

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>A1C</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE GEN	<b>X</b>	PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	<b>X</b>		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
	X				
	X				
	X				
	X				
					X

ISSUES	<b>A94.02</b>	INDEX NUMBER	<b>A67.05</b>	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		CASE NUMBER			
<b>02 Nov 2004</b>		<b>FD-2004-00153</b>			

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.

**INDORSEMENT**

DATE: 11/3/2004

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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00153**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant appeared before the Discharge Review Board (DRB) on 2 November 2004 with counsel at Andrews AFB MD. The following witness testified on the applicant's behalf:

Ms. CH, the applicant's mother.

The following additional exhibits were submitted at the hearing:

Exhibit 5: Hand Drawn Map of the Osan Enlisted Club

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** The Board grants the requested relief, the discharge is upgraded to honorable.

**ISSUE:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh (inequitable). The records indicated the applicant received an Article 15, with a suspended punishment of reduction in rank, subsequent vacation of the suspension for later misconduct and another Article 15, a Letter of Reprimand, and a Record of Individual Counseling. The DRB opined that due to the particular facts of this case, the discharge characterization was inequitable. The evidence presented to the Board indicated the initial Article 15 action was based upon a series of unfortunate events and was not characteristic of the applicant's normal behavior. The evidence before the Board further indicated that the subsequent nonjudicial punishment actions were triggered by misunderstandings and miscommunication between the chain of command and the applicant. The DRB took note of the applicant's prior duty performance as documented by his performance reports,

Issue 2. Applicant states that his discharge was improper. His failure in his Career Development Course was listed as a reason for his discharge for misconduct, but there was no showing in the case file that his failure in the course was caused by misconduct. The legal review did not note this defect. It appears the separation authority took his action as if the CDC failure were misconduct.

**CONCLUSIONS:** The Discharge Review Board concludes that the discharge was inconsistent with the procedural and substantive requirements of the discharge regulation in that the applicant's CDC failure was listed as misconduct when there was no evidence in the file to support its inclusion as misconduct and no advice to disregard it as a basis for discharge in the legal review. Although the applicant may still have been discharged without inclusion of the failures and that although the discharge was within the discretion of the discharge authority, the discharge characterization was inequitable because it was based upon a short period of time during the enlistment when there appear to have been numerous misunderstandings and unfortunate events. In the applicant's particular case, it appeared to the DRB that the quality of the member's service as reflected in the military record, including personal conduct, performance of duty, and the reason for separation generally met Air Force standards of acceptable conduct and performance of duty.

In view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. The applicant's service characterization should be changed to Honorable under the provisions of Title 10, USC 1553.

Attachment:  
Examiner's Brief

DEPARTMENT OF THE AIR FORCE  
 AIR FORCE DISCHARGE REVIEW BOARD  
 ANDREWS AFB, MD

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Andrews AFB, MD on 5 Mar 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Jun 80. Enlmt Age: 18 4/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-83, E-37, G-55, M-13. PAFSC: 1C351 - Command Post Journeyman. DAS: 8 Feb 02.

b. Prior Sv: (1) AFRes 13 Nov 98 - 12 Jan 99 (2 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Jan 99 for 6 yrs. Svd: 4 Yrs 1 Mo 21 Das, all AMS.

b. Grade Status: A1C - 26 Nov 02 (Vacation of Article 15, 6 Jan 03)  
 SrA - 26 Jun 01  
 A1C - 26 Feb 99

c. Time Lost: None.

d. Art 15's: (1) 15 Jan 03, Osan AB, Korea - Article 92. You, having knowledge of a lawful order issued by [REDACTED] to wit: to not go into the Challenger or Mustang Enlisted Clubs on Osan AB, Korea, until 26 Dec 02, which it was your duty to obey, did, on or about 21 Dec 02, fail to obey the same by wrongfully going into the Challenger Enlisted Club. Article 134. You did, on or about 10 Dec 02, make and utter to Osan Oriental House a certain check, in words and figures as follows, to wit: Check #191 in the amount of \$12.00, and did thereafter dishonorably fail to maintain sufficient funds in the Community Bank for payment of such check in full upon its presentment for payment. Restriction to the limits of Osan AB, Korea for 30 days. Restriction from both the Challenger and Mustang Enlisted Clubs for 30 days and a reprimand. (No appeal) (No mitigation)

