

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00053

GENERAL: The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are denied.

ISSUE: Applicant does not contest his discharge. He wants an upgrade in order to rejoin the military. The records indicated the applicant received an Article 15 for wrongfully using marijuana and two Letters of Reprimand, one Letter of Counseling, two Records of Individual Counseling and two Memorandums 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.

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

MISSING MEDICAL RECORDS
(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Mountain Home AFB, ID on 21 Jan 00 UP AFI 36-3208, para 5.49 & 5.26.3 (Misconduct - Minor Disciplinary Infractions and Unsatisfactory Performance). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 24 Feb 78. Enlmt Age: 18 3/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-55, E-53, G-44, M-45. PAFSC: 2A333A - F-15 Tactical Aircraft Maintenance Apprentice. DAS: 30 Jan 97.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 30 May 96 for 4 yrs. Svd: 3 Yrs 7 Mo 23 Das, all AMS.

b. Grade Status: A1C - 27 Dec 99 (Article 15, 27 Dec 99)
SrA - 30 Sep 98

c. Time Lost: None.

d. Art 15's: (1) 27 Dec 99, Mountain Home AFB, ID - Article 112a. You, did, within the continental United States, on divers occasions between on or about 1 Jan 99 and on or about 30 Jun 99, wrongfully use marijuana. Reduction to A1C, and 14 days restriction. (No appeal) (No mitigation)

e. Additional: LOR, 10 SEP 99 - Financial Irresponsibility.
NOR, 10 AUG 99 - Financial Irresponsibility.
LOC, 09 AUG 99 - Late to work and failure to report to Section Chief.
RIC, 27 JUL 99 - Failure to pay rent and lying.
RIC, 25 JUL 97 - Failure to obey a lawful order.
MEMO, 11 JUN 99 - Second CDC End of Course failure.
MEMO, 16 SEP 97 - CDC End of Course failure.

f. CM: None.

g. Record of SV: 30 May 96 - 15 Oct 97 Mountain Home AFB 5 (HAF Dir)
16 Oct 97 - 15 Sep 98 Mountain Home AFB 2 (HAF Dir) REF
16 Sep 98 - 11 Jun 99 Mountain Home AFB 5 (CRO)

h. Awards & Decs: AFTR, AFOUA W/1 DEV, AFGCM.

i. Stmt of Sv: TMS: (3) Yrs (7) Mos (23) Das
TAMS: (3) Yrs (7) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Feb 04.
(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: I would appreciate an upgrade so I may rejoin the USAF, I enjoy the aircraft mechanical field. After I was discharged I worked at SAFB, Tx on T-38. I regret the incident in 1999 I did cooperate with OSI. I had priorities screwed up but know (sic) I feel that I have matured and have my priorities in tact.

ATCH

1. DD Form 214.

12MAR04/ia

FD 2004-00053



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 366TH WING (ACC)
366 GUNFIGHTER AVE, STE 432
MOUNTAIN HOME AFB, IDAHO 83648-5297

JAN 7 2000

MEMORANDUM FOR [REDACTED]

FROM: 391 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions and Unsatisfactory Performance; specifically, Failure to Progress in On-the-Job Training (OJT). The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.49 and 5.26.3. I am recommending that your service be characterized as general due to the misconduct you have committed. Because you are being discharged for more than one reason, this action will be processed according to AFI 36-3208, *Section H—Joint Processing*, paragraphs 6.43-6.47.

2. My reasons for this action are:

a. Under Minor Disciplinary Infractions:

(1) Between on or about 1 Jan 99 and on or about 30 Jun 99, you wrongfully used marijuana. As a result, you received an Article 15, UCMJ, on 27 Dec 99. (Tab 1, Atch 1).

(2) Between on or about 15 Aug 99 and 10 Sep 99, you received telephone calls and messages from creditors. As a result, you received a Letter of Reprimand (LOR) on 10 Sep 99. (Tab 1, Atch 2).

(3) On or about 10 Aug 99, you received a Notice of Reprimand, in that your supervisor received calls from your landlord concerning your inability to pay rent on time. (Tab 1, Atch 3).

(4) On or about 9 Aug 99, you failed to go, at the time prescribed, to your appointed place of duty. As a result, you received a Letter of Counseling (LOC) on 9 Aug 99. (Tab 1, Atch 4).

(5) Between on or about 21 Jul 99 and 26 Jul 99, your supervisor received phone calls from your landlord because your rent check was returned for insufficient funds. As a result, you received a LOC on 27 Jul 99. (Tab 1, Atch 5).

(6) Between on or about 21 Jul 99 through 24 Jul 99, you failed to follow orders when you were instructed to get a haircut and failed to keep your hair in compliance with Air Force standards. As a result, you received a LOC on 25 Jul 99. (Tab 1, Atch 6).

b. Under Unsatisfactory Performance:

(1) On or about 27 Jan 98, you failed your CDC examination for the second time. Your score was 60; a score of 65 was needed to pass. (Tab 1, Atch 7). As a result, a request for Career Development Course (CDC) Waiver was submitted. (Tab 1, Atch 8).

(2) On or about 8 Sep 97, you failed your CDC examination for the first time. Your score was 47; a score of 65 was needed to pass. (Tab 1, Atch 8). As a result, a failure assessment worksheet was completed and you were verbally counseled. More significantly, however, steps were taken to help you prepare for the re-examination, including supervised study. (Tab 1, Atch 9).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction 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 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 made an appointment for you to consult with the Area Defense Counsel on 7 Jan 00 at 1400 hours in building 512. The telephone number is 828-2675. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me within 3 workdays of the date of this memorandum 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 Physical Examination Section at the hospital on Mountain Home AFB on 10 Jan 99 at 0800 hours. If you wear glasses, wear them to the scheduled examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. Additionally, a copy of AFI 36-3208 is available for your use in the Area Defense Counsel's office or your squadron orderly room.

9. You will surrender your ID card to me immediately. Proceed with a copy of this letter to the Military Personnel Flight, Customer Service, Building 512, Mountain Home AFB no later than COB 7 JAN 00 where you will be issued a temporary ID card good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.

10. Proceed with a copy of this letter to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than A/A where you will turn in your Mountain Home AFB vehicle sticker and your USAF vehicle decal after which you will be issued a temporary vehicle pass good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle pass will be issued to you until the case is finalized.

11. Proceed with a copy of this letter to the Traffic Management Office (TMO), in building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.

