

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>				GRADE AB		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>				
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				
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>						HON	GEN	UOTHC	OTHER	DENY
										X
										X
										X
										X
										X
ISSUES A94.05		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 19 May 2004		CASE NUMBER FD-2004-00088								
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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										
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INDORSEMENT						DATE: 5/19/2004				
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						

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00088

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to 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 contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Articles 15, three Letters of Reprimand, three Letters of Counseling, four traffic tickets, and a Vacation action under the UCMJ for various acts of misconduct outlined in the examiners brief. 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Grand Forks AFB, ND on 15 Aug 03 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 27 Dec 82. Enlmt Age: 17 1/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-65, E-63, G-33, M-25. PAFSC: 2S051 - Supply Management Journeyman. DAS: 29 Jun 00.

b. Prior Sv: (1) AFRes 28 Jan 00 - 14 Mar 00 (1 month 15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Mar 00 for 4 yrs. Svd: 3 Yrs 5 Mo 1 Das, all AMS.

b. Grade Status: AB - 7 Jul 03 (Article 15, 7 Jul 03)
AMN - 4 Oct 02 (Vacation of Article 15, 8 Apr 03)
A1C - 15 Jul 01
AMN - 15 Sep 00

c. Time Lost: None.

d. Art 15's: (1) 7 Jul 03, Grand Forks AFB, ND - Article 92. You, who knew of your duties, on or about 27 May 03, were derelict in the performance of those duties in that you willfully failed to refrain from using your Bank of America government travel card while not on temporary duty or permanent change of duty status, as it was your duty to do. Reduction to AB. Suspended forfeiture of \$575.00 pay. (No appeal) (No mitigation)

(2) 8 Apr 03, Vacation, Grand Forks AFB, ND - Article 134. You, being indebted to Payday Express Grand Forks in the sum of \$390.00 for payment of checks, which amount became due and payable on or about 15 Jan 03, did at or near the continental United States and RAF Akrotiri, from 15 Jan to 2 Apr 03, dishonorably fail to pay said debt. Reduction to Airman. (No appeal) (No mitigation)

(3) 4 Oct 02, Grand Forks AFB, ND - Article 92. You, who should have known of your duties, on or about 26 Aug 02, were derelict in the performance of those duties in that you negligently failed to refrain from driving a vehicle

while your license was suspended, as it was your duty to do. You, who knew of your duties, on or about 26 Aug 02, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under 21 years of age, as it was your duty to do. Suspended reduction to Airman. Forfeiture of \$250.00 pay, 45 days restriction, and 20 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 20 JUN 03 - Failure to obey a lawful order.
 LOR, 18 JUN 03 - Failure to obey a lawful order.
 Traffic Ticket, 29 MAR 02 - Illegal parking.
 Traffic Ticket, 22 FEB 02 - Obstructing the flow of traffic.
 Traffic Ticket, 03 JAN 02 - Obstructing the flow of traffic.
 Traffic Ticket, 20 SEP 01 - Illegal parking, expired registration, and failure to display front plate.
 RIC, 05 SEP 01 - Destruction of government property.
 RIC, 21 AUG 01 - Failure to obey orders.
 RIC, 12 JUL 01 - Failure to wear seat belt.
 LOR, 26 FEB 01 - Destruction of government property.
- f. CM: None.
- g. Record of SV: 15 Mar 00 - 14 Nov 01 Grand Forks AFB 3 (Initial)
 15 Nov 01 - 14 Nov 02 Grand Forks AFB 2 (Annual) **REF**
- h. Awards & Decs: AFOUA W/1 OLC, NDSM, AFTR, BS/FB.
- i. Stmt of Sv: TMS: (3) Yrs (6) Mos (19) Das
 TAMS: (3) Yrs (5) Mos (1) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 03 Mar 04.

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

ISSUES ATTACHED TO BREIF.

ATCH

1. Applicant's Issues.
2. College Transcript.
3. Certificate of Appreciation.
4. Letter of Evaluation.

2APR04/ia

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on

Page 3.)

entering the military at it was an unusual experience to me, especially being brought up in a different country when I first went to Grand forks A.F.B. I was being

14. CONTINUATION OF ITEM 6, ISSUES (If applicable)

placed under the supervision of a sergeant who sometimes told me it was okay to surf the internet during duty hours, and often disrespected me in front of other sergeants, but growing up made me understand that I should start doing what was good for me and focus on my career and the golden opportunity I had ahead of me. My first mistake was getting caught

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

with a breathalyzer test of 0.01 which I got an Article 15 for. I was then put on probation for 6 months. 6 months and there on after I worked hard and kept out of trouble to avoid being discharged. My supervisor, commanding officer saw the change and decided to send me to support the war on

16. REMARKS (If applicable)

Iraqi freedom. While in Greece I was the first to volunteer for everything because I was working towards getting a medal, knowing I only had seven months left in the service I was also working towards bettering myself for reenlistment. One of my duties in Greece was driving a shuttle bus and transporting people back and forth to work and home. I also got in trouble not knowing I wasn't suppose to drive on base in another

Continued: Country, I was just doing my job. I was threatened by Sergeants saying they can throw me out by themselves, using harsh words of profanity, this lowered my self esteem and morale.

I worked very hard while I was in Greece so I could get a medal for my excellent work but phone calls from Grand Forts A.F.B. came about a debt I owed before I left, but before I left I told my Supervisor that I didn't have enough money to settle my debts before I went T.D.Y but I still went anyway because the T.D.Y came so sudden. I made every effort anyway to settle this debt while I was there and after I came back, which showed to everyone in command that I tried very hard to be on the safe side and get an honorable discharge before I came back to the civilian society.

