

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE A1C	AFSN/SSAN [REDACTED]				
TYPE GEN		PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			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 A93.11 A92.19 A93.07		INDEX NUMBER A67.90		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 13 May 2004		CASE NUMBER FD-2004-00069					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE							
<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> <p align="center"><i>[Handwritten Signature]</i></p>							
TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002				

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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for conduct prejudicial to good order and discipline. The records indicated the applicant received an Article 15, a vacation of suspended punishment, four Letters of Reprimand, two Records of Individual Counseling, and had an Unfavorable Information File for misconduct. His offenses included being late for work, financial irresponsibility, and uniform violations. An enlisted Performance Report rated an overall referral "2" noted his lack of initiative, unsatisfactory consolidated tool kit inspections, and the adverse impact his frequent absences had on the duty section. Applicant now contends he was distracted by personal problems including his wife's infidelity, subsequent divorce, and resultant financial problems. While the Board notes it is understandable that a member experiencing personal problems has additional stress, the applicant has not shown how his problems were unique. Additionally, the Board concludes there is insufficient evidence to evaluate the merits of applicant's alleged mitigating factors. After examining the records, the DRB concluded the misconduct was a significant departure from conduct expected of all military members and that the discharge was procedurally proper and equitable. Thus no change is warranted; 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

FD2004-00069

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Hurlburt Field, FL on 12 Feb 96 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.
2. **BACKGROUND:**
 - a. DOB: 1 Oct 69. Enlmt Age: 21 4/12. Disch Age: 26 4/12. Educ: HS DIPL. AFQT: N/A. A-65, E-55, G-70, M-56. PAFSC: 2A656 - Aircraft Electrical & Environmental Systems Journeyman. DAS: 13 Dec 91.
 - b. Prior Sv: (1) AFRes 13 Feb 91 - 27 May 91 (3 months 15 days) (Inactive).
(2) Enlisted as Amn 28 May 91 for 4 yrs. Svd: 3 yrs 0 months 22 days, all AMS. A1C - 28 Mar 92. Sra - 28 May 94. EPRs: 3,4.
3. **SERVICE UNDER REVIEW:**
 - a. Reenlisted as SrA 20 Jun 94 for 6 yrs. Svd: 1 Yrs 7 Mo 23 Das, all AMS.
 - b. Grade Status: A1C - 19 Sep 95 (Vacation of Article 15, 8 Jan 96)
 - c. Time Lost: None.
 - d. Art 15's: (1) 8 Jan 96, Vacation, Hurlburt Field, FL - Article 86. You did, on or about 15 Dec 95, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C, and forfeiture of \$230.00 pay. (No appeal) (No mitigation)
 - (2) 19 Sep 95, Hurlburt Field, FL - Article 86. You, did, on or about 1 Sep 95, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C, suspended forfeiture of \$230.00 pay, and 5 days extra duty. (No appeal) (No mitigation)
 - e. Additional: LOR, 08 JAN 96 - Financial irresponsibility, reporting to duty out of uniform, and late for duty.
LOR, 24 OCT 95 - Late for duty and arriving out of uniform.
RIC, 02 OCT 95 - Reporting to duty out of uniform.
LOR, 17 AUG 95 - Financial irresponsibility.
LOR, 08 AUG 95 - Late for duty.
RIC, 01 JUN 95 - Late for duty.
 - f. CM: None.

g. Record of SV: 28 Jan 94 - 27 Jan 95 Hurlburt Field 4 (Annual)
 27 Jan 95 - 04 Jan 96 Hurlburt Field 2 (CRO) REF

h. Awards & Decs: AFLSAR, AFTR, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (11) Mos (25) Das
 TAMS: (4) Yrs (8) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Feb 04.
 (Change Discharge to Honorable)

Issue 1: I feel an upgrade is warranted (sic) because I did complete 1 term of service which, had I chose not to re-enlist, would have been Honorable. Also, the reason I was separated early in my 2nd enlistment is due to a high stressful environment that was my home, as my wife at the time was having an affair with her shop supervisor and another NCO in her shop as well (we enlisted together). These were people I knew and saw on a regular basis as a part of being able to complete certain duties in my shop. This resulted in a divorce in which, to this day, I have not seen our kids (I have two children with her). The fiances (sic) resulting from that marriage (sic) and the subsequent child support payments (which were \$625.00 per mo) on my salary as well as income from another job at the time were causing considerable fianancial (sic), and emotional hardship as I could not support myself in a way that I would be able to keep up transportation to and from work (my car was repossessed on base) and just barely enough to keep my rent current. In summary, had these events not happened, I would still be active duty, as well as being able to receive a 2nd Honorable discharge.

