

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]				
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	UOTHC	OTHER	DENY
							X
							X
							X
							X
ISSUES A94.05		INDEX NUMBER A67.50		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 01 Jul 2004		CASE NUMBER FD-2004-00160					
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							
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT				
INDORSEMENT				DATE: 7/1/2004			
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-2004-00160

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and, to change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are denied.

ISSUE: Applicant contends discharge was inequitable because it was too harsh and he wishes to reenter the Air Force. The records indicated the applicant received an Article 15, three Letters of Reprimand, one Letter of Counseling, and one Memorandum for Record for misconduct. 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

[REDACTED]
[REDACTED]
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Kirtland AFB, NM on 24 Jan 02 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 24 Oct 81. Enlmt Age: 18 9/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-65, E-62, G-42, M-27. PAFSC: 3P031 - Security Forces Apprentice. DAS: 8 May 01.

b. Prior Sv: (1) AFRes 31 Jul 00 - 17 Oct 00 (2 months 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Oct 00 for 6 yrs. Svd: 1 Yrs 3 Mo 7 Das, all AMS.

b. Grade Status: AMN - 20 Dec 01 (Article 15, 20 Dec 01)
A1C - 1 Dec 00

c. Time Lost: None.

d. Art 15's: (1) 20 Dec 01, Kirtland AFB, NM - Article 86. You did, on or about 10 Dec 01, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, who knew of your duties, at or near Albuquerque, New Mexico, on or about 26 Nov 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do. Reduction to Amn, 30 days restriction, and 10 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 23 NOV 01 - Failure to go.
LOR, 13 SEP 01 - Reporting to duty unshaven.
LOR, 13 AUG 01 - Failure to go.
MFR, 23 JUL 01 - Failure to demonstrate proper customs and courtesies while on duty.
LOC, 18 JUL 01 - Reporting to duty unshaven.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (5) Mos (25) Das
TAMS: (1) Yrs (3) Mos (7) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Apr 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: Please respond in writing the outcome of my claim, because I'm seeking reinstatement in the Air Force. I have mature (sic) sophisticatedly (sic) in experience, in age, in knowledge, in acceptance and responsibility, in perception, in readiness and adaptability. I enter (sic) in the Air Force straight from school as a non-experience (sic) person. I suffered from culture shock because I was never away from my environment. Please give me a chance. Please read military records. Thank you in advance.

ATCH

1. Copy of Military Personnel Record.

3JUN04/ia



FD 2004-00160

DEPARTMENT OF THE AIR FORCE
377TH SECURITY FORCES SQUADRON (AFMC)
KIRTLAND AIR FORCE BASE NEW MEXICO

MEMORANDUM FOR AMN [REDACTED]

9 Jan 02

FROM: 377 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50. If my recommendation is approved, your service will be characterized as general.
2. My reasons for this action are:
 - a. On or about 2 Jan 02, you received punishment under Article 15 of the UCMJ. (See **attached Article 15 for complete details**). (Atch 1)
 - b. On or about 23 Nov 01, you received a Letter of Reprimand (LOR). (See **attached LOR for complete details**). (Atch 1)
 - c. On or about 9 Sep 01, you received a Letter of Reprimand (LOR). (See **attached LOR for complete details**). (Atch 1)
 - d. On or about 13 Aug 01, you received a Letter of Reprimand (LOR). (See **attached LOR for complete details**). (Atch 1)
 - e. On or about 18 Jul 01, you received a Letter of Counseling (LOC). (See **attached LOC for complete details**). (Atch 1)
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 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. Special pay, bonuses, or education assistance funds may be subject to recoupment.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You may contact Captain [REDACTED]. 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 3 workdays from today unless you request and receive an extension for good cause shown. I will forward all documents you provide to the separation authority.

6. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination at the 377th Medical Group (Physical Exams) on _____ at _____.

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 in your unit orderly room.


, Lt Col, USAF
Commander

Attachments:

1. Supporting Documentation
2. Other Derogatory Data