

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> AB	<b>AFSN/SSAN</b> ████████████████
--	--------------------	--------------------------------------

<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</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
					X
					X
					X
					X
					X

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A67.50	<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-2004-00028			

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

<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-2004-00028**

**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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, three Letters of Reprimand and one Letter of Counseling. 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Misawa AB, Japan on 11 Jan 02 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Discreditable Involvement With Military or Civil Authorities). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 26 Jul 81. Enlmt Age: 18 7/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-46, E-43, G-39, M-34. PAFSC: 2S031 - Supply Management Apprentice. DAS: 8 Feb 01.

b. Prior Sv: (1) AFRes 25 Mar 00 - 25 Sep 00 (6 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 26 Sep 00 for 4 yrs. Svd: 1 Yrs 3 Mo 17 Das, all AMS.

b. Grade Status: AB - 30 Aug 01 (Article 15, 30 Aug 01)

c. Time Lost: None.

d. Art 15's: (1) 30 Aug 01, Misawa AB, Japan - Article 92. You, who knew or should have known of your duties, on divers occasions between on or about 17 May 01, were derelict in the performance of those duties in that you willfully failed to refrain from having [REDACTED], a guest under 18 years of age, visit your quarters located at Misawa AB, Japan, in violation of local dormitory standards, as it was your duty to do. Article 120. You, did, on divers occasions between on or about 17 Apr 01 and on or about 17 May 01, commit the offense of carnal knowledge with [REDACTED]. Reduction to AB, forfeiture of \$521.00 pay per month for 2 months, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

(2) 25 Jul 01, Misawa AB, Japan - Article 86. You, did, on 4 Jul 01, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, who knew or should have known of your duties, were derelict in the performance of those duties in that you willfully failed to refrain from placing offensive language and ethnic slurs on your answering machine, as it was your duty to do. Suspended reduction to Airman, forfeiture of \$584.00 pay, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOC, 09 OCT 01 - Exiting building through an unauthorized door.  
LOR, 04 OCT 01 - Violation of curfew hours and reporting late for bay orderly duty.  
LOR, 10 SEP 01 - Sleeping during training.  
LOR, 30 AUG 01 - Late for duty.
- f. CM: None.
- g. Record of SV: 20 Sep 00 7 Sep 01 Misawa AB 1 Dir By Cmdr (REF)
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (1) Yrs (9) Mos (18) Das  
TAMS: (1) Yrs (3) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Nov 03.  
(Change Discharge to Honorable)

Issue 1: I entered the Air Force to serve my country, and I did so. As an airman as well as a man. I have always worked hard. My release from the military was given to me because of a failure to adapt. The mistakes that I made in the service, I regret and still have to live with till this day. Please understand to whom it may concern that I'm sorry for the fact of not serving my country as so many others have and are doing so in my family. But I still wish to be successful, to go to school, to have a family. These are all things that I learned from being an airman. All that I want is to move on with my life and to live out the dreams that the military gave me confidence to take out. Please consider my request for an upgrade to my discharge. Thank you.

**ATCH**

1. Personal Statement to the Air Force Discharge Review Board, 29 Nov 01.

5MAR04/ia



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

FD 2004-00028

24 OCT 2001

MEMORANDUM FOR AB [REDACTED] 373 SPTS

FROM: 373 SPTS/CC

SUBJECT: Notification Memorandum--Board Hearing

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct – Discreditable Involvement With Military or Civil Authorities according to AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.50.1. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.
2. My reasons for this action are:
  - a. On 4 Jul 01, without authority, you failed to go at the time prescribed to your appointed place of duty. Also, on 4 Jul 01, you were derelict in the performance of your duties in that you willfully failed to refrain from placing offensive language and ethnic slurs on your answering machine. For this misconduct, you received an Article 15 and an Unfavorable Information File (UIF) was established.
  - b. On divers occasions between on or about 17 Apr 01 and on or about 17 May 01, you were derelict in the performance of your duties in that you willfully failed to refrain from having [REDACTED] a guest under 18 years of age, visit your dormitory quarters. On divers occasions during this same time period, you committed the offense of carnal knowledge with [REDACTED]. For this misconduct, you received a second Article 15 and another entry was made to your UIF.
  - c. On 24 Aug 01 and 27 Aug 01, you failed to go at the time prescribed to your appointed place of duty. Additionally, on 28 Aug 01, you failed a no-notice dorm room inspection. For these incidents of misconduct, you received a Letter of Reprimand (LOR).
  - d. On 6 Sep 01, while attending a security augmentee training session at the base theater, you were caught sleeping on several occasions. For this misconduct, you received a second LOR.
  - e. On 29 Sep 01, you violated the 35 FW/CC's General Order #1 concerning curfew hours; additionally, you were late reporting for bay orderly duty. On 30 Sep 01, you again violated the 35 FW/CC's General Order #1 concerning curfew hours when the CQ on duty at Bldg 672 observed you entering the building in civilian clothes at approximately 0530 hours. For these incidents of misconduct, you received a third LOR.

GOVERNMENT EXHIBIT 3 FOR ID  
OFFERED PAGE 2  
ADMITTED PAGE 2  
PAGE # 1 OF 4 PAGES

f. On 4 Oct 01, you failed to follow the posted instruction regarding entering and exiting the dormitory's side doors. For this misconduct, you received a Letter of Counseling.

3. This action could result in your separation under other than honorable conditions (UOTHC). I am recommending that you receive a UOTHC discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed services and any special pay, bonus, or education assistance funds may be subjected to recoupment.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to the 35th Medical Group, on 25 October, 2001, at 1120 hours.

6. Military legal counsel, Capt [REDACTED], Kadena AB, Japan, DSN 634-3114 has been obtained to assist you. An appointment has been scheduled for you to telephonically consult him on 24 October, 2001 at 1500. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-502. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

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 Office of the Area Defense Counsel, Building 514, your orderly room, or the Base Publications Library.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your rights to be present at your hearing.

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



Lt Col, USAF  
Commander, 373<sup>rd</sup> Support Squadron

Date 24 Oct 01

Attachments:

1. Art 15, dtd 25 Jul 01
2. Art 15, dtd 30 Aug 01
3. LOR, dtd 30 Aug 01
4. LOR, dtd 10 Sep 01
5. LOR, dtd 4 Oct 01
6. LOC, dtd 9 Oct 01
7. Airman's Acknowledgement

GOVERNMENT EXHIBIT 3 FOR ID  
OFFERED PAGE 2  
ADMITTED PAGE 2  
PAGE # 2 OF 4 PAGES