(2) 06 Jan 03, Vacation, Osan AB, Korea - Article 92. You, having knowledge of a lawful order issued by [REDACTED] to wit: restriction from both the Challenger and Mustang Enlisted Clubs on Osan AB, Korea, an order which it was your duty to obey, did, on or about 7 Dec 02, fail to obey the same by wrongfully going into the

Mustang Club. Reduction to A1C. (No appeal) (No mitigation)

- (3) 26 Nov 02, Osan AB, Korea - Article 91. You, did, on or about 13 Oct 02, was disrespectful in language toward [REDACTED], a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of his duties, by saying to him, "I don't care who you are, you are just a fucking staff sergeant," or words to that effect. Article 134. You, were, on or about 13 Oct 02, disorderly by using aggressive body language and vocabulary words towards Security Force members, which was prejudice to good order and discipline of the armed forces. Article 92. You, having knowledge of a lawful order issued by [REDACTED], an order which it was your duty to obey, did, on or about 13 Oct 02, fail to obey a lawful order, to wit: to calm down and not talk or words to that effect, by wrongfully continuing to loudly protest the Security Forces actions. Suspended to A1C, forfeiture of \$350.00 pay per month for two months. Restriction from both the Challenger and Mustang Clubs on Osan AB, Korea for 30 days. (No appeal) (No mitigation)

- e. Additional: RIC, 17 MAY 02 - Failure to meet standards.  
LOR, 10 MAY 02 - Late for duty.  
RIC, 05 APR 02 - Late for duty (missing from file).

f. CM: None.

- g. Record of SV: 13 Jan 99 - 15 Jul 00 Shaw AFB 4 (HAF Dir)  
16 Jul 00 - 15 Jul 01 Shaw AFB 4 (Annual)  
16 Jul 01 - 15 Jul 02 Osan AB 3 (Annual)

h. Awards & Decs: NDSM, AFLSAR, AFTR.

- i. Stmt of Sv: TMS: (4) Yrs (3) Mos (21) Das  
TAMS: (4) Yrs (1) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Mar 04.  
(Change Discharge to Honorable)

Issue 1: I feel that I was treated unfairly and feel that the Air Force made a mistake in discharging me.

Issue 2: CONTINUATION OF ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 149.
3. Congressional Correspondence, 16 Apr 04.
4. Response to Congressional Correspondence.
5. Response to Incident.
6. Letter of Reprimand, 10 May 02.
7. Response to Involuntary Discharge.
8. Response to Article 15 Action, 25 Nov 02.
9. DD Form 214 (Member 4 & 1).

26MAY04/ia

18 Mar 04

## MEMORANDUM FOR BOARD MEMBERS

FROM: [REDACTED]

SUBJECT: Discharge Upgrade

I am writing this letter with the intent to get my (General) Under Honorable Discharge upgraded to an Honorable discharge. Hopefully, after reviewing these facts you will see that the punishments that were giving to me were harsh and that I feel that I was treated unfairly. I honestly don't feel that my minor infractions were worthy of a General discharge, if any.

I feel as though soon as I arrived at Osan AB, Korea that I was targeted. When I arrived the first person to greet me was [REDACTED]. At the time, he was the superintendent of the 51 Fighter Wing Command Post. When I met him I was just getting off a long flight, 16 hours, and the first [REDACTED] said was "where are your razors, why don't you have a haircut?" I've been stationed at Shaw Air Force Base for about 2 years and 6 months, I only been to Saudi Arabia, Prince Sultan Air Base (PSAB) once. I never have been approached like that before in my career. So needless to say [REDACTED] and myself didn't start off on the right foot. I will attempt to prove to you why I feel as though I was treated unfairly

According to my Command [REDACTED] The reasons for my discharge were as follows:

