

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		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 A67.90	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 09 Nov 2004	CASE NUMBER FD-2004-00223	
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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

INDORSEMENT		DATE: 11/9/2004
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-2004-00223

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 did not provide any issues to the board for consideration. The records indicated the applicant received an Article 15, four Letters of Reprimand and two Records of Individual 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 Board concluded the discharge was appropriate for the reasons, which were the basis for this case.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Whiteman AFB, MO on 22 Oct 03 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: 19 Aug 83. Enlmt Age: 17 8/12. Disch Age: 20 2/12. Educ: HS DIPL. AFQT: N/A. A-51, E-45, G-33, M-36. PAFSC: 3E031 - Electrical Systems Apprentice. DAS: 22 Jul 02.

b. Prior Sv: (1) AFRes 20 Apr 01 - 8 Oct 01 (5 months 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Oct 01 for 4 yrs. Svd: 2 Yrs 0 Mo 14 Das, all AMS.

b. Grade Status: AMN - 15 Oct 03 (Article 15, 15 Oct 03)
 A1C - 09 Feb 03
 AMN - 09 Apr 02

c. Time Lost: None.

d. Art 15's: (1) 15 Oct 03, Whiteman AFB, MO - Article 86. You, did, on divers occasions between on or about 11 Sep 03 and on or about 12 Sep 03, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB (reduction below Amn suspended). Thirty days restriction. (No appeal) (No mitigation)

e. Additional: LOR, 15 OCT 03 - Financial irresponsibility.
 LOR, 12 SEP 03 - Late for work and not returning from lunch.
 LOR, 10 SEP 03 - Late for work and dereliction of duty.
 LOR, 10 SEP 03 - Uniform violation.
 RIC, 31 JUL 03 - Late for duty.
 RIC, 30 JUL 03 - Late for duty and missed appointment.

f. CM: None.

g. Record of SV: 9 Oct 01 - 8 Jan 03 Whiteman AFB 5 (Initial)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (6) Mos (3) Das
 TAMS: (2) Yrs (0) Mos (14) Das

FD2004-00223

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 14 Jun 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

1SEP04/ia



FD 2004-00723

DEPARTMENT OF THE AIR FORCE
509TH CIVIL ENGINEERING SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

17 Oct 03

MEMORANDUM FOR [REDACTED]

FROM: 509 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct prejudicial to good order and discipline. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved your service may 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:
 - a. On or about 11 Sep 03 and 12 Sep 03, you failed to report for duty at the appointed time. For these incidents, you received an Article 15 dated 15 Oct 03. (Atch 1a)
 - b. Between 11 Aug 03 and 09 Sep 03, you misused you government travel card at unauthorized locations. For these incidents, you received a Letter of Reprimand dated 15 Oct 03. (Atch 1b)
 - c. On or about 11 Sep 03, you failed to report for duty. For this incident, you received a Letter of Reprimand dated 12 Sep 03. (Atch 1c)
 - d. On or about 08 Sep 03 and 09 Sep 03, you were derelict in the performance of your duties and failed to report for duty at the appointed time. For these incidents, you received a Letter of Reprimand dated 10 Sep 03. (Atch 1d)
 - e. On or about 10 Sep 03, your uniform was not in compliance with AFI 36-2903, *Dress and Personal Appearance of Air Force Personnel*. For this incident, you received a Letter of Reprimand dated 10 Sep 03. In addition, an Unfavorable Information File was established (Atch 1e)
 - f. On or about 31 Jul 03, you failed to report for duty at the appointed time. For this incident, you received a Record of Individual Counseling dated 31 Jul 03. (Atch 1f)
 - g. On or about 30 Jul 03, you failed to report for duty at the appointed time and failed to report for an appointment. For these incidents, you received a Record of Individual Counseling dated 30 Jul 03. (Atch 1g)

[REDACTED]

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 convening authority 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 any special pay, bonus, or education assistance funds 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 Area Defense Counsel in Bldg 509 on 17 Oct 03 at 1400. 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 1330 / 22 Oct 03 unless you request and receive an extension for good cause shown. I will forward your statements to the separation authority.

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

7. You have been scheduled for a medical examination. You must report to Family Practice at 1100 on 23 Oct 03 for the examination.

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 your unit's Commander Support Staff.

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



Attachments:

- 1. Supporting documents --for the reason for discharge
 - a. Article 15, dated 15 Oct 03
 - b. LOR, dated 15 Oct 03
 - c. LOR, dated 12 Sep 03
 - d. LOR, dated 10 Sep 03
 - e. LOR/UIF, dated 10 Sep 03
 - f. RIC, dated 31 Jul 03
 - g. RIC, dated 30 Jul 03



2. Documents containing derogatory information -- which are not listed in the notification memorandum:

- a. E-mail memo, dated 17 Sep 03 - failure to report for duty
- b. E-mail memo, dated 15 Sep 03 - failure to return for duty
- c. E-mail memo, dated 12 Sep 03 - failure to report for duty
- d. E-mail memo, dated 12 Sep 03 - failure to report for duty

3. Airman's receipt of notification memorandum, dated 17 Oct 03.