

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██		GRADE AB	AFSN/SSAN ██								
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">COUNSEL</th> <th rowspan="3" style="width: 50%;">NAME OF COUNSEL AND OR ORGANIZATION</th> <th rowspan="3" style="width: 40%;">ADDRESS AND OR ORGANIZATION OF COUNSEL</th> </tr> <tr> <td style="width: 5%;">YES</td> <td style="width: 5%;">No</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	No		X		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL								
YES	No										
	X										
<p style="text-align: center;">MEMBER SITTING</p> <div style="border: 1px dashed black; height: 150px; width: 95%; margin: 0 auto;"></div>		VOTE OF THE BOARD									
		HON	GEN	UOTHC	OTHER	DENY					
						X					
						X					
						X					
						X					
ISSUES A95.00	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 29 Jun 2004	CASE NUMBER FD-2004-00137										
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD 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>											
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT								
██			██								
INDORSEMENT				DATE: 6/29/2004							
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

FD-2004-00137

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. 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: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15, four Letters of Reprimand, and five Letters of Counseling for various misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

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 Travis AFB, CA on 11 Jan 91 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Jan 68. Enlmt Age: 19 5/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A. A-72, E-31, G-37, M-43. PAFSC: 81150 - Security Specialist. DAS: 14 May 88.

b. Prior Sv: (1) AFRes 13 Jul 87 - 15 Dec 87 (5 months 3 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Dec 87 for 4 yrs. Svd: 3 Yrs 0 Mo 27 Das, all AMS.

b. Grade Status: AB - 8 Nov 90 (Article 15, 8 Nov 90)
A1C - 16 Apr 89
Amn - (APR Indicates): 16 Dec 87 - 15 Dec 88

c. Time Lost: None.

d. Art 15's: (1) 8 Nov 90, Travis AFB, TX - Article 92. You, having knowledge of a lawful order issued by Col [REDACTED] [REDACTED] 475th Air Base Wing Commander on 19 Sep 90, not to drive any motor vehicle in Japan, an order which it was your duty to obey, did, at or near tagara, nerima-ku, Tokyo-to, Japan, on or about 4 Nov 90, fail to obey the same by wrongfully driving a motor vehicle. Reduction to AB, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 13 JUL 90 - Dereliction of duty for failing to report an accident.
LOC, 25 MAY 90 - Late for duty.
LOC, 19 MAY 89 - Failure to shave.
LOC, 20 APR 89 - Disorderly and disruptive conduct.
LOR, 01 MAR 89 - Missed mandatory formation and late for duty.
LOR, 17 DEC 88 - Missed mandatory formation and late for duty.
RIC, 24 SEP 88 - Financial irresponsibility.
LOR, 16 AUG 88 - Failure to go.
LOC, UNDATED - Late for duty.

f. CM: None.

g. Record of SV: 16 Dec 87 - 15 Dec 88 Yokota AB 8 (Annual)
16 Dec 88 - 01 Sep 89 Yokota AB 3 (Initial)
02 Sep 89 - 28 Feb 90 Yokota AB 4 (CRO)

h. Awards & Decs: AFTR, AFGCM, AFOSLTR W/1 OLC, SAEMR.

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (0) Das
TAMS: (3) Yrs (0) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 08 Apr 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

01JUN04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 475TH AIR BASE WING (PACAF)
APO SAN FRANCISCO 96328

REPLY TO
ATTN OF: 475 SPS/CCQ

17 Dec 90

SUBJECT: Notification Letter

TO: AB [REDACTED], [REDACTED] 475 SPS

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. 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 4 Nov 90, you failed to obey a lawful order, as evidenced by AF Form 3070 served 6 Nov 90.

b. On or about 23 Jun 90, you were derelict in your duty to report an alleged accident, as evidenced by a LOR dated 13 Jul 90, with atch.

c. On or about 25 May 90, you were late for duty, as evidenced by a LOC dated 25 May 90.

d. On or about 19 May 89, you failed to maintain AFR 35-10 standards, as evidenced by a LOC dated 19 May 89.

e. On or about 7 Apr 89, you were disorderly and disruptive, as evidenced by a LOC dated 20 Apr 89.

f. On or about 1 Mar 89, you failed to go, as evidenced by a LOR dated 1 Mar 89.

g. On or about 15 Dec 88, you failed to go, as evidenced by AF Form 174 dated 17 Dec 88.

h. On or about 1 Aug 88, you missed a scheduled appointment as evidenced by a LOR dated 16 Aug 88.

i. On or about 17 June 88, you reported to work late as evidenced by a LOC, undated.

j. On or about 20 Aug 88, you wrote a check for \$200.00 for which you failed to maintain sufficient funds to redeem, as evidenced by AF Form 174 dated 24 Sep 88, with atch.

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 Capt [REDACTED] at the ADC office on 18 Dec 90, at 0900. You may consult civilian counsel at your own expense.

4. You have the right to submit statement in your own behalf. Any statements you want the separation authority to consider must reach me by 1630 hours, 20 Dec 90 (allow 3 workdays) 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 did report to Yokota Medical Facility, Physical Exams Section at 0815 on 20 Nov 90 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use at the 475 MSSQ Master Reference Library.

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


[REDACTED] Capt, USAF
Squadron Section Commander

3 Atch

1. Supporting Documents
 - a AF Form 3070, served 6 Nov 90, w/atc
 - b LOR, dated 13 Jul 90 w/atc
 - c LOC, dated 25 May 90
 - d LOC, dated 19 May 89
 - e LOC, dated 20 Apr 89
 - f LOR, dated 1 Mar 89
 - g AF Form 174, dated 17 Dec 88
 - h LOR, dated 16 Aug 88
 - i LOC, undated
 - j AF Form 174, dated 24 Sep 88
2. Documents containing derogatory information
 - a 475 ABWG SP Form 0-326, dated 5 Dec 88
 - a AF Form 840, dated 12 Oct 88
 - b AF Form 590, dated 26 Jun 90
 - c Suspension of Driving Privileges, dated 19 Sep 90
 - d AF Form 2731, dated 5 Nov 90
 - e Notification of Traffic Points Accumulation, dated 5 Nov 90
3. Airman's receipt of notification letter