I had only seven months left, all I wanted to do was serve my country and leave with money for college so I could get a good education so I can rejoin the Armed forces as an officer to become a doctor.

continued:

So In conclusion I am kindly asking
for an upgrade of my discharge for
an honorable so I can finish school
so I can be successful and contribute
more to this country.



FD2004-00088

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 319TH AIR REFUELING WING (AMC)
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

25 Jul 2003

MEMORANDUM FOR A1C [REDACTED]

FROM: 319 LRS/CC

SUBJECT: Notification Memorandum

1. I am recommending you be discharged from the United States Air Force for a Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Section 5H, paragraph 5.50.2. 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 based on the following:

a. You were, at or near Grand Forks Air Force Base, North Dakota, on or about 27 May 2003, derelict in the performance of your duties in that you willfully failed to refrain from using your Bank of America government travel card while not on temporary duty or permanent change of station duty status. For this act of misconduct, you received a second Record of Nonjudicial Punishment Proceeding (Article 15), dated 7 July 2003. This was added to your existing Unfavorable Information File (UIF). (Attachment A.)

b. You did, at or near Grand Forks Air Force Base, North Dakota, on or about 13 June 2003, willfully fail to obey lawful orders when you failed to put on your battle dress uniform blouse as directed in anticipation of leaving the work area, and when you refused to promptly identify the time of a pending medical appointment when directed to immediately do so. For these acts of misconduct, you received a Letter of Reprimand (LOR), dated 20 June 2003. (Attachment B.)

c. You did, at or near Base Z, from on or about 1 March 2003 to on or about 8 May 2003, willfully fail to obey a standing order restricting you from operating any motor vehicle on military installations when you operated a shuttle bus. In addition, you were derelict in the performance of your duties in that you did not identify to your deployed chain of command that you are subject to this standing order. For this act of misconduct, you received an LOR, dated 18 June 2003. (Attachment C.)

d. You did, at or near the continental United States, and at or near Base Z, from on or about 15 January 2003 to on or about 2 April 2003, dishonorably fail to pay a just debt in the sum of \$390.00 to Payday Express Grand Forks. For this act of misconduct, you received a Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 8 April 2003. (Attachment D.)

e. You were, at or near Grand Forks Air Force Base, North Dakota, on or about 26 August 2002, derelict in the performance of your duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal age of 21. You also were, at or near Grand Forks Air Force Base, North Dakota, on or about 26 August 2002, derelict in the performance of your duties in that you willfully failed to refrain from driving a vehicle while your license was suspended. For these acts of misconduct, you received a second Record of Nonjudicial Punishment Proceeding (Article 15), dated 4 October 2002. A UIF was established on 8 October 2002, and the Article 15 was placed in the UIF. (Attachment E.)

f. You were, at or near Grand Forks Air Force Base, North Dakota, on or about 31 August 2001, derelict in the performance of your duties in that you operated a forklift in an unsafe and reckless manner. For this act of misconduct, you received Record of Individual Counseling (RIC), dated 5 September 2001. (Attachment F.)

g. You did, at or near Grand Forks Air Force Base, North Dakota, on or about 17 August 2001, willfully fail to obey a lawful order to study your Career Development Course (CDC) from 1200 to 1630 hours in preparation for your upcoming CDC end-of-course test. In addition, you left early for the day, without notifying the designated person in charge that you were leaving. For these acts of misconduct, you received a RIC, dated 21 September 2001 (should be 21 August 2001). (Attachment G.)

h. You were, at or near Grand Forks Air Force Base, North Dakota, on or about 7 July 2001, derelict in the performance of your duties in that you willfully failed to wear your seatbelt while operating a vehicle, as prescribed by state law and Air Force Instruction 91-207. You also exceeded the speed limit while doing so. For these acts of misconduct, you received a RIC, dated 20 July 2012 (should be 12 July 2001). (Attachment H.)

i. You did, at or near Grand Forks Air Force Base, North Dakota, on or about 21 February 2001, willfully damage government property by punching the walls of Dorm 217 with your fist. For this act of misconduct, you received an LOR, dated 26 February 2001. (Attachment I.)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. 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. You have been scheduled an appointment at the Office of the Area Defense Counsel at Building 255 on 28 Jul at 0900 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statement you want the separation authority to consider must reach me by 30 Jul 03 at 0900 hours 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 319th Medical Group on 29 Jul at 0830 hours for the examination.
8. Deliver to me immediately your military identification card. I have requested that temporary identification card(s) be issued IAW AFI 36-3026(I), paragraph 4.2. You will report to me by COB 25 Jul 03, to verify that issuance of temporary identification cards has been accomplished.
9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A Privacy Act statement is attached. A copy of AFI 36-3208 is available for your use in the squadron orderly room.
10. Execute the attached acknowledgment and return it to me immediately.


Major, USAF
Commander, 319 LRS

5 Attachments:

1. Supporting Documents
 - a. AF Form 3070, dated 7 Jul 03, w/ atch (5 pgs)
 - b. LOR, dated 20 Jun 03 (3 pgs)
 - c. LOR, dated 18 Jun 03, w/ atchs (11 pgs)
 - d. AF Form 366, dated 8 Apr 03, w/ atchs (15 pgs)
 - e. AF Form 3070, dated 4 Oct 02, w/ atchs (27 pgs)
 - f. RIC, dated 5 Sep 01 (2 pgs)
 - g. RIC, dated 21 Sep 01 (should be 21 Aug 01), (2 pgs)
 - h. RIC, dated 20 Jul 12 (should be 12 Jul 01) (2 pgs)
 - i. LOR, dated 26 Feb 01 (1 pg)
2. Privacy Act Statement
3. Acknowledgement of Receipt of Notification Memorandum
4. Discharge Under AFI 36-3208 Memorandum
5. Personnel Information