

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px; margin-top: 5px;"></div>		GRADE <div style="text-align: center;">A1C</div>	AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px; margin-top: 5px;"></div>																																			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW																																			
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HEARING DATE <div style="text-align: center; font-weight: bold;">12 May 2004</div>	CASE NUMBER <div style="text-align: center; font-weight: bold;">FD-2004-00014</div>																																					
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.</p> <p>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.</p> <div style="border: 1px dashed black; height: 100px; width: 100%; margin-top: 20px;"></div>																																						
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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-2004-00014
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are denied.</p> <p>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.</p> <p>ISSUE:</p> <p>Issue. Applicant was discharged for conduct prejudicial to good order and discipline; the records indicated the applicant received an Article 15, two Letters of Reprimand, a Letter of Counseling, a Letter of Admonishment, and four Memorandums for Record due to misconduct. His infractions included multiple instances of being late to work, various dormitory violations, violating Personnel Reliability Program (PRP) requirements, disobeying a lawful order, and making a false statement. Member failed to reply to any of the written disciplinary actions, and at the time of the discharge, member waived his right to consult counsel and submit statements in his own behalf. The record also disclosed that member had a student training report wherein he had been counseled for a disrespectful attitude, and he was permanently decertified from PRP due to his "contemptuous attitude toward the law and duly constituted authority." The DRB opined that through the unit's many administrative actions, the applicant had ample opportunities to change his negative behavior and was unwilling or unable to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant was appropriate.</p> <p>The applicant cited his desire to return to military service as justification for upgrade. While the DRB commends applicant on this desire and was sympathetic to the impact his reenlistment was having on the applicant, this is not a matter of inequity or impropriety which warrants an upgrade.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
[REDACTED]
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr F.E. Warren AFB, WY on 11 Jun 02 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 Discharge.

2. **BACKGROUND:**

a. DOB: 7 Oct 81. Enlmt Age: 19 5/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-89, E-78, G-84, M-79. PAFSC: 2M031A - Missile and Space Electrical Maintenance Apprentice. DAS: 23 Nov 01.

b. Prior Sv: (1) AFRes 16 Mar 01 - 26 Mar 01 (11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Mar 01 for 6 yrs. Svd: 1 Yrs 2 Mo 16 Das, all AMS.

b. Grade Status: A1C - 11 May 01

c. Time Lost: None.

d. Art 15's: (1) 3 Apr 02, F.E. Warren AFB, WY - Article 92. You, having knowledge of a lawful order issued by SSgt [REDACTED] to wit: to remain at work for an additional three hours to make up for the time lost when you reported to work late, an order which it was your duty to obey, did, on or about 13 Mar 02, fail to obey the same by wrongfully failing to remain in your duty section. Article 107. You did, on or about 14 Mar 02, with intent to deceive, make to MSgt [REDACTED] an official statement, to wit: You had an off-base medical appointment, which statement was totally false, and was then known by you to be so false. Suspended reduction to Airman, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOA, 20 MAR 02 - Visited an off-base medical provider without first visiting the Personnel Reliability Program Records Office for PRP suspension and release form.

MFR, 08 FEB 02 - Leaving personal trash in the dormitory Day Room.

LOR, 30 JAN 02 - Smoking in restricted area.

MFR, 24 JAN 02 - Displaying a knife in the dormitory.

MFR, 24 JAN 02 - Late for duty.

LOC, 23 JAN 02 - Missed appointment.
 LOR, 23 JAN 02 - Late for duty.
 MFR, 03 JAN 02 - Late for duty.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (2) Mos (27) Das
 TAMS: (1) Yrs (2) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 08 Jan 04.

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

Issue 1: My request is for 2 things. I wish to have my discharge upgraded to Honorable, and for the "Ineligible" to re-enlist code to be removed. My goal is to reenlist and make a career from the Air Force.

ATCH

1. LOC, 23 Jan 02.
2. MFR, 08 Feb 02.
3. LOA, 20 Mar 02.
4. Order Not to Enter or Reenter Military Installation.
5. Six Character Reference.

31MAR04/ia

PD 2004-00014



DEPARTMENT OF THE AIR FORCE
90TH SPACE WING (AFSPC)

17 MAY 2002

MEMORANDUM FOR A1C [REDACTED]

FROM: 90 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation 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:

a. You, having knowledge of a lawful order issued by Staff Sergeant [REDACTED] to wit: to remain at work for an additional three hours to make up for the time lost when you reported to work late, an order which it was your duty to obey, did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 13 March 02, fail to obey the same by wrongfully failing to remain in your duty section. For the misconduct in paragraphs a and b, you received an Article 15, dated 3 Apr 02.

b. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 14 Mar 02, with intent to deceive, make to Master Sergeant [REDACTED] an official statement, to wit: You had an off-base medical appointment, which statement was totally false, and was then known by you to be so false. For the misconduct in paragraphs a and b, you received an Article 15, dated 3 Apr 02.

c. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 13 Feb 02, did fail to obey an order or regulation by visiting an off-base medical provider without first visiting the Personnel Reliability Program (PRP) records office for PRP suspension and a records release form. This was a violation of Capt [REDACTED] order to you on 23 Jan 02. For this misconduct you received a Letter of Admonishment (LOA), dated 20 Mar 02.

d. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 29 Jan 02, did fail to obey a direct order not to smoke in the common areas of your dormitory. For this misconduct you received a Letter of Reprimand (LOR), dated 30 Jan 02.

e. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 18 Jan 02, were derelict in your duty for failure to go to a scheduled appointment and failure to inform your supervisor of said appointment. For this misconduct you received a Letter of Counseling (LOC), dated 23 Jan 02.

f. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 23 Jan 02, did fail to go to your appointed place of duty at the scheduled time. For this misconduct you received a LOR, dated 23 Jan 02.

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 assistance 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 with an attorney at the Area Defense Counsel's Office at Building 292, extension 3248, on 17 May 02 at 1130 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 within three workdays after receipt of the notification memorandum, that date being 22 May 02, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.

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 must report to Physical Exams at 0730 hours, on the next duty day after being served for an 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 your Command Support Staff office.

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

 Lt Col, USAF
Commander, 90th Maintenance Squadron

Attachments:

1. Article 15, dated 3 Apr 02
2. LOA, dated 20 Mar 02
3. LOR, dated 30 Jan 02
4. LOC, dated 23 Jan 02
5. LOR, dated 23 Jan 02
6. Other derogatory data not listed in the Notification Memorandum: four Memoranda for Record (MFR), dated 8 Feb 02, 24 Jan 02, 24 Jan 02, and 3 Jan 02