

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AMN	AFSN/SSAN ████████████████
--	--------------------------------	--------------------------------------

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X

ISSUES	A92.21 A93.01	INDEX NUMBER	A67.10	EXHIBITS SUBMITTED TO THE BOARD	
				1	ORDER APPOINTING THE BOARD
				2	APPLICATION FOR REVIEW OF DISCHARGE
				3	LETTER OF NOTIFICATION
				4	BRIEF OF PERSONNEL FILE
					COUNSEL'S RELEASE TO THE BOARD
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE

HEARING DATE	CASE NUMBER	
19 May 2004	FD-2004-00055	

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.

INDORSEMENT		DATE: 5/24/2004
TO:	FROM:	
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2004-00055

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

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 1. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received an Article 15, four Letters of Reprimand, one Record of Individual Counseling, had an Unfavorable Information File, and was placed on the Control Roster for misconduct. His infractions included three instances of failure to go, two instances of dereliction of duty, a failed dorm room inspection, two dress and appearance violations, and failure to get a base vehicle decal. Member also had an Enlisted Performance Report rated an overall referral "3". It spoke of his lack of discipline to meet minimum standards, lapses in judgment and task follow-through, and the requirement for close supervision. At the time of the discharge, member consulted counsel and waived his right to submit statements in his own behalf. He now contends he was young and immature, which predicated his misconduct, which he takes full responsibility for. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior and was unwilling or unable to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant was appropriate.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and attending college. However, this does not pertain to his period of service nor provide a basis for upgrade; no inequity or impropriety in his discharge was suggested or found in the record. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

Issue 3. 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 signed a statement (DD Form 2366, on August 30, 2000) that 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 that warrants 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Langley AFB, VA on 18 Sep 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 6 May 82. Enlmt Age: 18 2/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-54, E-33, G-32, M-33. PAFSC: 3S031 - Personnel Apprentice. DAS: 9 Dec 00.

b. Prior Sv: (1) AFRes 6 Jul 00 - 14 Aug 00 (1 month 9 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Aug 00 for 4 yrs. Svd: 2 Yrs 1 Mo 4 Das, all AMS.

b. Grade Status: Amn - 19 Aug 02 (Article 15, 19 Aug 02)
A1C - 15 Feb 02
Amn - 15 Feb 01

c. Time Lost: None.

d. Art 15's: (1) 19 Aug 02, Langley AFB, VA - Article 121. You, did, on or about 31 Jul 02, steal a compact disc, of a value of about \$12.95, the property of the Army Air Force Exchange Service. Reduction to Airman, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 09 AUG 02 - Failure to go, failure to obey orders, improper wear of the uniform, and failure to get base decals for POV.

LOR, 20 FEB 02 - Failed room inspection.

LOR, 11 DEC 01 - Dereliction of duty.

LOR, 05 JUL 01 - Failure to go, late for work, and reporting to work wearing the incorrect uniform.

Traffic Ticket & Verbal Counseling, 23 JUN 01 - Excessive loud music.

RIC, 08 MAR 01 - Failure to return to duty.

f. CM: None.

g. Record of SV: 15 Aug 00 - 15 Apr 02 Langley AFB 3 (Initial)REF

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

i. Stmt of Sv: TMS: (2) Yrs (2) Mos (13) Das
TAMS: (2) Yrs (1) Mos (4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 Feb 04.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: On or about 20 July I committed a servere infarction (sic) that caused me to be discharged from the USAF. As my service record reflect (sic) I was extremely young, 18, when I entered the AF and had a lot of growing up to do before I became a man. After entering the AF and going through the phase to reach Man-hood I also committed minor violations, as my service record reflects, that assisted in my discharge from the AF. Not to blame any of the violations on my youth, I accept full responsibility, I know all young men don't do what I did. Since being discharged from the Air Force, I enrolled at Voorhees College, Demark, SC, where I am an English major in my Sophmore year. I credit the Air Force for teaching me what my Mother, who loves me dearly could not, and that is to be a responsible man. I have applied for GI benefits and have been turned down because of my "General" Discharge. I have also tried to re-enlist as a reservist and cannot because of my re-entry code and separation code. I am now the father of a four-month old son. I need to be able to provide finances and health insurance for my son. Please allow me to continue to be the responsible man that the USAF has produced, by upgrading my discharge and/or changing my re-entry separation code so I may re-enlist and receive benefits finance for the care of my child

ATCH

1. DD Form 214.

15MAR04/ia



FD 2004-00055

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

5 Sep '02

MEMORANDUM FOR AMN [REDACTED], 1 MSS

FROM: 1 MSS/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 8 Mar 01, you failed to return to duty. For this incident, you received a Record of Individual Counseling (RIC)/AF Form 174, dated 8 Mar 01.
 - b. On or about 23 Jun 01, you were playing excessively loud music. For this incident, you received an Armed Forces Traffic Ticket/ DD Form 1408, dated 23 Jun 01 and verbal counseling.
 - c. On or about 2 Jul 01, you failed to show for duty. On or about 3 Jul 01, you reported late for duty. For this incident, you received a Letter of Reprimand (LOR), dated 5 Jul 01.
 - d. Between on or about 3 Dec 01 and on or about 5 Dec 01, you failed to obtain Officer Performance Reports in a timely manner. For this incident, you received an LOR, dated 11 Dec 01.
 - e. On or about 19 Feb 02, your dorm room failed inspection. For this incident, you received an LOR, dated 20 Feb 02.
 - f. Between on or about 2 Jan 02 and on or about 5 Apr 02, you failed to go to work, wear the proper uniform and obtain a base decal. For this incident, you received an LOR, dated 9 Apr 02. Additionally, you were placed on a Control Roster (CR), which was used to establish your Unfavorable Information File (UIF).
 - g. On or about 31 Jul 02, you stole a compact disc, of a value of about \$12.95, the property of the Army Air Force Exchange Service. For this incident, you received an Article 15, with a punishment of reduction to the grade of Airman and 14 days extra duty, dated 19 Aug 02. In addition, this Article 15 was filed 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 Captain [redacted] Area Defense Counsel, 54 Willow Street, Bldg. 147, Ext. 5607 at 1000 hours on 6 Sept 2002. 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 0923⁰⁰ hours on 10 Sept 2002 unless you request and receive an extension for good cause shown. I will send them to the separation authority. Part II 9 Sept 1300

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 0745 hours on 6 Sept 2002 and an additional examination will be scheduled if necessary.

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.

[redacted signature]
[redacted name], Lt Col, USAF
Commander, 1st Mission Support Squadron

Attachments:

1. Supporting Documents
 - a. RIC - 8 Mar 01
 - b. Armed Forces Traffic Ticket - 23 Jun 01
 - c. LOR - 5 Jul 01
 - d. LOR/UIF - 11 Dec 01
 - e. LOR/UIF - 20 Feb 02
 - f. LOR/UIF - 9 Apr 02
 - g. Article 15/UIF - 19 Aug 02
2. Receipt of Notification Memorandum