

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██		GRADE AMN	AFSN/SSAN ████████████████
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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	UOHC	OTHER	DENY
					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 17 Aug 2004	CASE NUMBER FD-2004-00213
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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

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INDORSEMENT	DATE: 8/17/2004
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-2004-00213

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.

ISSUE: Applicant does not contest his discharge. He merely states that he realized that he made some mistakes and he accepted the punishments he received and now would like his discharge upgraded to an honorable discharge. The records indicated the applicant received two Article 15s, two Letters of Reprimand, two Letters of Counseling, and one Memorandum for Record 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. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing.

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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Moody AFB, GA on 13 Dec 01 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: 21 Jun 78. Enlmt Age: 19 7/12. Disch Age: 23 5/12. Educ: HS DIPL. AFQT: N/A. A-77, E-66, G-62, M-86. PAFSC: 2T355 - Vehicle Body Maintenance Apprentice. DAS: 5 Sep 98.

b. Prior Sv: (1) AFRes 28 Jan 98 - 7 Apr 98 (2 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Apr 98 for 4 yrs. Svd: 3 Yrs 8 Mo 6 Das, all AMS.

b. Grade Status: AMN - 16 Nov 01 (Article 15, 16 Nov 01)
 A1C - 16 Oct 01 (Article 15, 16 Oct 01)
 SrA - 08 Apr 01
 A1C - 08 Aug 99
 AMN - 08 Oct 98

c. Time Lost: None.

d. Art 15's: (1) 16 Nov 01, Moody AFB, GA - Article 86. You, did, on or about 3 Nov 01, without authority, fail to go at the time prescribed to your appointed place of duty. You, did, on or about 6 Nov 01, without authority, fail to go at the time prescribed to your appointed place of duty. You, did, on or about 7 Nov 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. (No appeal) (No mitigation)

(2) 16 Oct 01, Moody AFB, GA - Article 92. You, having knowledge of a lawful order issued by [REDACTED] to wit: "Contact me the next morning at 0600 hours," or words to that effect, an order which it was your duty to obey, did, on or about 23 Sep 01, fail to obey the same by not contacting [REDACTED] Reduction to A1C, forfeiture of \$100.00 pay per month for 2 months, 15 days restriction, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 02 APR 01 - Consuming alcohol, then driving a vehicle in an unsafe manner, and making false

statements.

LOR, 14 FEB 01 - Late for duty.
 LOC, 31 JAN 01 - Late for duty.
 LOA, 13 OCT 00 - Failure to pay just debt.
 MFR, 29 NOV 99 - Traffic Ticket for speeding.

f. CM: None.

g. Record of SV: 08 Apr 98 - 07 Dec 99 Moody AFB 5 (Initial)
 08 Dec 99 - 07 Dec 00 Moody AFB 3 (Annual)
 08 Dec 00 - 01 Aug 01 Moody AFB 3 (CRO)REF

h. Awards & Decs: AFTR, AFOUA W/2 OLCS, AFGCM.

i. Stmt of Sv: TMS: (3) Yrs (10) Mos (16) Das
 TAMS: (3) Yrs (8) Mos (6) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Jun 04.
 (Change Discharge to Honorable)

Issue 1: I am requesting to have my discharge upgraded to an honorable. I realize that I made some mistakes (sic) and I accepted the punishments I received. Please note however that the statements made on the memorandum dated 26 November 2001 Paragraph 2 sect F. are not all correct, I was not the driver of [REDACTED] vehicle as noted in letter of reprimand dated 02 April 2001 I was the passenger. Please note the letter of [REDACTED] my supervisor. Since being discharged I have gainful employment and recently recieved (sic) a promotion. I greatly regret my actions while in the service and wish I could change the past. Please note my Good conduct award and Air Force outstanding Unit Award.

I would very much appreciate your favorable recommendation of an upgrade to my discharge.

ATCH

1. DD Form 214 (Member-4).
2. Notification Memorandum, 26 Nov 01.
3. Letter of Reprimand, 02 Apr 01.
4. Letter of Support, 16 Nov 01.

