

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00242

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 approved.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record the Board finds the applicant's discharge inequitable.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The records indicated applicant received an Article 15, one Letter of Reprimand, and three AETC Form 341s for various acts of misconduct. The Board noticed that the applicant did not receive any further misconduct between the issuance of the Article 15 and the Commander's Notification letter. Also, if the command would not have waited for over a month to process the notification, the applicant could have been discharged as an Entry Level Separation. The DRB did not condone the misconduct by the applicant; however, the discharge is more appropriately characterized as Honorable.

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. However, in view of the foregoing finding, the Board further concludes that the overall quality of the applicant's service is more accurately reflected by an Honorable discharge and should be changed under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]

(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Sheppard AFB, TX on 16 Sep 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Dec 83. Enlmt Age: 18 7/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-50, E-62, G-59, M-27. PAFSC: 4A031 - Health Services Management Apprentice. DAS: 11 Mar 03.

b. Prior Sv: (1) AFRes 8 Aug 02 - 13 Jan 03 (5 months 6 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Jan 03 for 4 yrs. Svd: 0 Yrs 8 Mo 3 Das, all AMS.

b. Grade Status: Amn - 14 Jul 03

c. Time Lost: None.

d. Art 15's: (1) 9 Jul 03, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 12 Jun 03, were derelict in the performance of those duties in that you willfully failed to adhere to call to quarters, failed to refrain from riding in a privately owned vehicle, failed to remain in the appropriate uniform and failed to remain within the limits of Sheppard AFB, TX, while in Phase I, as it was your duty to do. Forfeiture of \$575.00 pay per month for 2 months and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 28 MAY 03 - Insubordinate conduct toward an NCO, failure to obey an order or regulation, forgery, and lying.
AETC 341, 05 JUN 03 - Security violation.
AETC 341, 30 APR 03 - No reporting statement, no AETC 341s, and smoking at Mini-Mall.
AETC 341, 12 APR 03 - Playing loud and derogatory music in car.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (1) Mos (9) Das
TAMS: (0) Yrs (8) Mos (3) Das

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

NO ISSUES SUBMITTED.

ATCH

None.

19AUG04/ia

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

28 Aug 03

MEMORANDUM FOR AMN [REDACTED]

FROM: 382 TRS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as an 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. You, who knew or should have known of your duties at or near Sheppard Air Force Base, Texas, on or about 12 Jun 03, were derelict in the performance of those duties in that you willfully failed to adhere to call to quarters, failed to refrain from riding in a privately owned vehicle, failed to remain in the appropriate uniform and failed to remain within the limits of Sheppard Air Force Base, Texas, while in Phase I, as it was your duty to do. For this misconduct, you received Article 15 punishment on 9 Jul 03.

b. You, at or near Sheppard Air Force Base TX, on 27 May 03, were at the schoolhouse bus stop waiting to come back to the dorm at lunch. [REDACTED] (383 TRS instructor) asked all the Airmen at the bus stop for their bus waivers. When asked where your bus waiver was, you lied to him about having a waiver. You then proceeded to run away. [REDACTED] then ordered you to stop and asked you for an AETC Form 341. You then gave [REDACTED] an AETC Form 341 with fictitious information. After [REDACTED] discovered the AETC Form 341 was false, you were sent to see [REDACTED] the senior MTL, and continued to lie about falsifying an AETC Form 341. For this misconduct you received a Letter of Reprimand (LOR) on 28 May 03.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 to reenlist in the Air Force and will probably be denied enlistment in any component of the armed forces.

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 at Bldg 1038, Room 110 on 2 Sept 03, at 0900. 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 3 Sept 03 0900 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 were scheduled for a separation physical on 29 Jul 03 ⁰⁸⁴⁰ between the hours of 0900 and 1400 at the hospital, Bldg 1200, physical exams section.

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 building 1917, room 1A208.

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


USAF, MSC
Section Commander, 382 TRS

Attachments:

1. AF 3070, 9 Jul 03
2. AF Form 1168, , 20 Jun 03
3. AF Form 1168, , 19 Jun 03
4. AF Form 1168, , 18 Jun 03
5. AF Form 1168, , 18 Jun 03
6. AF Form 1168, , 18 Jun 03
7. AF Form 1168, , 13 Jun 03
8. AF Form 1168, , 12 Jun 03
9. LOR, 28 May 03
- ~~10. Response to LOR~~
11. AF 1058
12. AETC Forms 341, 4 Apr 03 – 5 Jun 03 (4)
13. AETC Form 341, 30 Apr 03
14. AETC Form 341, 12 Apr 03
15. Airman's Receipt of Notification Memorandum 
16. Student Training Report, 03015