If you look at my DD 214, it would show that I served with continuous Honorable service from 28 May 91 to 19 Jun 94. I feel that remark was placed there as justification for benefits.

ATCH

1. DD Form 214.

19MAR04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 16th SPECIAL OPERATIONS WING (AFSOC)

FD 2054-00007

24 JAN 1996

MEMORANDUM FOR A1C [REDACTED] 16 CRS

FROM: 16 CRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for pattern of misconduct, more specifically for conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.50.2. If my recommendation for discharge is approved, your service will be characterized as Honorable or General. I am recommending your service be characterized as General.
2. My reasons for this action are based on the following:
 - a. You did, on 1 Jun 95, fail to report to your appointed place of duty at the time prescribed, for which you received a letter of counseling (LOC), dated 1 Jun 95.
 - b. You did, on 20 Jul 95, write a check to the Hurlburt Field Exchange in the amount of \$17.32, and failed to maintain sufficient funds in your account to cover the check, for which he received a letter of reprimand (LOR), dated 17 Aug 95.
 - c. You did, between 1 Aug 95 and 2 Aug 95, fail to report to your appointed place of duty at the time prescribed by being over 45 minutes late for duty, for which you received an LOR, dated 8 Aug 95. An unfavorable information file (UIF) was also established.
 - d. You did, on 1 Sep 95, fail to report to your appointed place of duty at the time prescribed by failing to report to your duty section, for which you received an Article 15, dated 25 Sep 95, and an entry in your existing UIF.
 - e. You did, on 26 Sep 95, fail to report to your appointed place of duty at the time prescribed, for which you received an LOR, dated 24 Oct 95, and an entry in your existing UIF.
 - f. You did, on 26 Sep 95, disobey a lawful regulation, AFI 36-2903, by reporting to duty with an earring in your left ear and your boots were unlaced, for which you received an LOR, dated 24 Oct 95, and an entry in your existing UIF.

g. You did, on 2 Oct 95, disobey a lawful regulation, AFI 36-2903, by reporting to duty without stripes sewn on your uniform, for which you received an LOR, dated 2 Oct 95.

h. You did, on 4 Dec 95 and 5 Dec 95, write two checks to the Equipment Maintenance Squadron in the amount of \$10.00 and \$4.00 respectively, and failed to maintain sufficient funds in your account to cover the check, as evidenced by the returned checks, for which you received an LOR, dated 8 Jan 96, and an entry in your existing UIF.

i. You did, on 15 Dec 95, fail to report to your appointed place of duty at the time prescribed, for which you received a vacation of suspended nonjudicial punishment action, dated 8 Jan 96.

j. You did, on 21 Dec 95, disobey a lawful regulation, AFI 36-2903, by reporting to duty with sergeant stripes on one sleeve and senior airman stripes on the other, as evidenced by memo for record (MFR), dated 21 Dec 95, for which you received an LOR, dated 8 Jan 96, and an entry in your existing UIF.

k. You did, on 26 Dec 95, fail to report to your appointed place of duty at the time prescribed by being 20 minutes late for duty, as evidenced by MFR, dated 26 Dec 95, for which you received an LOR, dated 8 Jan 96, and an entry in your existing UIF.

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 Captain [REDACTED], Hurlburt Field, FL, Bldg 90042, on 24 JAN 96 at 1030 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 3 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 the Hurlburt Clinic at ~~1417~~ hrs on ~~23 JAN 96~~ for the examination.
 1330 ~~du*~~ 25 JAN 96 ~~du*~~

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use at the unit orderly room.



Maj, USAF
Commander

Attachments:

Supporting documents--for the reason for discharge

1. AF Form 174, dtd 1 Jun 95
 2. LOR, dtd 17 Aug 95
 3. LOR w/atch, dtd 8 Aug 95 (pgs 3)
 4. AF Form 1058, dtd 8 Aug 95
 5. AF Form 3070 w/atchs, dtd 25 Sep 95 (pgs 8)
 6. LOR w/atchs, dtd 24 Oct 95 (pgs 5)
 7. AF Form 1058, dtd 24 Oct 95
 8. AF Form 174 w/atch, dtd 2 Oct 95 (pgs 2)
 9. LOR w/atchs, dtd 8 Jan 96 (pgs 4)
 10. AF Form 1058, dtd 8 Jan 96
 11. MFR, dtd 21 Dec 95
 12. MFR, dtd 26 Dec 95
 13. AF Form 366 w/atchs, dtd 8 Jan 96 (pgs 6)
- Documents containing derogatory information--which are not listed in the notification letter
14. AF Form 1137
 15. Amn's Receipt of Notif. Memo.