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FD2004-00213

DEPARTMENT OF THE AIR FORCE

347TH RESCUE WING (ACC)
MOODY AIR FORCE BASE, GEORGIA

26 November 2001

MEMORANDUM FOR AMN [REDACTED], 347 TRNS

FROM: 347 TRNS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for conduct prejudicial to good order and discipline (pattern of misconduct). The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reasons for this action are as follows:
 - a. On 18 Nov 99, you were cited on base for speeding, driving 38 mph in a 25 mph zone. For this offense you received a Memorandum for Record, dated 29 Nov 99 (Atch 1a).
 - b. On 23 Aug 00, you failed to go at the time prescribed to a mandatory appointment, to wit: Vehicle Maintenance fitness exercise. For this offense you received a Letter of Counseling (LOC), dated 23 Aug 00 (Atch 1b).
 - c. Investigation has revealed that you failed to pay a just debt to [REDACTED], for the purchase of a Ford F-150. For this offense you received a Letter of Admonishment, dated 13 Oct 00 (Atch 1c).
 - d. On 31 Jan 01, you failed to go at the time prescribed to your appointed place of duty. For this offense you received an LOC, dated 31 Jan 01 (Atch 1d).
 - e. On 13 Feb 01, you failed to go at the time prescribed to your appointed place of duty. For this offense you received a Letter of Reprimand (LOR), dated 14 Feb 01 (Atch 1e).
 - f. On 24 Mar 01, you committed numerous acts bringing discredit upon yourself and the United States Air Force, to wit: You deliberately operated your vehicle in an unsafe manner after consuming alcohol, by spinning the tires and exhibiting excessive acceleration in a parking lot. You also committed the same act in [REDACTED] vehicle causing it to loose control and strike the side of an apartment complex. Furthermore, you made numerous false statements to your first sergeant. For these offenses you received an LOR, dated 2 Apr 01, which was used to establish your Unfavorable Information File (Atch 1f).

- g. You failed to obey a lawful order issued by Staff Sergeant [REDACTED] to wit: "Contact me the next morning at 0600 hours", or words to that effect, an order which it was your duty to obey. For this offense you received nonjudicial punishment pursuant to Article 15, UCMJ, on 16 Oct 01. Punishment included a reduction to the grade of airman first class, forfeiture of \$100.00 pay per month for 2 months, restriction to the limits of Moody Air Force Base, for 15 days, and 15 days extra duty (Atch 1g).
- h. You, did at or near Moody Air Force Base, Georgia, on or about 3 Nov 01, 6 Nov 01, and 7 Nov 01, without authority, go from your appointed place of duty, to wit: The flight line paint booth, commander's call, and physical training at the gym. For these offenses you received nonjudicial punishment pursuant to Article 15, UCMJ, on 16 Nov 01. Punishment included a reduction to the grade of airman (Atch 1h).

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 and will probably be precluded from enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

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] Area Defense Counsel, in Building 5107 Austin Ellipse, Moody AFB, GA, extension (DSN) 460-3421, on **Tuesday, 27 November 2001 at 1400 hrs.** Please take your copy of this Notification Memorandum and attachments with you to your appointment. You may consult civilian counsel at your own expense.
4. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me within **three** duty days after receipt of this notification letter 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 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 Moody Air Force Base Hospital, Physical Exams, Building 3296, on **Monday, 3 December 2001 at 1040 hrs** for the examination. **This is a mandatory appointment. Be sure to bring your medical records to this appointment.**
7. 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.

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

FD 2004-00213



Major, USAF
Commander, 347th Transportation Squadron

Attachments:

1. Supporting Documents, Reasons for Discharge
 - a. MFR, 29 Nov 99
 - b. LOC, 23 Aug 00
 - c. LOA, 13 Oct 00
 - d. LOC, 31 Jan 01
 - e. LOR, 14 Feb 01
 - f. LOR/UIF, 2 Apr 01, (w/atch)
 - g. AF Form 3070, 16 Oct 01, (w/atch)
 - h. AF Form [redacted], 16 Nov 01 (w/atch)
2. Receipt of Nounication Memorandum