

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE SRA	AFSN/SSAN ████████████████			
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: 200px; height: 100px; margin: 10px 0;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A92.36	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			
			TAPE RECORDING OF PERSONAL APPEARANCE			
HEARING DATE 11 Mar 2004	CASE NUMBER FD-2004-00011					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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-2004-00011

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

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, seven Letters of Reprimand, one Letter of Counseling, and two Records of Individual Counseling for misconduct. The misconduct included failure to obey a lawful order, failure to go, dereliction of duty, unsatisfactory performance, late for work, missing inspection, and departing the local area without approved leave. 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.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 3. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, March 22, 1999) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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

[REDACTED]
[REDACTED]
(Former SRA) (HGH SRA)

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

2. **BACKGROUND:**

a. DOB: 3 Aug 79. Enlmt Age: 19 4/12. Disch Age: 23 5/12. Educ: HS DIPL. AFQT: N/A. A-30, E-39, G-36, M-15. PAFSC: 1T151 - Aircrew Life Support Journeyman. DAS: 13 Dec 99.

b. Prior Sv: (1) AFRes 28 Dec 98 - 9 Mar 99 (2 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Mar 99 for 6 yrs. Svd: 3 Yrs 10 Mo 8 Das, all AMS.

b. Grade Status: SrA - 21 Feb 02
A1C - 02 Apr 99

c. Time Lost: None.

d. Art 15's: (1) 24 Jul 02, Altus AFB, OK - Article 86. You, did, on or about 24 Jun 02, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, having knowledge of a lawful order issued by Captain [REDACTED] to get your service dress uniform in serviceable condition, an order which it was your duty to obey, did, between on or about 25 Jun 02 and on or about 1 Jul 02, fail to obey the same. You, who knew or should have known of your duties, on or about 1 Jul 02, were derelict in the performance of those duties in that you willfully failed to maintain your dormitory room in accordance with standards set forth in AAFBI 36-2002, as it was your duty to do. Suspended reduction to AB, 30 days correctional custody, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 10 DEC 02 - Departing the local area without approved leave, and dereliction of duty for not having the required line badge while working on the flight line.

LOR, 23 MAY 02 - Dereliction of duty.

LOR, 02 OCT 01 - Failure to go.

LOR, 20 AUG 01 - Failure to go.

LOR, 25 MAY 01 - Dereliction of duty.

RIC, 26 FEB 01 - Late for duty and missing inspection.
RIC, 16 FEB 01 - Unsatisfactory performance.
LOR, 01 DEC 00 - Late for work.
LOR, 27 JUN 00 - Late for work.
LOC, 28 APR 00 - Late for work.

f. CM: None.

g. Record of SV: 10 Mar 99 - 15 Oct 00 Altus AFB 4 (HAF Dir)
16 Oct 00 - 15 Oct 01 Altus AFB 3 (Annual)
16 Oct 01 - 15 Oct 02 Altus AFB 2 (Annual)

(Discharged from Altus AFB)

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

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (21) Das
TAMS: (3) Yrs (10) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 31 Dec 03.

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

Issue 1: Education and reentry change.

ATCH
None.

28JAN04/ia



DEPARTMENT OF THE AIR FORCE
97th AIR MOBILITY WING
ALTUS AIR FORCE BASE OKLAHOMA

8 Jan 03

MEMORANDUM FOR SrA [REDACTED] 97 OSS

FROM: 97 OSS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, section 5H, paragraph 5.49. If my recommendation is approved, your service could 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 1 Dec 02, you were derelict in your duties in that you departed the local area without approved leave from your unit. Along with that incident, you were detained by security forces because you did not have your line badge while performing duties on the flight line as required by local and Air Force regulations. For this misconduct, you received a letter of reprimand (LOR) and this discharge action was initiated.
 - b. On or about 24 Jul 02, you failed to go to your appointed place of duty at the time prescribed, you failed to obey a lawful order, and you were derelict in the performance of your duties by failing to maintain your dormitory room in accordance with set standards. For this misconduct, you received an Article 15.
 - c. On or about 23 May 02, you failed to perform a necessary pre-flight inspection and wrongfully completed an official government document to indicate that you had done the inspection. For this misconduct, you received an LOR.
 - d. On or about 2 Oct 01, you failed to go to your appointed place of duty at the time prescribed. For this misconduct, you received an LOR that was added to your existing unfavorable information file (UIF).
 - e. On or about 20 Aug 01, you failed to go to a mandatory medical appointment. For this misconduct, you received an LOR, placement on the control roster, and establishment of a UIF.
 - f. On or about 25 May 01, you were derelict in your duties in that you were found asleep while on duty which caused a delay in pre-flight processing of an aircraft. For this misconduct, you received an LOR.
 - g. On or about 26 Feb 01, you failed to show for an open ranks inspection due to the fact that you were late for duty. For this misconduct, you received a record of individual counseling (RIC).

h. On or about 16 Feb 01, you failed to perform duties as required by technical orders relating to the assigned task. You were counseled on your responsibilities to pay attention to detail, to review your training materials, and that all your work would be inspected by a supervisor to ensure you are performing assigned tasks correctly. For this misconduct, you received an RIC.

i. On or about 1 Dec 00, you were instructed to report to duty at 1530 hrs for swing shift duty; however, you failed to show. For this misconduct, you received an LOR.

j. On or about 27 Jun 00, you reported to work 36 minutes past the appointed time. For this misconduct, you received an LOR.

k. On or about 28 Apr 00, you failed to report to your appointed place of duty at the required time. At that time, it was also discovered that you had been 30 minutes late for duty on 25 Apr 00, and that you had been late to unit physical conditioning on more than one occasion. For this misconduct, you received an LOC.

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 and any special pay, bonus, or education funds 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 the Area Defense Counsel at Building 52 on 9 Jan 03 at 0900. 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 1600 13 Jan 03 (3 duty days) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

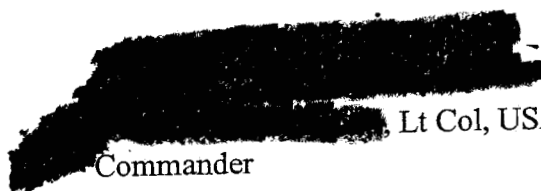
6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for an initial separation briefing with MPF separations. You must report to building 52, at 1000 on 9 Jan 03.

8. You have been scheduled for a medical examination. You must report to the base hospital, (family practice/physical exams), at 1030 on 10 Jan 03.

9. 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.

10. Execute the attached acknowledgment and return it to me immediately.

 Lt Col, USAF
Commander

Attachments:

1. Supporting Documents
 - a. LOR, dated 10 Dec 02
 - b. Article 15 w/atch, dated 24 Jul 02
 - c. LOR, dated 23 May 02
 - d. LOR/UIF, dated 2 Oct 01
 - e. LOR/UIF/Control Roster, dated 20 Aug 01
 - f. LOR, dated 25 May 01
 - g. LOC, dated 26 Feb 01
 - h. LOC, dated 16 Feb 01
 - i. LOR, dated 1 Dec 00
 - j. LOR, dated 27 Jun 00
 - k. LOC, dated 28 Apr 00
2. Other documentation; AF Form 2096
3. Airman's Receipt of Notification Letter