- a. "On 2 April 02, I reported late for duty. For this minor infraction I received a Record of Individual Counseling (RIC)."
- b. "On 7 May 02, I reported late for duty. This time I received a Letter of Reprimand (LOR) and an Unfavorable Information File (UIF) for this infraction." This I felt was a very unfair penalty, and unnecessary. Not to justify me being late but, I know people get caught in traffic, alarm clocks don't work, people are late at least once or twice and their life.
- c. "On 9 April 02 and 16 May 02, I failed 2 closed book Emergency Actions (EA) test. The scoring requirement is a 90%. On my first test I scored an 85% and on my second I scored an 84%. I was decertified as a controller (lost my job and had to be retrained). And received another Record of Individual Counseling (RIC)." I don't want to make excuses but I'm not the only one who failed this test. Korea was a whole new area for me. A lot of new information to take in so I struggled my first two months. I was dealing with the fact I just got my first UIF, and just adjusting to whole new country, missing family and friends. It was overwhelming. I made my a mistake and corrected it.
- d. "On 13 October 02, at downtown Korea, I was disorderly by using aggressive body language and words towards a Security Forces members. Additionally, I

was disrespectful towards a [REDACTED] by saying to him "I don't care who you are, you are just f\_cking staff sergeant." I also was said to fail to obey a lawful order given to me by my First Sergeant [REDACTED] he told me "to calm down and not talk", by continuing to loudly protest the Security Forces actions. For this misconduct, I received an Article 15, restricted from the Challenger and Mustang Club and restriction to base for 30 days, and my SrA stripe under 6 month bust.

Now this situation, was really disturbing to me. The whole incident started in a club called Club Korea. The town patrol was at the club entrance. I'm standing in the doorway asking a female if she was leaving. While I am at the door a Security Force member asks me take my 2 beers inside of the club because you can't have them outside. Me being aware this fact, I took them back in, no problem. So I thought. So as I'm ready to leave and catch up to my friends. The same Security Forces guy gets in my face. I asked him if there was a problem? He responded, "I was just making sure you followed my direct order". Stressing the fact that he has power over me. I responded back and said, "ok, you see that I followed your order can I be on my way?" "Can I leave"? As this going on my friend [REDACTED] was leaving, I said "holla" this means that I am about to leave.

About 5 minutes pass and my friends are coming out now. Next thing I know I have 5 Security Forces members circling me, I said: "What is the problem now?" One of the Security Forces individuals said, "I don't like your attitude." I said, "What are you talking about." "The officer gave me a direct order to put my beers down and I obeyed." I didn't argue because once he told me, I knew that he was right. There was no reason for me to make a big deal about it. They went on to say that they don't like my body language and my attitude. (How would you feel, if you got accused of stealing from a store, but you know you got a receipt and you have a pocket full of money. But security keeps harassing you?). At this point I said: "I am sorry, but I didn't know that it is a crime, because a specific doesn't like your attitude or body language?" I went on to ask him "do you stop everyone that you don't like attitude's?" He responded with no. I said, "So what's so special about me?" I said, "I really feel like you guys are harassing me. I feel as though I did what you asked of me, therefore there shouldn't be any further problems."

After that, my friend told me to just come on and head back to base. As I was walking back to base, I felt that I was mistreated, so I went back, voluntarily, to talk to the Security Force individual that I initially was talking to, one on one. When I approached him everything appeared to be fine. He pulled me over to the side and we talked one on one. I said, "I felt back at the at the Club Korea, that you guys should have handled the situation in a more professional way. I feel as though you guys mistreated me, and harassed me, and honestly I felt embarrassed!" The Security Forces individual seemed sincere when he replied, "Well you have to understand, we put up with

knuckleheads every night and we were just making sure that you did what we asked you." I said, "Yes, I agree with you, I see you guys put up with a lot of bullshit all the time, but you are supposed to be professional, all the time. Especially, when dealing with people. Every case is not the same!" I also stated: "For you to be so stern and/or strict was unnecessary, because I followed your direct order. Which is why I feel as though you were harassing me." The Security Forces individual said: "What do you want from me?" I stated: "Just an apology, that's it" and he apologized. I said thanks.

