

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████		<b>GRADE</b> A1C	<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>				
		<b>HON</b>	<b>GEN</b>	<b>UOHC</b>	<b>OTHER</b>	<b>DENY</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
<b>ISSUES</b>	<b>INDEX NUMBER</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
A93.01 A94.05	A67.10	<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>	<b>CASE NUMBER</b>					
23 Jul 2004	FD-2004-00182					
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>						
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>INDORSEMENT</b>				<b>DATE: 7/23/2004</b>		
<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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00182**

**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.

**ISSUE:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, three Letters of Reprimand, and two Records of Individual Counseling for misconduct. The misconduct included late for duty, inappropriate comments of a sexual nature, physical posturing so as to intimidate, threatening statements, deliberately grabbing a co-worker, verbal abuse and creating a hostile work environment, disorderly conduct, and involvement in a physical altercation at work. 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.

Issue 2. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB noted the applicant was 25 years of age when the discharge took place. There is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 A1C) (HGH A1C)

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

2. **BACKGROUND:**

a. DOB: 19 Nov 72. Enlmt Age: 23 0/12. Disch Age: 25 2/12. Educ: HS DIPL. AFQT: N/A. A-63, E-44, G-48, M-18. PAFSC: 8M000 - Postal Operations Apprentice. DAS: 30 Aug 96.

b. Prior Sv: (1) AFRes 5 Dec 95 - 12 Mar 96 (3 months 8 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 13 Mar 96 for 4 yrs. Svd: 1 Yrs 10 Mo 11 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 8 Dec 97, Ramstein AB, Germany - Article 134. You, were, on or about 28 Aug 97, disorderly, which conduct was to the prejudice of good order and discipline in the armed forces. Suspended reduction to Airman, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 16 DEC 97 - Physical altercation at work.  
LOR, 25 APR 97 - Verbal abuse and creating a hostile environment.  
LOR, 25 MAR 97 - Inappropriate behaviors.  
RIC, 24 OCT 96 - Late for duty.  
RIC, 15 OCT 96 - Late for duty.

f. CM: None.

g. Record of SV: 13 Mar 96 - 12 Nov 97 Ramstein AB 2 (Initial)REF

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (1) Mos (19) Das  
TAMS: (1) Yrs (10) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 May 04.  
(Change Discharge to Honorable)

FD2004-00182

ISSUES ATTACHED TO BRIEF.

**ATCH**

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

18JUN04/ia

DEAR Board of Corrections

I, [REDACTED] would like to state my case of being falsely accused of sexual harassment and misconduct. In my time in the USAF I was inaccurately accused and judged wrongly which caused me to end my career in a short period of time. I was young and did not know the proper way of dealing with my problems. While I served as an E-3 I did not receive the proper training and guidance as a young recruit. You can see by my records for the past six years I've never been in any trouble for these charges. I want to upgrade my discharge so maybe in the future I can apply for a decent government job to support my family. I am truly sorry for what I was charged for and if upgraded to an honorable discharge will remain a hardworking and dedicated civilian.

Sincerely,  
[REDACTED]



DEPARTMENT OF THE AIR FORCE  
86TH AIRLIFT WING (USAF)

FD 2004-00182



6 Jan 98

MEMORANDUM FOR [REDACTED]

FROM: 786 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority is AFPD 36-32 and AFI 36-3208, Section H, paragraph 5.49. 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 that:
  - a. You, did, on or about 2 Dec 97, involve yourself in a physical altercation at your place of duty. For this action, you received a Letter of Reprimand (LOR), dated 16 Dec 97. (Atch 1a)
  - b. You, were, on or about 28 Aug 97, disorderly, which conduct was to the prejudice of good order and discipline in the armed forces. For this action, you received a AF Form 3070, Record of Nonjudicial Punishment, dated 8 Dec 97. This action was filed in your Unfavorable Information File (UIF) on 8 Dec 97. (Atch 1b)
  - c. You, did, on or about 23 Apr 97, conduct yourself in an intimidating and verbally abusive manner, by calling a co-worker a "bitch" and "a nobody." For this action, you received an LOR, dated 25 Apr 97. This action was filed in your UIF and you were placed on the Control Roster on 8 May 97. (Atch 1c)
  - d. You, did, on divers occasions between on or about 29 Dec 96 and on or about 3 Feb 97, violate AFI 36-2706, by engaging in inappropriate behaviors including comments of a sexual nature, physical positioning so as to intimidate, making statements that could be interpreted as threatening, and deliberately grabbing one of your co-workers. For this action, you received an LOR, dated 25 Mar 97 and a UIF was established in 8 Apr 97. (Atch 1d)
  - e. You, did, on or about 24 Oct 97, fail to go to your appointed place of duty. For this action, you received a Record of Individual Counseling (RIC), dated 24 Oct 96. (Atch 1e)

f. You, did, on or about 12 Oct 96, fail to go to your appointed place of duty. For this action you received a RIC, dated 15 Oct 96. (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 United States 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 United States Air Force, and any special pay, bonus, or education assistance funds you have received may be subject to recoupment.

4. 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 with [redacted] Area Defense Counsel, Building 2111, DSN [redacted] on 6 Jan 98 at 0900. You may consult civilian counsel at your own expense. The Area Defense Counsel requests that you stop by their office prior to your appointment to pick-up the Administrative Discharge Booklet.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me NLT (3 duty days) 9 Jan 98 at 0900 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 submit statements in your 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 in uniform with your medical records and an escort to the Ramstein Air Base Clinic, Physical Exams, Building 2182 on 8 Jan 98 at 0730 for the examination. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them. You must abstain from alcohol 72 hours, fast 12 hours, and abstain from caffeine and nicotine 10 hours prior to your appointment.

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 the orderly room.

[redacted signature]  
[redacted name] USAF  
Section Commander

Attachments:

- 1. Supporting Documents
  - a. LOR, dated 16 Dec 97
  - b. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated

8 Dec 97 w/response

- c. LOR, dated 25 Apr 97 w/UIF and Control Roster Action
  - d. LOR, dated 25 Mar 97 w/ Response and UIF Action
  - e. AF Form 174, RIC, dated 24 Oct 96
  - f. AF Form 174, RIC, dated 15 Oct 96
2. Airman's Receipt of Notification Memorandum