

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AMN

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

A95.00

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

31 Aug 2004

CASE NUMBER

FD-2004-00208

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: 8/31/2004

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-2004-00208

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: The records indicated the applicant received two Article 15s, three Letters of Reprimand and two Letters of Counseling 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]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Hickam AFB, HI on 23 Jun 92 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Jul 70. Enlmt Age: 18 2/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-65, E-57, G-74, M-59. PAFSC: 20731 - Apprentice Morse Systems Operator. DAS: 21 Jun 90.

b. Prior Sv: (1) AFRes 29 Sep 88 - 1 Oct 89 (1 yr 0 mos 3 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Oct 89 for 4 yrs. Svd: 2 Yrs 8 Mo 23 Das, all AMS.

b. Grade Status: Amn - 12 May 92 (Article 15, 12 May 92)
A1C - 02 Jun 91
Amn - 02 Apr 90

c. Time Lost: None.

d. Art 15's: (1) 12 May 92, Wheeler AFB, HI - Article 134. You having received a lawful order from [REDACTED] a noncommissioned officer, then known by you to be a noncommissioned officer, to pull up your pants, an order which it was your duty to obey, did, on or about 25 Apr 92, willfully disobey the same by pulling down your pants and mooning [REDACTED]. Reduction to Airman, and forfeiture of 7 days pay. (No appeal) (No mitigation)

(2) 28 Nov 90, Wheeler AFB, HI - Article 92. You did, at Barbers Point Naval Air Station, Hawaii, on or about 17 Nov 90 fail to obey a lawful general regulation, to wit: paragraph 1-3a, AFR 215-7, dated 15 Mar 88, by consuming alcoholic beverages while underage. Suspended reduction to AB. Forfeiture of \$75.00 pay per month for two months. (No appeal) (No mitigation)

e. Additional: LOR, 26 MAR 92 - Disrespect to an NCO.
LOR, 28 FEB 92 - Financial irresponsibility.
LOC, 02 JAN 92 - Financial irresponsibility.
LOR, 02 SEP 91 - Failure to go.

LOC, 05 APR 91 - Late for work.

f. CM: None.

g. Record of SV: 2 Oct 89 - 1 Jun 91 Wheeler AFB 3 (Initial)

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

i. Stmt of Sv: TMS: (3) Yrs (8) Mos (26) Das
TAMS: (2) Yrs (8) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01 Jun 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. DD Form 214.

15JUL04/ia



FD2004-00200

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 6924TH ELECTRONIC SECURITY GROUP (AFIC)
WHEELER ARMY AIRFIELD HI 96854-6376



REPLY TO
ATTN OF: CCQ

14 May 92

SUBJECT: Notification Letter

TO: [REDACTED]

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 or about 25 Apr 92, you willfully disobeyed a lawful order given to you by a noncommissioned officer. For this you received nonjudicial punishment consisting of reduction to grade of airman and forfeiture of 7 days pay.

b. On or about 20 Mar 92, you were insubordinate and disrespectful in your conduct toward a noncommissioned officer. For this you received a letter of reprimand.

c. On or about 14 Feb 92, it was brought to the attention of the unit that you were delinquent (total amount of \$34) in paying your account with the Tradewinds NCO Club. For this you received a letter of reprimand.

d. On or about 24 Dec 91, it was brought to the attention of the unit that on 1 Dec 91 you issued a check to AAFES for \$27 which was returned due to non-sufficient funds. For this you received a letter of counseling.

e. On or about 16 Aug 91, you failed to go at the prescribed time to appointed place of duty. For this you received a letter of reprimand.

f. On or about 5 Aug 91, you failed to report at the prescribed time to your appointed place of duty. For this you received a letter of counseling.

g. On or about 17 Nov 90, you failed to obey a lawful general regulation (paragraph 1-3a, AFR 215-7) by consuming alcoholic beverages while underage. For this you received nonjudicial punishment consisting of suspended reduction to grade of airman basic and forfeiture of \$75 pay per month for two months.

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. 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 [REDACTED], Bldg 1113 (Hickam AFB), 449-2149, on 14 May 92 at 0900 hours. 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 18 May 92 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 counsel or 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 Hickam AFB Clinic at 0730 hours on 15 May 92 for the examination, with your medical and immunization records. Do not eat, drink, smoke or chew gum after 2000 hours on 14 May 92. If applicable, you must refrain from wearing contact lenses and consuming alcohol at least three days prior to your examination. If you wear glasses, you must bring them with you. A TB Tine Test should be taken prior to the physical exam date. If this is not accomplished before the exam, report immediately to the Immunization Clinic upon completion of the physical for the TB Tine Test.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the Unit Orderly Room.

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

[REDACTED]