

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE AB	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No				
	X				

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

ISSUES A94.05	INDEX NUMBER A67.90	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 24 Aug 2004	CASE NUMBER FD-2004-00169
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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

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**INDORSEMENT** DATE: 8/24/2004

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-2004-00169**

**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 contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, two Letters of Reprimand, two Letters of Counseling, and one Record of Individual Counseling for misconduct to include numerous late for duty incidents and misuse of his driver's license. 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 applicant also cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on December 13, 1999) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade. 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Mt Home AFB, ID on 28 Aug 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 5 Feb 80. Enlmt Age: 19 7/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-86, E-66, G-78, M-60. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 1 Sep 00.

b. Prior Sv: (1) AFRes 17 Sep 99 - 30 Nov 99 (2 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 1 Dec 99 for 6 yrs. Svd: 2 Yrs 8 Mo 28 Das, all AMS.

b. Grade Status: AB - 31 Jul 02 (Article 15, 31 Jul 02)  
 Amn - 5 Jun 02 (Article 15, 5 Jun 02)  
 A1C - 7 Jan 00

c. Time Lost: None.

d. Art 15's: (1) 31 Jul 02, Mt Home AFB, ID - Article 86. You, did, between on or about 10 Jun 02 and 19 Jul 02, on divers occasions, without authority, fail to go at the time prescribed to your appointed place of duty. You, did, on or about 16 Jun 02, without authority, fail to return at the time prescribed to your appointed place of duty. Article 92. You, did, on or about 17 Jun 02, violate a lawful general regulation, to wit: AFI 36-2903, dated 8 Jun 02, by wrongfully wearing dirty, unpolished boots without the prescribed black appearance. Article 91. You, having received a lawful order from [REDACTED], a noncommissioned officer, then know by you to be a noncommissioned officer, to stop eating and drinking in the work area, an order which it was your duty to obey, did, on or about 2 Jul 02, willfully disobey the same. Reduction to AB, forfeiture of \$310.00 pay, of which \$155.00 pay is suspended, 14 days restriction, and a reprimand. (No appeal) (No mitigation)

(2) 5 Jun 02, Mt Home AFB, ID - Article 86. You, did, on or about 17 May 02, without authority, fail to go at the time prescribed to your appointed place of duty.

Article 92. You, who should have known of your duties, on or about 15 May 02, were derelict in the performance of those duties in that you negligently failed to initial the flight's monthly scheduled roster on the first day of the month, as it was your duty to do. You, who should have known of your duties, on or about 20 May 02, were derelict in the performance of those duties in that you negligently failed to wear your uniform hat, as it was your duty to do. Reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 28 MAR 02 - Late for duty.  
LOR, 29 JAN 02 - Misuse of driver's license.  
RIC, 06 JAN 02 - Late for duty.  
LOC, 24 SEP 01 - Late for duty.  
LOC, 27 MAR 01 - Late for duty.
- f. CM: None.
- g. Record of SV: 1 Dec 99 - 31 Jul 01 Mt Home AFB 4 (Initial)
- h. Awards & Decs: AFTR, NDSM, AFOUA W/1 DEV.
- i. Stmt of Sv: TMS: (2) Yrs (11) Mos (12) Das  
TAMS: (2) Yrs (8) Mos (28) Das

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

ISSUES ATTACHED TO BRIEF.

**ATCH**

- 1. Applicant's Issues.
- 2. DD Form 214.

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FD2004-00169



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 366TH WING (ACC)  
MOUNTAIN HOME AIR FORCE BASE, IDAHO

MEMORANDUM FOR AB



*J. Angor*

FROM: 366 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, specifically, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50. If my recommendation is approved, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 2 July 02, you disobeyed a lawful order, on or about 17 Jun 02, you violated a lawful general regulation, on or about 16 Jun 02, you failed to return at the time prescribed to your appointed place of duty, and between on or about 10 Jun 02 and 19 Jul 02, you failed to go at the time prescribed to your appointed place of duty. As a result, you received an Article 15, UCMJ, on 24 Jul 02. (Tab 1, Atch 1).

b. On or about 20 May 02, you were derelict in the performance of your duties by not wearing your uniform hat, on or about 17 May 02, you failed to go at the time prescribed to your appointed place of duty, and on or about 15 May 02, you were derelict in the performance of your duties by not initialing the flight's monthly scheduled appointment roster on the first duty day of the month. As a result, you received an Article 15, UCMJ, on 28 May 02. (Tab 1, Atch 2).

c. On or about 11 Mar 02, you reported late for duty. As a result, you received a Letter of Reprimand (LOR) on 28 Mar 02. (Tab 1, Atch 3).

d. On or about 26 Jan 02, you gave your drivers license to another individual under the age of 21 to gain access to a club. As a result, you received an LOR on 29 Jan 02. (Tab 1, Atch 4).

e. On or about 5 Jan 02, you were one hour late for duty. As a result, you received a Letter of Counseling (LOC) on 6 Jan 02. (Tab 1, Atch 5).


f. On or about 24 Sep 01, you reported late for duty. As a result, you received a LOC on 24 Sep 01. (Tab 1, Atch 6).

g. On or about 19 Mar 01 and 27 Mar 01, you reported late for duty. As a result, you received an LOC on 27 Mar 01. (Tab 1, Atch 7).

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 will decide whether you will be discharged or retained in the Air Force. If you are discharged, he will also determine how your service will be characterized. If discharged, you will be ineligible for reenlistment in the Air Force, and any special pay, bonus, 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. I made an appointment for you to consult with the Area Defense Counsel on 9 Aug 02 at 1000 hours in building 512. The number is 828-2675. 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 of the date of this memorandum unless you request and receive an extension for good cause shown. I will forward 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. You must report to the Physical Examination Section at the hospital on Mountain Home AFB. Your scheduled medical examination is on 9 Aug 02 at 0730 hours. You must be in uniform. If you wear glasses, wear them to the scheduled examination.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available at the Area Defense Counsel's office or your squadron orderly room.
9. You will surrender your ID card to me immediately. Proceed with a copy of this letter to the Military Personnel Flight, Customer Service, Building 512, Mountain Home AFB no later than NOON 9 Aug 02 where you will be issued a temporary ID card valid for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.
10. A copy of this letter also authorizes you to proceed to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than NOON 9 Aug 02 where you will turn in your Mountain Home AFB vehicle sticker and your USAF vehicle decal. They will issue a temporary permit good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle decal will be issued to you until the case is finalized.

FD 2004-00/69

11. Finally, proceed with a copy of this letter to the Traffic Management Office (TMO), in Building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.

  
Maj, USAF  
366th Equipment Maintenance Squadron

7 Attachments:

1. Art 15, dtd 24 Jul 02
2. Art 15, dtd 28 May 02
3. LOR, dtd 28 Mar 02
4. LOR, dtd 29 Jan 02
5. LOC, dtd 6 Jan 02
6. LOC, dtd 24 Sep 01
7. LOC, dtd 27 Mar 01