

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE A1C	AFSN/SSAN [REDACTED]			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
NAME OF COUNSEL AND OR ORGANIZATION						
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A92.21		INDEX NUMBER A67.10		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 12 Aug 2004		CASE NUMBER FD-2004-00185				

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.

[Handwritten Signature]

INDORSEMENT		DATE: 8/12/2004
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-2004-00185

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 1. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received an Article 15, two Letters of Reprimand, two Records of Individual Counseling and three Memorandums for Record for misconduct. His infractions included dress and appearance violations, failure to go, dereliction of duty, lying, and disrespect toward a noncommissioned officer. Applicant contends that he should not be penalized indefinitely by his discharge. The DRB opined that through the unit's many administrative actions, the applicant had ample opportunities to change his negative behavior and was unwilling to do so. The DRB also noted the applicant was 24 years of age when the discharge took place and 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 misconduct was a significant departure from conduct expected of all military members and the characterization of the applicant's discharge was appropriate due to that misconduct.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, this does not reflect directly upon his period of service and does not provide a basis of inequity or impropriety regarding his discharge, and none was suggested or found in the course of the record review. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Laughlin AFB, TX on 22 Apr 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 Sep 69. Enlmt Age: 19 10/12. Disch Age: 24 7/12. Educ: HS DIPL. AFQT: N/A. A-70, E-59, G-62, M-45. PAFSC: 1C151 - Air Traffic Control Journeyman. DAS: 4 May 90.

b. Prior Sv: (1) AFRes 17 Jul 89 - 3 Oct 89 (2 months 17 days) (Inactive).

(2) Enlisted as AB 4 Oct 89 for 4 yrs. Svd: 3 yrs 1 month 14 days, all AMS. AMN - 4 Apr 90. A1C - 2 Feb 91. SrA - 4 Oct 92. EPRs: 4,3.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 19 Nov 92 for 4 yrs. Svd: 1 Yrs 5 Mo 4 Das, all AMS.

b. Grade Status: A1C - 8 Feb 94 (Article 15, 8 Feb 94)

c. Time Lost: None.

d. Art 15's: (1) 8 Feb 94, Laughlin AFB, TX - Article 86. You did, on 26 Jan 94, without authority, fail to go at the time prescribed to your appointed place of duty. (No appeal) (No mitigation)

e. Additional: TRAFFIC TICKET, 4 FEB 94 - Speeding.
MFR, 28 JAN 94 - Verbally counseled for unprofessional conduct.
MFR, 24 JAN 94 - Verbaly counseled for insubordinate conduct.
RIC, 26 JAN 94 - Late for duty.
MFR, 26 JAN 94 - Insubordination.
LOR, 14 DEC 93 - Dereliction of duty, lying, and unprofessional behavior.
LOR, 10 AUG 93 - Dereliction of duty, and unprofessional behavior.
RIC, 17 JUN 93 - Violation of AFR 35-10 and disobeying directives.

f. CM: None.

g. Record of SV: 4 Jun 92 - 3 Jun 93 Laughlin AFB 3 (Annual)

h. Awards & Decs: NDSM, AFLSAR, AFTR, AFGCM, AFOUA W/1 OLC.

i. Stmt of Sv: TMS: (4) Yrs (9) Mos (6) Das
TAMS: (4) Yrs (6) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Apr 04.
(Change Discharge to Honorable)

Issue 1: I'm trying to clear my record. Since I've been out of the military I've never been in trouble and been a law abiding citizen, keep the same job for 10 yrs and been married to the same women for 14 years, and have 2 beautiful kids. I don't want this on my record for any future purpose. Please consider my application.

Issue 2: I have no documents. But I work a (sic) Cooper Tire [REDACTED] and ask for personal (sic) to verify my job. I am also active in my community. I coach T-Ball go to Church on the Rock and help people when they are in need. I work out at Legend's Gym and owner [REDACTED] can testify for me. [REDACTED] Thank you for your time.

ATCH

None.

25JUN04/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD2004-00 185

21 Mar 94

MEMORANDUM FOR A1C [REDACTED] 47 OSS

FROM: 47 OSS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. 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:

a. On 26 January 1994 you failed to go at the time prescribed to your appointed place of duty, for which you received nonjudicial punishment on 31 Jan 94. (Atch 4a)

b. On 24 January 1994 you were disrespectful toward a noncommissioned officer. (Atch 4b)

c. On 13 December 1993 you were derelict in the performance of your duties and you lied to the watch supervisor for which you received a letter of reprimand on 14 Dec 93. (Atch 4c)

d. On 5 and 6 August 1993 you were late for duty and you violated policy and procedure for position relief for which you received a letter of reprimand on 10 Aug 93. (Atch 4d)

e. On 17 June 1993 you violated AFR 35-10 by wearing a headset outside of the RAPCON building, for which you received a record of counseling. (Atch 4e)

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.

3. 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 Capt [REDACTED] at Lackland AFB at DSN 473-2924 on 24 Mar 94 at 0830. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 24 Mar 94 (3 workdays) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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

6. You have been scheduled for a medical examination. You must report to the Physical Exam section of Laughlin AFB Hospital at 0830 hrs on 23 Mar 94 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the Orderly Room.

[REDACTED]

Lt Col, USAF

Commander, 47 OSS

5 Attachments

- 1. AF Form 3070
- 2. Memo for Record, dtd 26 Jan 94
- 3. Ltr of Reprimand, dtd 14 Dec 93
- 4. Ltr of Reprimand, dtd 10 Aug 93
- 5. Record of Counseling, dtd 17 Jun 93