I assume during our conversation, I might have been talking loud, not realizing it. I talk with my hands, also, that's just who I am. I don't mean anything by it. In the midst of all the action, there was a physical altercation between a few Caucasians individual. The other Security Forces personnel came over and said that they didn't like my body language and attitude. At this point, I am frustrated and responded by stating: "Me and the SF member already talked, everything is fine here. If he doesn't have a problem, why do you?" I also went on to say: "See this is the BS that I am talking about! All of this is unnecessary. I mean you got people physically fighting right down the street, yet I have 5 police officers around me? You know what, let's call my 1<sup>st</sup> Shirt!" I said this, because when we first arrived at Osan, in our beginner's brief I was told, we all were told that the 1<sup>st</sup> Shirt was here to help you. No matter the time, or place call him. So that is what I did. Am I wrong for that? So the Security Force member asked me if I really want to do that. I said, "Yes, I didn't do anything wrong here." The Security Force member told me that I could go back to the base and enjoy the rest of my night." I said no I would like to see my 1<sup>st</sup> Shirt, I've been mistreated, and if I just let it go who's to say this won't happen again and again?" So he requested my Shirts name and I gave it to him.

At this point, I am talking to my witness, [REDACTED] I stated: "Do you see this? Now there were just two white guys in a physical argument. Me, I just wanted an explanation why I was treated like I was. Where are they, and look where I am?" I guess that they took that as me calling them a racist! I never called them a racist; I just simply stated a fact. Maybe they Were feeling guilty? After that statement, I was given a direct order to be quiet. I said, "Not talk? My own mother doesn't tell me not to talk. How the hell are you going to tell me I can't talk?" Now by them given me that direct order, I feel as though they were just taking advantage of their position. I was talking to my friend. My friend then told me to be quiet. I asked the individual who gave me a direct order when I will be able to talk. Another security forces individual told me that he doesn't know and I stated: "That is why I am asking the individual who gave me the direct order." That individual then laughed and said, I don't care if I talk I'm just getting myself in more trouble. I talk to my friend and told him this is why I don't like cops. They're not at to protect you, they rather screw you over. I'm basing my statement on my previous experiences, in and out of the military.



"This is just like the real world. The cops harassed me since I've been 12 yrs old. Now I am 22, in the military and going thru the same thing?" What happened to the Core Values your taught in Basic Training, integrity first, service before self, and excellence in all we do?

Now I was never told "officially", that I was charged with anything until I got to the Security Forces Station. By now it is about 2 in the morning, so I am a little sleepy so I put my head down on my coat. Next thing I know there a three Security Force members coming in with a paper reading me my rights. I'm thinking what am I being charged with? I thought that I was waiting for my 1st Shirt to come and then we would disgust what happened either now or the next day. So I'm a little thrown off by this. They asked me to pick my head up and I did. And I distinctly remember this. He gave me a direct order to look in his eyes. I do have a problem with giving people eye contact. So this made me uncomfortable that he would make such a big deal over something as minor as that. But I did comply. When they asked me for my Birthday and social I responded and said: "I'm not saying anything until I have a witness in here with me. You guys have my I.D card. Now they start to read my rights off a paper, and I am following on my sheet that they gave me. Initialing off on everything that I agree with. So when he got to the statement that clearly reads, that I may request a lawyer ANYTIME during this interview." He said: "Right now I am just reading your rights." I said: "If it doesn't apply then why is this statement on here?" I was told by another one of the Security Force members the same thing. Again, I said that request someone be here to witness. I'm just trying to cover my self. You have to understand I'm in here with 3 cops who I feel are just out to get me. No one is in here to witness anything, so yes requested a witness. I wasn't trying to be a jerk. Is that how they took it? Probably. So I asked them to call my Supervisor [REDACTED] I got ignored. The two Security Force individuals said that, "I refused to acknowledge my rights and that they are going to ignore me until my shirt comes and let him read me my rights." I'm not familiar with the "judicial system" in the military, I didn't know that if I asked for a witness, especially my supervisor that I was refusing to acknowledge my rights?"

