

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> AMN	<b>AFSN/SSAN</b> [REDACTED]
<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>		
	<b>X</b>		

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
					X
					X
					X
					X

<b>ISSUES</b> A95.00	<b>INDEX NUMBER</b> A67.90	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
		<b>1</b>	ORDER APPOINTING THE BOARD
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b>	LETTER OF NOTIFICATION
		<b>4</b>	BRIEF OF PERSONNEL FILE
			COUNSEL'S RELEASE TO THE BOARD
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
			TAPE RECORDING OF PERSONAL APPEARANCE

<b>HEARING DATE</b> 09 Apr 2004	<b>CASE NUMBER</b> FD-2004-00027
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**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

[REDACTED]

<b>INDORSEMENT</b>		<b>DATE: 4/9/2004</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2004-00027**

**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. 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:** 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 applicant received an Article 15, five Letters of Reprimand and four Letters of Counseling. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members.

**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]

(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Grand Forks AFB, ND on 26 May 00 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Feb 80. Enlmt Age: 18 4/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-43, E-38, G-44, M-29. PAFSC: 3P031 - Security Forces Apprentice. DAS: 28 Jun 99.

b. Prior Sv: (1) AFRes 8 Jul 98 - 1 Dec 98 (4 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Dec 98 for 4 yrs. Svd: 1 Yrs 5 Mo 25 Das, all AMS.

b. Grade Status: AMN - 2 Jun 99

c. Time Lost: None.

d. Art 15's: (1) 9 Dec 97, Grand Forks AFB, ND - Article 108. You, did, at Fort Dix, New Jersey, on or about 14 Nov 99, without proper authority, willfully damage with a knife the front seat of a Highly Mobile Multi-wheeled Vehicle of a value of more than \$100.00, military property of the United States. Suspended reduction to Airman Basic. Forfeiture of \$200.00 pay, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 19 APR 00 - Dereliction of duty.  
LOC, 17 APR 00 - Financial irresponsibility.  
LOR, 07 APR 00 - Late for duty.  
LOR, 23 MAR 00 - Late for duty.  
LOR, 05 JAN 00 - Missed appointment.  
LOC, 19 NOV 99 - Failure to go.  
LOR, 30 OCT 99 - Late for duty.  
LOC, 10 OCT 99 - Late for a mandatory appointment.  
LOC, 26 AUG 99 - Late for duty.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (10) Mos (18) Das  
TAMS: (1) Yrs (5) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Jan 04.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**

None.

4MAR04/ia

FD 2004-00027



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 319TH AIR REFUELING WING (AMC)  
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

MEMORANDUM FOR [REDACTED]

SMAY

FROM: 319 SFS/CC

SUBJECT: Notification Letter

1. I am recommending you be discharged from the United States Air Force for a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208 in accordance with paragraph 5.50.2. If my recommendation is approved, your service will 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 11 Apr 00, you were derelict in the performance of your duties by maintaining a damaged M203 weapon and not notifying your chain of command at a deployed location. For this misconduct, you received a Letter of Reprimand (LOR), dated 19 Apr 00. (Attachment A)

b. On or about 14 Apr 00, you were overdrawn on your Fleet MasterCard account. For this, you received a Letter of Counseling (LOC), dated 17 Apr 00. (Attachment B)

c. On 7 Apr 00, you failed to go to your appointed place of duty, to wit: guardmount, at the prescribed time. For this misconduct, you received a LOR, dated 7 Apr 00. (Attachment C)

d. On or about 22 Mar 00, you failed to go to your appointed place of duty, to wit: guardmount, at the prescribed time. For this misconduct, you received a LOR dated 23 Mar 00. (Attachment D)

e. On or about 3 Jan 00, you failed to go to a mandatory medical appointment at the time prescribed. For this misconduct, you received an LOR dated 5 Jan 00 and it was placed in an existing Unfavorable Information File. (Attachment E)

f. On or about 14 Nov 99, you willfully damaged military property of the United States. For this misconduct, you received an Article 15, dated 9 Dec 99. Punishment consisted of suspended reduction to the grade of airman basic, forfeiture of \$200.00 pay and 15 days extra duty. (Attachment F)

g. On or about 16 Nov 99, you failed to report as ordered to your Operations Superintendent's office prior to going home for the day. For this misconduct, you received a LOC dated 19 Nov 99. (Attachment G)

h. On or about 24 Oct 99, you failed to go to your appointed place of duty, to wit: guardmount, at the prescribed time. For this misconduct, you received a LOR dated 30 Oct 99. (Attachment H)

i. On or about 10 Oct 99, you failed to obey a lawful order by being late for a mandatory appointment. For this misconduct, you received a LOC dated 10 Oct 99. (Attachment I)

j. On or about 26 Aug 99, you failed to obey a lawful order by being late for a mandatory appointment. For this misconduct, you received a LOC dated 26 Aug 99. (Attachment J)

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 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 consult counsel. Military legal counsel has been obtained to assist you. You have been scheduled an appointment at the Office of the Area Defense Counsel at Building 306 on 5 MAY 00 at 0900 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 by 12 May 00 at 1600 hours 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 the 319th Medical Group on 11 MAY 00 at 1530 hours for the examination.

8. Deliver to me immediately your ~~\_\_\_\_\_~~ military identification. I have requested that temporary identification cards be issued IAW AFI 36-3026(I), paragraph 4.2. You will report to me by COB 5 May 00, to verify that issuance of Temporary Identification Card(s) has been accomplished.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A Privacy Act statement is attached. A copy of AFI 36-3208 is available for your use in the squadron orderly room.

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



Commander, 319 SFS

4 Attachments:

1. Privacy Act Statement
2. Supporting Documents
  - a. LOR dated 19 Apr 00
  - b. LOC dated 17 Apr 00
  - c. LOR dated 7 Apr 00
  - d. LOR dated 23 Mar 00
  - e. LOR/UIF dated 5 Jan 00
  - f. Article 15 dated 9 Dec 00
  - g. LOC dated 19 Nov 99
  - h. LOR dated 30 Oct 99
  - i. LOC dated 10 Oct 99
  - j. LOC dated 26 Aug 99
3. Airman's Acknowledgment
4. Personnel Information