

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ████████████████
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;"><b>COUNSEL</b></td> <td><b>NAME OF COUNSEL AND OR ORGANIZATION</b></td> </tr> <tr> <td>YES</td> <td>No</td> </tr> <tr> <td></td> <td><b>X</b></td> </tr> </table>		<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	YES	No		<b>X</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>								
YES	No								
	<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> A94.53	<b>INDEX NUMBER</b> A67.10	<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> 12 May 2004	<b>CASE NUMBER</b> FD-2004-00040			

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>		DATE: 5/12/2004
<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-2004-00040**

**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.

**ISSUE:**

Issue. Applicant infers discharge was inequitable because it was too harsh. The records indicated the applicant was discharged for minor disciplinary infractions after he received two Articles 15, a Letter of Reprimand, five Records of Individual Counseling, and had an Unfavorable Information File for misconduct. His infractions included a parking ticket, speeding on base, being insubordinate and disrespectful toward a noncommissioned officer, being late to work, using provoking speech toward two other military members, displaying an aggressive attitude and being argumentative toward another airman, and three separate assaults against other military members over an 18-month period, the third of which occurred after he attended anger management classes. Member was also expelled from the base honor guard due to behavioral and personality problems. His Enlisted Performance Report rated an overall referral "2" notes his lack of interpersonal and communication skills which led to inappropriate on and off-duty conduct, and his failure to accept responsibility for his actions or to cooperate with the unit's rehabilitative attempts. Nevertheless, applicant feels he served honorably. The record review disclosed no support for that contention. The DRB opined that through the unit's extensive administrative actions, the applicant had ample opportunities to change his negative behavior and was unwilling to do so. The Board concluded the misconduct was a very serious 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

(Former A1C) (HGH SRA)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Langely AFB, VA on 19 Feb 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 22 Jul 80. Enlmt Age: 18 0/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-70, E-68, G-50, M-55. PAFSC: 2A351C - Avionics Systems Journeyman. DAS: 13 Sep 99.

b. Prior Sv: (1) AFRes 8 Aug 98 - 29 Dec 98 (4 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 30 Dec 98 for 6 yrs. Svd: 4 Yrs 1 Mo 21 Das, all AMS.

b. Grade Status: A1C - 11 Dec 02 (Article 15, 11 Dec 02)  
 SrA - 30 Apr 01

c. Time Lost: None.

d. Art 15's: (1) 11 Dec 02, Langley AFB, VA - Article 117. You, did, on or about 6 Nov 02, wrongfully use provoking words, to wit: that you would take everyone out before the end of the day, or words to that effect towards A1C [REDACTED] U.S. Air Force and SSgt [REDACTED], U.S. Air Force. Article 128. You, did, on or about 6 Nov 02, unlawfully hit A1C [REDACTED] on his head with your hand. You, did, on or about 6 Nov 02, unlawfully grab and push A1C [REDACTED] on his upper body with your hands. Reduction to A1C, and 30 days extra duty. (Appeal/Denied) (No mitigation)

(2) 10 Oct 01, Langley AFB, VA - Article 128 You, did, on or about 20 Sep 01, unlawfully strike [REDACTED] in the face with your closed fist. Reduction to the grade of A1C, and 15 days extra duty. Reduction to A1C mitigated to forfeiture of \$50.00. (Appeal/Denied)

e. Additional: LOR, 05 DEC 02 - Leaving work without authority.  
 RIC, 15 AUG 02 - Late for duty.  
 RIC, 12 AUG 02 - Disrespect and insubordination towards an NCO.  
 RIC, 04 DEC 01 - Traffic ticket for speeding.