When my 1<sup>st</sup> Shirt arrived at the desk to pick me up he instantly assumed that I was drunk. I had approximately one and half beers (12oz Coronas). This is at about 2330. It takes about an hour for 1 bottle to get out of your system. So let's say hypothetically, I was drunk off of two beers, by the time he did come I was sobered up. The first thing he said to me was, "Don't say anything to me," and raised his voice to me saying "So you refused to acknowledge your rights?" I attempted to answer him but he said: "Don't say anything to me, you're drunk." Now you have to realize that I think that I am going to this man for help and he is reacting like this? I'm thinking to myself what did those security force individuals tell him? As we start walking

towards my dorm, I asked him, "Why are you mad at me? I came to you for help and you are treating me like I did something wrong?" He said, "I'm telling you to shut up, I'm doing this to help you." He went on to say, "I don't want to hear anything that you have to say, if you weren't acting like a young high school punk, I wouldn't be treating you like one!" I can't believe that a 1<sup>ST</sup> SHIRT is acting like this. I felt like this statement was totally uncalled for. I turned around and continue to walk. At this point my 1<sup>st</sup> Shirt put his hands on my shoulder. I then spun around. I told him that he would not put his hands on me ever again. My 1<sup>st</sup> Shirt stated: "Look you're an airman and I am an NCO, when I am talking to you, don't turn your back to me." I replied by saying: "So that is why you felt the reason to out your hands on me?" He just walked away. If I 'm not mistaking isn't that assault or battery? (The unlawful and unwanted touching or striking of one person by another, with the intention of bringing about a harmful or offensive contact.) When I bought this up in the Commander's office it was overlooked. As we began to walk towards my dorm I stated: You don't understand what it is like to be judged by your appearance, or by your color, because you're never in those types of situations! You don't understand, I have been going thru this since I was 12 years old. And I come to the military, to serve my country, and still experience this." My 1<sup>st</sup> Shirt said: [REDACTED] I'm giving you a direct order to shut up and walk home! (Yelling at me). I don't feel like that was very professional. He asked me if I want to go back to the LE Desk? Well if you say one more thing I will charge you with disrespect to an NCO and disobeying a lawful order! After this, I continued on to my room. I asked him if he had anything else to say to me and he said: "No, just don't go to the club and he would talk to me on Tuesday." I am amazed at how I felt as though I was the victim but I was treated like the criminal. It blows my mind!

- e. On 7 December 2002, I failed to obey a lawful order given by my 51 MSS/CC that restricted me from both the Challenger Club and the Mustang Enlisted Club, by wrongfully going into the Mustang Enlisted Club. For this misconduct I lost my SrA stripe.

I work in the Command Post. That means I can't go to the chow hall, we get Basic Allowance for Subsistence (BAS). The Mustang Club had 2 restaurants in it then it has club on the other side of it. The Mustang was about a 2 minute walk from my dorms. All of the other places were on the other side of the base. So I went in got my something to eat to go, not thinking anything of it. It was approximately, 1930, no club what so ever is opened at this time. So while I am waiting for my food. My training manager came in and saw me. He said, "I don't think you're supposed to be in here." I said, "Really, I thought I was banned from the clubs, not the restaurant." He said, "Well if your not sure then you should leave." I didn't want any more problems so I left. No big deal. When I get to work on Tuesday I am told that I have to go see the Commander. When I explained to him that I didn't totally disregard his direct order. I just thought that I was entitled to eat at the restaurant part

since I am unable to eat at the chow hall. While I was writing my rebuttal, my Superintendent told me that the Commander remembers me from an incident where I supposedly bumped into his wife at the Base Exchange and didn't say excuse me. I thought to myself, first I don't remember this incident and secondly, does my Commander have a personal vendetta for me?

Now that my Article 15 was vacated, I lost my assignment to Turkey. So I filled out my dream sheet. I put all stateside on the east coast. I received Montana. So with all the things that I am going thru, I now have this to deal with. Now this whole time from May to January I am doing a great job at work. On or about 15 January, I am told that I have to turn in my line badge, and that I'm not able to work in the Command Post. Because our job deals with General's and Commander they don't want a bad troop. I was transferred to Public Affairs. I did a great job there for the small time I was there. I was ready to leave, so I was doing a lot of out-processing. When I am down to my final week I had everything done. My TMO was shipped, all of my briefings, I was ready to go. So I drop off my last papers for the Commander to sign off on. A week goes by and I am told that I am not leaving; the Commander is recommended that I be discharged. That was a dagger for me emotionally I was drained. I mean all the things that I got punished for, whether I agreed or disagreed, everything that I worked so hard for was wasted. That's how I felt.

