. LOR, 21 Aug 00 (w/atch)
  - b. LOR, 10 Oct 00 (w/atch)
  - c. LOR, 21 Oct 00 (w/atch)
  - d. LOR, 23 Oct 00 (w/atch)
  - e. LOR, 23 Oct 00 (w/atch)
  - f. LOR, 6 Nov 00 (w/atch)
  - g. AF Form 3070, 20 Nov 00
2. Receipt of Notification Memorandum