

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b>  <b>AMN</b>	<b>AFSN/SSAN</b> ██████████
--	--------------------------------	--------------------------------

<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>		
	<b>X</b>		

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A92.35 A93.01	<b>INDEX NUMBER</b> A67.90	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
		<b>4</b>	BRIEF OF PERSONNEL FILE	
			COUNSEL'S RELEASE TO THE BOARD	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

<b>HEARING DATE</b> 28 Jul 2004	<b>CASE NUMBER</b> FD-2004-00146	
------------------------------------	-------------------------------------	--

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.

<b>ENDORSEMENT</b>		<b>DATE:</b> 7/29/2004
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 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, three Letters of Reprimand, a Letter of Counseling, three Records of Individual Counseling, had an Unfavorable Information File, and was placed on the Control Roster due to his misconduct. Most of his infractions involved his being late to work; he also had an underage female in his dorm room, used another airman's calling card without authorization, and was delinquent on his open mess account. Applicant infers he was young and immature, and states he was discharged based on one isolated incident. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was the same age as the majority of first-term members who properly adhere to the Air Force's standards of conduct. Additionally, the record clearly shows multiple incidents of misconduct; the DRB opined that through the unit's many 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 AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Norton AFB, CA on 30 Mar 93 UP AFR 39-10, para 5-47b (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Nov 73. Enlmt Age: 17 8/12. Disch Age: 19 4/12. Educ: HS DIPL. AFQT: N/A. A-67, E-87, G-86, M-78. PAFSC: 45431 - Apprentice Aerospace Equipment Mechanic. DAS: 31 Aug 92.

b. Prior Sv: (1) AFRes 10 Jul 91 - 2 Mar 92 (7 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Mar 92 for 4 yrs. Svd: 1 Yrs 0 Mo 28 Das, all AMS.

b. Grade Status: Amn - 3 Sep 92

c. Time Lost: None.

d. Art 15's: (1) 9 Mar 93, Norton AFB, CA - Article 92. You, who knew of your duties, on or about 26 Feb 93, were derelict in the performance of those duties in that you willfully failed to obey the dormitory rule prohibiting guests under the age of 18 by having S.E.P., a fifteen year old female not a member of the military or your immediate relative, visit your room in dorm 108, as it was your duty to do. Suspended reduction to AB. Forfeiture of \$407.00 pay per month for 1 month. (No appeal) (No mitigation)

e. Additional: LOR, 09 DEC 93 - Late for duty (missing from file).

LOR, 12 FEB 93 - Wrongfully appropriating personal property.

LOC, 05 FEB 93 - Financial irresponsibility (missing from file).

RIC, 29 DEC 92 - Late for work.

LOR, 11 DEC 92 - Late for work.

RIC, 04 DEC 92 - Late for work.

RIC, 30 NOV 92 - Late for work.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (8) Mos (21) Das  
TAMS: (1) Yrs (0) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 APR 04.  
(Change Discharge to Honorable)

Issue 1: My service in the military is deserving of a honorable discharge because of my work performed and it shouldn't be based on one incident that I admit I used very poor judgement. I have since grown and realized that I need my benefits that should be available to me. I would greatfully ask that you consider (sic) this request as an (sic) stepping stone for my future. Thank you.

**ATCH**  
None.

20MAY04/ia

FD2004-00146



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 63D AIRLIFT WING (AMC)

18 MAR 1993

FROM: 63 EMS/CC

SUBJ: Letter of Notification

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for Pattern of Misconduct, according to AFR 39-10, under the provisions of paragraph 5-47b, Conduct Prejudicial to Good Order and Discipline. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as a general.

2. My reasons for this discharge action are as follows:

a. On 30 Nov 92, you were an hour and a half late for duty. For this conduct, you received a Letter of Counseling on 30 Nov 92.

b. On 4 Dec 92, you were twenty minutes late for duty. For this conduct, you received a Letter of Counseling on 4 Dec 92.

c. On 9 Dec 92, you were an hour and fifteen minutes late for duty. For this conduct, you received a Letter of Reprimand on 9 Dec 93.

d. On 11 Dec 92, you were an hour and fifteen minutes late for duty. For this conduct, you received a Letter of Reprimand on 11 Dec 92.

e. On 29 Dec 92, you were forty minutes late for duty. For this conduct, you received a Letter of Counseling on 29 Dec 92.


f. You were 60 days delinquent on your open mess account. For this conduct, you were counseled on 5 Feb 93.

g. Between 1 Jan 93 - 31 Jan 93, you used [REDACTED] GTE calling card without authorization. For this conduct, you received a Letter of Reprimand on 12 Feb 93.

h. On 26 Feb 93, you failed to obey dormitory rules prohibiting guests under the age of 18, by having a 15 year old female in your room. For this conduct, you received an Article 15 on 9 Mar 93, with a suspended reduction to the grade of Airman Basic and forfeiture of \$407.00 pay per month for one month.

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 authority will decide whether you will be discharged, 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 the Area Defense Counsel on 22 MAR 93 at 1500. 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 three workdays, NLT 23 MAR 93 at 1600 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 on 22 MAR 93 at 0700. Do not drink alcohol 72 hours prior to your exam, or eat 12 hours prior to your exam - water is allowed.
8. 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 in the orderly room.
9. Execute the attached acknowledgment and return it to me immediately.

  
Commander, 63 EMS

, USAF

3 Atch

- 1A. Supporting Documents for the Reasons for Discharge
2. Airman's Receipt of Notification Letter