In my eyes there was only 2 significant incidents, me being late twice and me failing my test twice. I don't feel that those are good enough reasons to be kicked out for. So when I received the notification of me being recommended for separation from the military it came as not only a shock to me but as well as everyone who I told. It just is hard for me to believe that we are in the middle of a war, with terrorism, at its gravest danger and I get kicked out for such minor things? It doesn't seem fair to me. But it is out of my hands at this point. I will leave the decisions up to you.



DEPARTMENT OF THE AIR FORCE

51st Fighter Wing  
UNIT 2067  
APO AP 96278-2067

FD 2004-00153

MEMORANDUM FOR [REDACTED] 51 FW

10 Feb 03

FROM: 51 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force based upon Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Paragraph 5.49. If my recommendation is approved, then your service will be characterized as Honorable or General (Under Honorable Conditions). I am recommending that you receive a General Discharge.

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

a. On or about 2 April 2002, at or near Osan Air Base, Republic of Korea, you reported late for duty. For this misconduct, you received a Record of Individual Counseling (RIC), dated 5 April 2002. (Atch 1a)

b. On or about 7 May 2002, at or near Osan Air Base, Republic of Korea, you reported late for duty. For this misconduct, you received a Letter of Reprimand (LOR), dated 10 May 2002 and it established an Unfavorable Information File (UIF). (Atch 1b)

c. On or about 9 April 2002 and on or about 16 May 2002, at or near Osan Air Base, Republic of Korea, you failed a closed book Emergency Action (EA) exam, scoring 85% on 9 April 2002 and scoring 84% on 16 May 2002. The minimum passing score is 90%. For this action, you were decertified, as evidenced by a RIC, dated 17 May 2002. (Atch 1c)

d. On or about 13 October 2002, at or near Osan Air Base, Republic of Korea, you were disorderly by using aggressive body language and words towards Security Forces members. Additionally, you were disrespectful towards [REDACTED] by saying to him, "I don't care who you are, you are just a fucking staff sergeant." You also failed to obey a lawful order given to you by [REDACTED] 51 MSS/CCF, to "calm down and not talk", by continuing to loudly protest the Security Forces actions. For this misconduct, you received an Article 15, dated 26 November 2002 and it was placed in your UIF. (Atch 1d)

e. On or about 7 December 2002, at or near Osan Air Base, Republic of Korea, you failed to obey a lawful order given to you by 51 MSS/CC that restricted you from both the Challenger and Mustang Enlisted Clubs, by wrongfully going into the Mustang Enlisted Club. For this misconduct, your suspended Article 15 punishment was vacated on 6 January 2003. (Atch 1e)

f. On or about 10 December 2002, at or near Osan Air Base, Republic of Korea, you wrote a bad check to the Oriental House for \$12.00, which was subsequently returned by your bank for insufficient funds. Furthermore, on or about 21 December 2002, you failed to obey a lawful order given to you by 51 MSS/CC that restricted you from both the Challenger and Mustang Enlisted Clubs, by wrongfully going into the Challenger Enlisted Club. For this misconduct, you received an Article 15, dated 15 January 2003. (Atch 1f)

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. Any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel is available to assist you. You may consult the Area Defense Counsel (Bldg 937, Rm 101) at 784-6774. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements that you want the separation authority to consider must reach me by 1530 hours on 13 Feb 03 (three workdays) unless you request and receive an extension for good cause. I will forward any such statements to the separation authority.

6. If you fail to consult or submit statements in your own behalf, then 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 hospital at 0930 hours on 13 Feb 2003.

8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available at the Orderly Room.

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



Commander

Attachments:

1. Supporting documents
  - a. RIC, dated 5 Apr 02
  - b. LOR, dated 10 May 02, UIF, dated 31 May 02
  - c. RIC, dated 17 May 02
  - d. Article 15, dated 26 Nov 02

- e. Vacation Action, 6 Jan 03
  - f. Article 15, dated 15 Jan 03
2. Airman's Acknowledgment