

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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 ████████████████████ Port Charlotte FL 33052-8263	
YES	No		
X			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[Empty Box]					X
					X
					X
					X
					X

ISSUES A94.53	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 17 Jun 2004	CASE NUMBER FD-2004-00106
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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.

[Handwritten Signature]

INDORSEMENT		DATE: 6/18/2004
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-2004-00106

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received two Articles 15, five Letters of Reprimand, and five Records of Individual Counseling for misconduct. His infractions included eight incidents of being late for work, failure to go, or leaving his duty section without permission. He also lost his line badge at least twice, had two incidents of dereliction of duty, multiple instances of misuse of a government vehicle, a failed dormitory room inspection, and a dress and appearance violation. After evaluation by the Mental Health staff regarding member's habitual lateness, it was only determined he had a further unspecified occupational problem. The DRB opined that through the unit's many administrative actions, the applicant had ample opportunities to change his negative behavior and was unable or unwilling to do so. The Board further noted member was age 19 to 21 at the time of his misconduct, the same age as other first-term airmen who successfully complete their enlistments without misconduct. And, there was no evidence applicant was immature or didn't know right from wrong. The Board concluded his misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was thus 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Altus AFB, OK on 24 Jun 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 May 76. Enlmt Age: 19 2/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-74, E-57, G-52, M-40. PAFSC: 1T131 - Aircrew Life Support Apprentice. DAS: 2 Apr 96.

b. Prior Sv: (1) AFRes 25 Jul 95 - 5 Dec 95 (4 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Dec 95 for 4 yrs. Svd: 1 Yrs 6 Mo 19 Das, all AMS.

b. Grade Status: AMN - 28 May 99 (Article 15, 28 May 97)
A1C - 06 Apr 97
AMN - 06 Jun 96

c. Time Lost: None.

d. Art 15's: (1) 28 May 97, Altus AFB, OK - Article 92. You did, on divers occasions between on or about 1 May 97 and on or about 15 May 97, at Altus AFB, OK, violate a lawful general regulation, to wit: AFI 24-301, Chapter 3, dated 10 Apr 95, by wrongfully using a government vehicle for unauthorized personal use. Article 86. You did, on or about 23 May 97, without authority, go from your place of duty, to wit: Building 444, Life Support Building, located at Altus AFB, OK. Reduction to Airman. (No appeal) (No mitigation)

(2) 19 May 97, Altus AFB, OK - Article 86. You did, on or about 1 May 97, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, who knew or should have known of your duties, on or about 1 May 97, were derelict in the performance of those duties in that you negligently failed to maintain your hair to the appropriate standards as required according to AFI 36-2903, as it was your duty to do. Suspended reduction to Airman. (No appeal) (No mitigation)

e. Additional: LOR, 03 JUN 97 - Late for duty.

LOR, 12 MAY 97 - Dereliction of duty.
LOR, 03 MAR 97 - Failure to properly safeguard important
security credentials (lost line badge).
RIC, 01 NOV 96 - Dereliction of duty.
RIC, 01 NOV 96 - Late for duty.
RIC, 19 JUL 96 - Late for work.
RIC, 18 JUL 96 - Late for work.
RIC, 16 JUL 96 - Late for duty.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (0) Das
TAMS: (1) Yrs (6) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Mar 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. AF Form 100.

28APR04/ia

FD 2004-00106

**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND
ALTUS AIR FORCE BASE, OKLAHOMA 73523**

MEMORANDUM FOR AIC [REDACTED]

5 Jun 97

FROM: 56 AS/CC

SUBJECT: Notification Letter

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, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

- a. On or about 29 May 1997, you failed to report to duty at the specified time. For this misconduct you received a Letter of Reprimand.
- b. On divers occasions between on or about 1 May 1997 and on or about 15 May 1997, you failed to obey a lawful general regulation by wrongfully using a government vehicle for unauthorized personal use, and you left your place of duty without authority. For this misconduct you received an Article 15.
- c. On or about 1 May 1997, you failed to go at the time prescribed to your appointed place of duty, and on or about 1 May 1997, you were derelict in the performance of your duties in that you failed to maintain your hair to the appropriate standards. For this misconduct you received an Article 15.
- d. On or about 12 May 1997, you were derelict in your duties by leaving your place of duty early without permission from your supervisor. For this misconduct you received a Letter of Reprimand.
- e. On or about 25 February 1997, you failed to properly safeguard important security credentials, namely a line badge. For this misconduct you received a Letter of Reprimand.
- f. On or about 1 November 1996, you failed to sign the Operator's Inspection Guide for a week. For this misconduct you received a Letter of Counseling.

- g. On or about 1 November 1996, you failed to report to duty at the specified time. For this misconduct you received a Letter of Counseling.
- h. On or about 19 July 1996, you were late reporting for duty. For this misconduct you received a Letter of Counseling.
- i. On or about 18 July 1996, you failed to report to duty at the specified time. For this misconduct you received a Letter of Counseling.
- j. On or about 16 July 1996, you failed to report to duty at the specified time. For this misconduct you received a Letter of Counseling.

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 and any special pay, bonus, or education funds may be subject to recoupment.

3. 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] at Building 52 on 6 June 97 at 1000. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 10 June 97 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the base hospital, physical exams, at 0815 on 9 June 97.

7. 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.

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

[Redacted Signature]

[Redacted Name] Lt Col, USAF
Commander

Atchs

1 Supporting Documents

- a. LOR, dtd. 3 Jun 97
- b. Article 15, dtd. 23 May 97
 - 1. [REDACTED] MFR, dtd. 23 May 97
 - 2. [REDACTED] MFR, dtd. 23 May 97
- c. LOR, dtd. 20 May 97
- d. Article 15, dtd. 8 May 97
 - 1. [REDACTED] MFR, dtd. 2 May 97
 - 2. [REDACTED] MFR, dtd. 2 May 97
- e. LOR, dtd. 3 Mar 97
- f. LOC, dtd. 1 Nov 96
- g. LOC, dtd. 1 Nov 96
- h. LOC, dtd. 19 Jul 96
- i. LOC, dtd. 18 Jul 96
- j. LOC, dtd. 16 Jul 96