

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██ | GRADE AMN | AFSN/SSAN ████████████████████ |
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|-----------------|--|---|----------------------|-----------|
| 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 | UOHC | OTHER | DENY |
| | | | | | X |
| | | | | | X |
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| | | | | | X |
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| ISSUES A94.06 | INDEX NUMBER A67.10 A49.00 | 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 |

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| HEARING DATE 03 Jun 2004 | CASE NUMBER FD-2004-00099 | |
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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: 6/3/2004 |
| 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-2004-00099

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 does not contest his discharge. He merely states that he would like an upgrade so he can move on with his life. The records indicated the applicant received an Article 15, two Letters of Reprimand, and two AETC Forms 125A. 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

(Former AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Keesler AFB, MS on 4 Sep 03 UP AFI 36-3208, para 5.26 & 5.49 (Unsatisfactory Duty Performance & Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Sep 84. Enlmt Age: 17 7/12. Disch Age: 18 11/12. Educ: HS DIPL. AFQT: N/A. A-46, E-44, G-46, M-40. PAFSC: 1C031 - Airfield Management Apprentice. DAS: 8 Apr 03.

b. Prior Sv: (1) AFRes 18 Apr 02 - 11 Nov 02 (6 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Nov 02 for 4 yrs. Svd: 0 Yrs 9 Mo 24 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 2 Jun 03, Keesler AFB, MS - Article 86. You did, on or about 3 May 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Academic Enhancement Program (AEP), building 7404. Article 92. You did, on or about 4 May 03, fail to obey a lawful general regulation, to wit: AETCI 36-2216, paragraph 7.4, dated 10 Sep 01, by wrongfully failing to be in your bed by established curfew and wrongfully stuffing your bed during curfew checks to make it appear you were in it when in fact you were not. You did, within the state of Mississippi, on or about 11 May 03, fail to obey lawful general regulations, to wit: AETCI 36-2216, paragraphs 7.1 and 7.6, dated 10 Sep 01, by wrongfully operating a privately owned vehicle and failing to remain on station. Forfeiture of \$575.00 pay per month for two months. (No appeal) (No mitigation)

e. Additional: AETC 125A, 08 JUL 03 - Displaying negative trend.
Elimination from training.

LOR/UIF, 2 MAY 03 - Dereliction of duty.

AETC, 341, 18 APR 03 - Repeated use of inappropriate language.

LOR, 28 MAR 03 - Dereliction of duties and violation of phase program

- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (1) Yrs (4) Mos (18) Das
TAMS: (0) Yrs (9) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 Mar 04.
(Change Discharge to Honorable)

Issue 1: Hello my name is [REDACTED] I'm a former AMN in the United States Air Force. I served for less then a year (Nov 11, 2002-09-04-03). I was separated/discharged on September 04 2003. I started working on my new non-military life. I enrolled in school and due to my current discharge/separation I wasn't eligible for financial aid so I had to get a part-time job at a local food restaurant to pay my way through school but I couldn't really afford it and I had to drop out of school. I had planned to go to school, get a degree and gain some maturity, maybe in the future I could get another chance to serve my country and not make the same silly mistakes I've made before. I really didn't think my discharge would affect me getting a job in the future. I went to apply for the city police department and I couldn't apply because of my discharge. My life is pretty much in line but I can't move forward without an honorable discharge. So if you can find anyway possible to upgrade my General discharge to an Honorable discharge I would be very grateful. I would also be very grateful if you can respond in writing your decision and reason for your decision. I have one last question if my discharge is upgraded would my reentry code change.

ATCH
None.

8APR04/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

19 Aug 03

MEMORANDUM FOR AB [REDACTED]

FROM: 334 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory duty performance and minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section E, paragraph 5.26, and Section H, paragraph 5.49. The primary basis is 5.49, minor disciplinary infractions. If my recommendation is approved, your discharge characterization will be described as general.

1. My reasons for this action are:

*DBS*a. On or about 8 Jul 04, you were eliminated from the 1C031, Airfield Management Apprentice course due to misconduct, as noted on AETC Form 125a, dated 8 Jul 03. (Atch 1, Appendix A w/atchs)

*DBS*b. On 2 Jun 03, you received nonjudicial punishment for the following infractions:

i. On or about 11 May 03, you failed to obey a lawful general regulation by wrongfully operating a privately owned vehicle, and failing to remain on station. (Atch 1, Appendix B w/atchs)

ii. On or about 4 May 03, you failed to obey a lawful general regulation by wrongfully failing to be in your bed by established curfew, and wrongfully stuffing your bed during curfew checks to make it appear you were in it, when in fact, your were not. (Atch 1, Appendix B w/atchs)

iii. On or about 3 May 03, you did without authority, fail to go at the time prescribed to your appointed place of duty, Academic Enhancement Program class. (Atch 1, Appendix B w/atchs)

For these infractions, you nonjudicial punishment consisted of a forfeiture of \$575.00 pay per month for two months as noted on AF Form 3070, dated 2 Jun 03.

*DBS*c. On 2 May 03, you were derelict in the performance of your duties by failing to request permission, or a file a travel itinerary when you violated the 2nd Air Force Phase program by traveling farther than the set 150 mile limit. In addition, you were late for your Academic Enhancement Program class, for which you received a Letter of Reprimand, dated 2 May 03. (Atch 1, Appendix C w/atch)

DBS d. On 18 Apr 03, you were unprofessional by repeated use of inappropriate language for which you were counseled per AETC Form 341, dated 18 Apr 03. (Atch 1, Appendix D)

DBS e. On or about 27 Mar 03, you were derelict in the performance of your duties by not performing your assigned details. In addition, you were caught violating the 2nd Air Force Phase program by wearing unauthorized civilian clothing, as noted on Letter of Reprimand dated 28 Mar 03. For these infractions, an Unfavorable Information File was established on 2 Apr 03. (Atch 1, Appendix E w/atchs)

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 higher 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 legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult _____ at Bldg 0701, Room 133, on _____ at _____ hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by _____ by 1630 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 81st Medical Group, Physical Exams on 21 Aug, 2003 at 1600 hours 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 by accessing the world wide web at the following website: <http://www.e-publishing.af.mil/pubfiles/af/36/afi36-3208/afi36-3208.pdf>

9. Execute the attached acknowledgment and return it to me immediately.

 Lt Col, USAF

Commander

Attachments:

- 1. Supporting Documents

- a. AETC Form 125A, dated 8 Jul 03 w/atch
 - b. AETC Form 3070, dated 2 Jun 03 w/atchs
 - c. Letter of Reprimand, dated 2 May 03 w/atch
 - d. AETC Form 341, dated 18 Apr 03
 - e. AF Form 1058, dated 2 Apr 02 w/atchs
2. Airman's Receipt of Notification Memorandum
 3. Airman's Statements

ATCH 1