

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE A1C	AFSN/SSAN [REDACTED]			
TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No	Texas Veterans Commission San Antonio TX				
X						
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES	A94.05	INDEX NUMBER	A67.09			
		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	19 Nov 2004	CASE NUMBER	FD-2004-00018			

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., via video-conference with Randolph AFB TX.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

INDURSEMENT		DATE: 11/9/2004
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

FD-2004-00018

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant appeared and testified via video teleconference at Randolph AFB, TX before the Discharge Review Board (DRB), with counsel, at Randolph AFB on November 19, 2004.

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:

Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received five Letters of Reprimand, one Letter of Counseling, three Records of Individual Counseling and one verbal counseling for misconduct. The misconduct included failing to obey an order, failure to go, speeding ticket, illegal parking, conduct unbecoming a military member, failure to pay a just debt, failure to go, financial irresponsibility, failure to obey an order, and dereliction of duty. 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

FD2004-00018A

 (Former A1C) (HGH A1C) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Dish fr USAF 20 Feb 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions) Appeals for Honorable Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 6 Aug 02.

b. The AFDRB reviewed case on 4 Oct 02 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 19 Jan 04. (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

Atch

None.

6FEB04/ai

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 98/02/20 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 74/09/13. Enlmt Age: 19 8/12. Disch Age: 23 5/12. Educ:HS DIPL. AFQT: N/A. A-63, E-69, G-59, M-42. PAFSC: 4N031 - Medical Service Apprentice. DAS: 95/06/22.

b. Prior Sv: (1) AFRes 94/05/31 - 95/01/04 (7 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 95/01/05 for 4 yrs. Svd: 03 Yrs 01 Mo 16 Das, all AMS.

b. Grade Status: A1C - 96/05/05
AMN - 95/07/05

c. Time Lost: none.

d. Art 15's: none.

e. Additional: LOR, 01 FEB 96 - Failed to obey order.
RIC, 23 FEB 96 - Failure to go.
VBC, 04 APR 96 - Speeding ticket.
LOC, 25 APR 96 - Illegal parking.
RIC, 22 MAY 97 - Conduct unbecoming a military member.
LOR, 05 AUG 97 - Failure to pay just debt.
LOR, 21 AUG 97 - Failure to go.
LOR, 23 SEP 97 - Financial Irresponsibility.
RIC, 17 NOV 97 - Failure to obey an order.
LOR, 04 DEC 97 - Dereliction of duty.

f. CM: none.

g. Record of SV: 95/01/05 - 96/09/04 Lackland AFB 4 (Initial)
96/09/05 - 97/04/30 Lackland AFB 4 (CRO)

(Discharged from Lackland AFB)

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

i. Stmt of Sv: TMS: (03) Yrs (08) Mos (20) Das
TAMS: (03) Yrs (01) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/03/27.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. Two Character References.

02/08/06/ia

DEPARTMENT OF THE AIR FORCE
WILFORD HALL MEDICAL CENTER (AETC)

MEMORANDUM FOR [REDACTED]

FROM: 421 MDSS/Sec C

23 Jan 98

SUBJECT: Notification Memorandum

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, Paragraph 5.49. If my recommendation is approved, your service will be characterized as **Honorable** or **General**. I am recommending that your service be characterized as **Under Honorable Conditions (General)**.

2. My reasons for this action are:

a. On or about 18 Jan 96 and 29 Jan 96, you failed to obey an order or regulation, to wit: a dormitory room inspection was conducted on both days and your room was found to be unsatisfactory. For this infraction, you received a Letter of Reprimand (LOR) on 01 Feb 96.

b. On or about 22 Feb 96, you failed to go at the time prescribed to your dental appointment. For this infraction, you received a Record of Individual Counseling (RIC) on 23 Feb 96.

c. On or about 13 Mar 96, you violated a lawful regulation, to wit: you received an Armed Forces Traffic Ticket for Speeding. The speed limit was 25 mph and you were speeding 14 mph over the posted speed limit. In addition, you failed to display your front license plate. For these infractions, you received a verbal counseling on 04 Apr 96.

d. On or about 18 Apr 96, you violated a lawful regulation, to wit: you received a traffic citation for parking in a reserved parking slot posted with a "Reserved for General Officer" sign. For this infraction, you received a Letter of Counseling (LOC) on 25 Apr 96.

e. Between on or about 13 May 97 to 21 May 97, you displayed conduct unbecoming of a military member. On or about 13 May 97, you wore a choker necklace. On or about 13 May 97, you attended a briefing that ended at 1525 hours and you did not return to duty until 1550 hours. On or about 14 May 97, you wore clear studs in your ear. On or about 21 May 97, you had a dental appointment at 1330 hours. You left for lunch (scheduled for 45 minutes) at 1215 hours and you did not return to duty until 1550 hours. The dental clinic was called by your supervisor and they informed her that you checked in for your dental appointment 10 minutes late and were released at 1530 hours. For these infractions, you received a RIC on 22 May 97.

f. On or about 18 Jun 97, you failed to pay a just debt, to wit: your supervisor received a notice from AAFES that you were 60 days past due on your Delayed Payment Program and

Uniform Clothing Delayed Payment Program. For this infraction, you received a LOR on 23 Jun 97.

g. On or about 18 Jul 97, you violated a lawful regulation, to wit: you parked in a reserve slot without prior authorization. For this infraction, you received a LOR on 05 Aug 97.

h. On or about 13 Aug 97, you failed to go at the time prescribed to your appointed place of duty. In addition, you arrived in civilian attire. For these infractions, you received a LOR on 21 Aug 97.

i. On or about 22 Sep 97, you failed to discharge your financial obligations in a timely and honorable manner, to wit: you were two months past due in the amount of \$115.46 to Personal Credit Plan, Inc. For this infraction, you received a LOR, dated 22 Sep 97, on 23 Sep 97 and an Unfavorable Information File (UIF) was established on 23 Sep 97.

j. On or about 13 Nov 97, you failed to obey an order or regulation, to wit: you failed to wear the uniform of the day. For this infraction, you received a RIC on 17 Nov 97.

k. On or about 19 Oct 97, you were derelict in the performance of your duties, to wit: you failed to renew your certification through the National Registry within the time granted to you. For this infraction, you received a LOR on 04 Dec 97 and placed on the Control Roster on 04 Dec 97.

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.

4. You have the right to counsel. Military Legal Counsel has been obtained for you. I have made an appointment for you to see [REDACTED] at Building Number 1000, on 26 Jan 98 at 0830 hours. You may consult civilian counsel at your own expense. If employed, civilian counsel must be readily available.

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, 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 a medical examination. You must report to Building 6612, Rm 502, **Monday through Friday, between 1300 - 1500** with your medical, immunization, and dental records for the 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 at the Critical Care Orderly Room.



Attachments:

- 1a. LOR, 01 Feb 96
- 1b. AF Form 174, 23 Feb 96
- 1c. DD Form 1408, 13 Mar 96
- 1d. LOC, 25 Apr 96
- 1e. AF Form 174, 22 May 97
- 1f. LOR, 23 Jun 97
- 1g. LOR, 05 Aug 97
- 1h. LOR, 21 Aug 97
- 1i. LOR, 22 Sep 97
- 1j. AF Form 1058, 23 Sep 97
- 1k. AF Form 174, 17 Nov 97
- 1l. LOR, 04 Dec 97
- 1m. AF Form 1058, 04 Dec 97
- 1n. Statement of Understanding
- 2. Airman's Receipt of Notification Memorandum