

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="background-color: black; width: 100px; height: 15px; margin-top: 5px;"></div>		<b>GRADE</b>  <div style="text-align: center;"><b>A1C</b></div>	<b>AFSN/SSAN</b> <div style="background-color: black; width: 80px; height: 15px; margin-top: 5px;"></div>						
<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 colspan="2" style="text-align: center;"><b>COUNSEL</b></td> </tr> <tr> <td style="width: 30%; text-align: center;"><b>YES</b></td> <td style="width: 70%; text-align: center;"><b>No</b></td> </tr> <tr> <td></td> <td style="text-align: center;"><b>X</b></td> </tr> </table>		<b>COUNSEL</b>		<b>YES</b>	<b>No</b>		<b>X</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>  	
<b>COUNSEL</b>									
<b>YES</b>	<b>No</b>								
	<b>X</b>								
		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>  							
<b>MEMBER SITTING</b>  <div style="border: 1px dashed black; width: 250px; height: 120px; margin-top: 10px;"></div>		<b>VOTE OF THE BOARD</b>							
		HON	GEN	UOTHC	OTHER	DENY			
						X			
						X			
						X			
						X			
						X			
<b>ISSUES</b>  <div style="text-align: center;"><b>A94.05</b></div>	<b>INDEX NUMBER</b>  <div style="text-align: center;"><b>A67.10</b></div>	<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>  <div style="text-align: center;"><b>08 Jun 2004</b></div>	<b>CASE NUMBER</b>  <div style="text-align: center;"><b>FD-2004-00044</b></div>								
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>									
<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>									
<b>INDORSEMENT</b>									
<b>TO:</b>  SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				<b>FROM:</b>  <b>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL</b> 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-2004-00044**

**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 an Article 15, four Letters of Reprimand, three Letters of Counseling, and one Memorandum for Record for misconduct. 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. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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 A1C) (HGH A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Lackland AFB, Texas on 18 Nov 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions. Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Nov 77. Enlmt Age: 19 2/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-57, E-50, G-50, M-45. PAFSC: 4N031 - Medical Service Apprentice. DAS: 20 Aug 97.

b. Prior Sv: (1) AFRes 13 Feb 97 - 25 Feb 97 (13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Feb 97 for 4 yrs. Svd: 2 Yrs 8 Mo 24 Das, all AMS.

b. Grade Status: A1C - 26 Jun 98  
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 25 May 99, Lackland AFB, TX - Article 86. You, did, on or about 23 Apr 99, without authority, fail to go at the time prescribed to your appointed place of duty. Article 134. You, were, on or about 23 Apr 99, as a result of wrongful previous overindulgence in intoxicating liquor incapacitated for the proper performance of your duties. Forfeiture of \$150.00 per month for two months, 10 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: MFR, 10 AUG 99 - Failure to go.  
LOR, 10 MAR 99 - Late for work and lying.  
LOR, 09 MAR 99 - Failure to go.  
LOR, 23 OCT 98 - Late for work.  
RIC, 20 MAR 98 - Failure to obey a direct order.  
LOR, 30 JAN 98 - Failure to obey a direct order.  
LOC, 29 DEC 97 - Late for work.  
LOC, 03 DEC 97 - Late for work.

f. CM: None.

g. Record of SV: 26 Feb 97 - 28 Oct 98 Lackland AFB 2 (Initial)REF  
29 Oct 98 - 01 Sep 99 Lackland AFB 1 (Cmdr Dir)REF

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (6) Das  
TAMS: (2) Yrs (8) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Jan 04.  
(Change Discharge to Honorable)

Issue 1: I am requesting an upgrade so that I will be able to use my  
Montgomery G.I. Bill for college.

**ATCH**

None.

21APR04/ia

DEPARTMENT OF THE AIR FORCE  
59<sup>th</sup> Medical Wing (AETC)

5 Oct 99

MEMORANDUM FOR A1C [REDACTED]

FROM: 759 MDOS/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 AFD 36-32 and AFI 36-3208, Paragraphs 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 3 Dec 97, you failed to go at the time prescribed to your appointed place of duty, for this you received a Letter of Counseling on 3 Dec 97.
  - b. On or about 29 Dec 97, you failed to go at the time prescribed to your appointed place of duty, for this you received a Letter of Counseling on 29 Dec 97.
  - c. On or about Dec 97, you failed to obey a direct order, for this you received a Letter of Reprimand on 30 Jan 98, and an Unfavorable Information File was established on 30 Jan 98.
  - d. On or about 20 May 98, you failed to obey a direct order, for this you received an AF Form 174, Record of Individual Counseling, on 20 Mar 98.
  - e. On or about 21 Oct 98, you failed to go at the time prescribed to your appointed place of duty, for this you received a Letter of Reprimand on 23 Oct 98 which was added to your existing Unfavorable Information File on 6 Nov 98.
  - f. On or about 11 Jan 99, you failed to go at the time prescribed to your appointed place of duty, to wit: Bldg 3350, Rm 35A, Medical Service Journeyman End of Course test, for this you received a Letter of Reprimand on 8 Mar 99 and you were placed on the Control Roster on 24 Mar 99.
  - g. On or about 10 Mar 99, you failed to go at the time prescribed to your appointed place of duty, for this you received a Letter of Reprimand on 10 Mar 99.
  - h. On or about 23 Apr 99, you did, at Lackland AFB, TX fail to go at the time prescribed to your appointed place of duty. As a result of wrongful previous overindulgence in intoxication liquor, you were incapacitated for the proper

performance of your duties, for this you received Article 15 punishment on 17 May 99 consisting of forfeiture of \$150.00 per month for two months and ten days extra duty.

- i. On or about 10 Aug 99, you failed to go at the time prescribed to your appointed place of duty, for this you were verbally counseled and this was documented as a Memo for Record on 10 Aug 99.
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 consult counsel. Military Legal Counsel has been obtained to assist you. I have made an appointment for you to consult Sr ADC at Building 1000, on 5 Oct 99 at 1300 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, 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 59 MDOG Orderly Room.

  
SAF, MC, FS  
Commander, 759<sup>th</sup> Medical Operations Squadron

Attachments:

1. LOC, 3 Dec 97
2. LOC, 29 Dec 97
3. LOR, 30 Jan 98
4. UIF AF Form 1058, 30 Jan 98

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5. AF Form 174, 20 Mar 98
6. LOR, 23 Oct 98
7. UIF AF Form 1058, 6 Nov 98
8. LOR, 8 Mar 99
9. UIF Control Roster AF Form 1058, 24 Mar 99
10. LOR, 10 Mar 99
11. AF Form 3070, 17 May 99
12. Memo for Record, 10 Aug 99