RIC, 27 JUL 01 - Traffic ticket for illegal parking.  
 RIC, 06 JUL 01 - Losing temper and assaulting another  
 airman.

f. CM: None.

g. Record of SV: 30 Dec 98 - 15 Jul 00 Langley AFB 5 (HAF Dir)  
 16 Jul 00 - 15 Jul 01 Langley AFB 4 (Annual)  
 16 Jul 01 - 15 Jul 02 Langley AFB 2 (Annual) **REF**

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

i. Stmt of Sv: TMS: (4) Yrs (6) Mos (12) Das  
 TAMS: (4) Yrs (1) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Jan 04.  
 (Change Discharge to Honorable)

Issue 1: I can honestly say that during my time of service I proudly served my country. It is hard to explain the debt of loyalty, honor, and respect I've given my country during service. I had my own mistakes during service, but nothing that showed the lack of honor. If you review my file you will see that I served with honor and deserve honor.

**ATCH**

None.

30MAR04/ia



FD 2004-00040

**DEPARTMENT OF THE AIR FORCE**  
HEADQUARTERS 1ST FIGHTER WING  
LANGLEY AIR FORCE BASE VA

29 Jan 03

MEMORANDUM FOR A1C [REDACTED] 1 AMXS

FROM: 1 AMXS/CC

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, Chapter 5, Section H, Paragraph 5.49. 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. On or about 12 Jul 00, you received a parking ticket for blocking a traffic lane in the dorm parking lot. For this incident, you received an Record of Individual Counseling (RIC), dated 27 Jul 00.
  - b. On or about 5 Jul 01, you lost your temper and struck another airmen in the face. For this incident, you received an RIC, dated 6 Jul 01.
  - c. On or about 10 Nov 01, you received a speeding ticket on base. For this incident, you received an RIC, dated 4 Dec 01.
  - d. On or about 20 Sep 01, you unlawfully struck [REDACTED] in the face with a closed fist. For this incident, you received an Article 15 with a punishment of a reduction to the grade of Airman First Class, which was mitigated to forfeitures of \$50.00, and 15 days extra duty, dated 10 Oct 01. In addition, this Article 15 established your Unfavorable Information File (UIF).
  - e. On or about 12 Aug 02, you were argumentative towards another airman and were displaying aggressive behavior. Also, you were insubordinate and disrespectful towards a non-commissioned officer. For these incidents, you received an RIC, dated 12 Aug 02.
  - f. On or about 15 Aug 02, you were late for duty. For this incident, you received an RIC, dated 15 Aug 02.
  - g. On or about 5 Dec 02, you left work without proper authority. For this incident, you received a Letter of Reprimand (LOR), dated 5 Dec 02.
  - h. On or about 6 Nov 02, you wrongfully used provoking words towards A1C [REDACTED] and SSgt [REDACTED], unlawfully hit A1C [REDACTED] on his head with your hand, and unlawfully grabbed and pushed A1C [REDACTED] on his upper body with your hands, with a punishment of reduction to the grade of Airman First Class, and 30 days extra duty, dated 11 Dec 02. In addition, this Article 15 was placed in your UIF.
3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations

required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial 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 the Area Defense Counsel, 54 Willow Street, Bldg. 147, (757) 764-5607 at 1030 hours on 29 Jan 2003. 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 hours on 3 FEB 2003 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 1st Medical Group, Physical Exam Section at 31 Jan hours on 31 Jan 2003 and an additional examination will be scheduled if necessary. *KAC*

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 the unit orderly room.

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



Lieutenant Colonel, USAF  
Commander, 1st Aircraft Maintenance Squadron

Attachments:

1. Supporting Documents
  - a. RIC, dated 27 Jul 00
  - b. RIC, dated 6 Jul 01
  - c. RIC, dated 4 Dec 01
  - d. Article 15/AF Form 3212/AF Form 1137, dated 10 Oct 01/11 Jan 02
  - e. RIC, dated 12 Aug 02
  - f. RIC, dated 15 Aug 02
  - g. LOR, dated 5 Dec 02
  - h. Article 15/AF Form 1137, dated 1 Dec 02
2. Receipt of Notification Memorandum