

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.53	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 08 Sep 2004	CASE NUMBER FD-2004-00209	
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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: 9/8/2004
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-2004-00209

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: Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received two Articles 15, four Letters of Reprimand, and a Letter of Counseling for misconduct. His infractions included multiple incidents of failure to go, dereliction of duty, failure to obey orders, dress and appearance violations, and theft of long distance phone service from two other airmen. He also failed to complete his Career Development Course on time and was delinquent in his Deferred Payment Program account. At the time of the discharge, member consulted counsel and waived his right to submit statements in his own behalf. Applicant apparently viewed his conduct as acceptable, but 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. There was no evidence he didn't know right from wrong, and he was the same age as other airmen who successfully complete their enlistments without misconduct. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of applicant's discharge was appropriate for the reasons which were its basis.

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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Columbus AFB, MS on 6 Apr 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 22 Sep 72. Enlmt Age: 19 3/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-54, E-67, G-78, M-52. PAFSC: 1W031 - Weather Apprentice. DAS: 15 Sep 92.

b. Prior Sv: (1) AFRes 30 Dec 91 - 16 Apr 92 (3 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Apr 92 for 4 yrs. Svd: 2 Yrs 11 Mo 24 Das, all AMS.

b. Grade Status: A1C - 17 Aug 93
Amn - 17 Oct 92

c. Time Lost: None.

d. Art 15's: (1) 14 Oct 93, Columbus AFB, MS - Article 92. You, who knew of your duties, on or about 28 Sep 93, were derelict in the performance of those duties in that you willfully failed to remain awake during your shift, as it was your duty to do. Article 86. You did, on or about 2 Oct 93, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Airman. Thirty days correctional custody. (No appeal) (No mitigation)

(2) 4 Aug 92, Columbus AFB, MS - Article 92. You, having knowledge of a lawful order issued by 3342 Squadron OI 30-1, dated 5 Jun 91, to wit: part II para 9(e), an order which it was your duty to obey, did, on or about 20 Jul 92, at Chanute AFB, IL, fail to obey the same by entering the room of [REDACTED] a member of the opposite sex. Forfeiture of \$100.00 pay and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 06 MAR 95 - Failure to shave.
LOR, 29 DEC 94 - Failure to go.
LOR, 29 DEC 94 - Stealing.
LOC, 14 SEP 94 - Missed appointment.
LOR, 16 APR 93 - Disobeying a lawful order.

f. CM: None.

g. Record of SV: 17 Apr 92 - 16 Mar 94 Columbus AFB 3 (Initial)
17 Mar 94 - 26 Sep 94 Columbus AFB 3 (CRO)

h. Awards & Decs: AFTR, NDSM, AFOUA W/1 DEV.

i. Stmt of Sv: TMS: (3) Yrs (3) Mos (8) Das
TAMS: (2) Yrs (11) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 May 04.
(Change Discharge to Honorable)

Issue 1: Good Conduct.

ATCH
None.

15JUL04/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2004-00209

MEMORANDUM FOR [REDACTED]

22 Mar 95

FROM: 14 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, para 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:
 - a. On 8 April 93, you were derelict in your duties for failure to obey a lawful order as evidenced by a Letter of Reprimand, dated 16 April 93.
 - b. On 28 Sept 93, you were derelict in your duties by falling asleep during your shift. On 2 Oct 93, you failed to go, you did not report to work at the prescribed time or place for duty as evidenced by Art 15/UIF dated 14 Oct 93.
 - c. On 6 Sept 94, you were derelict in your duties by failing to report to the dental clinic for a scheduled appointment; as evidenced by Letter of Counseling 14 Sept 94.
 - d. On 1 Nov 94 you committed unauthorized telephone use as evidenced by Letter of Reprimand (LOR) dated 29 Dec 94 and Investigative Addendum
 - e. On 22 Dec 94, you were derelict in your duties by failing to report to duty on time as evidenced by LOR dated 29 Dec 94.
 - f. On 6 Feb 95, you reported to work unshaved; on 2 and 3 Mar 95, you were derelict in your duties by failing to meet proper grooming standards; on 1 Mar 95, after being directed by your supervisor to correct the problem, you ignored his lawful order as evidence by LOR, dated 6 Mar 95.
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. If you are discharged, you will be ineligible for reenlistment in the Air Force.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You may contact [REDACTED] by telephone at DSN: 597-2429. You may also 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 by 0800 hours on 27 Mar 95. 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 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 Columbus AFB Hospital at 0730, 27 Mar 95 for the examination and follow-up appointment at 0930 hours on 27 Mar 95, with [REDACTED]. You must report in military uniform and fast from food for 14 hours and be free from alcohol for 3 days before the examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the Orderly Room.

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



5 Atchs

1. LOR, dated 16 Apr 93
2. Art 15/UIF dated 14 Oct 93 w/ atchs
3. LOC, dated 14 Sep 94
4. LOR, dated 29 Dec 94
5. LOR, dated 29 Dec 94
6. LOR, dated 6 Mar 95