

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE A1C	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 A94.53	INDEX NUMBER A67.90	<b>EXHIBITS SUBMITTED TO THE BOARD</b>			
		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 01 Dec 2004	CASE NUMBER FD-2004-00262
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**APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DESCRIBED 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.

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
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## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2004-00262

**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.

**ISSUES:**

Issue 1. Applicant was discharged for conduct prejudicial to good order and discipline, and for failure to progress in on-the-job training. The records indicated the applicant received three Letters of Reprimand, three Records of Individual Counseling, and a Letter of Admonishment for misconduct. His infractions included multiple incidents of failure to go, being late to work, and disobeying a lawful order, assaulting his spouse, and being involved in a motor vehicle accident without automobile insurance. He also twice failed his Career Development Course examinations, and the unit commander noted that member had apparently intentionally failed as a means of effecting his separation from the military, and that even after counseled, member continued to "misbehave." The DRB opined that through the unit's many administrative actions, the applicant had ample opportunities to change his negative behavior but was unwilling or unable to do so. 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.

Issue 2. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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 Cannon AFB, NM on 18 Mar 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: 9 Nov 78. Enlmt Age: 20 11/12. Disch Age: 24 4/12. Educ: HS DIPL. AFQT: N/A. A-43, E-53, G-30, M-56. PAFSC: 2W131F - Munitions Systems Apprentice. DAS: 28 Apr 00.

b. Prior Sv: (1) AFRes 15 Oct 99 - 19 Oct 99 (5 days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enlisted as Amn 20 Oct 99 for 6 yrs. Svd: 3 Yrs 4 Mo 27 Das, all AMS.

b. Grade Status: A1C - 3 Dec 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 21 FEB 03 - Involved in vehicle accident and not having required insurance.  
LOR, 16 APR 02 - Assaulting spouse.  
LOR, 12 SEP 01 - Late for duty.  
RIC, 11 SEP 01 - Late for duty.  
CDC, 05 SEP 01 - Second examination failure.  
CDC, 17 JUL 01 - Examination failure.  
RIC, 18 JUL 01 - Disobeying a lawful order and reporting late to a mandatory study time.  
LOA, 11 MAY 01 - Missed dental appointment.  
RIC, 24 MAY 00 - Failure to go.

f. CM: None.

g. Record of SV: 20 Oct 99 - 19 Jun 01 Cannon AFB 3 (Initial)  
20 Jun 01 - 19 Jun 02 Cannon AFB 3 (Annual)  
20 Jun 02 - 12 Feb 03 Cannon AFB 4 (Cmdr Dir)

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

i. Stmt of Sv: TMS: (3) Yrs (5) Mos (4) Das  
TAMS: (3) Yrs (4) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Jul 04.  
(Change Discharge to Honorable)

Issue 1: I intend to go back to college and earn a degree in Computer Information Systems. In order to relieve some of the financial burden, I intend to use my MGIB which I payed (sic) into during my first twelve months of enlistment. Please grant my request as I enroll for classes for this coming fall at Central Missouri State University. (I was informed that my discharge must be upgraded to honorable from general under honorable conditions for me to be eligible to use my MGIB benefits.

**ATCH**

1. AF Form 100.

28SEP04/ia

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 27th FIGHTER WING (ACC)  
CANNON AIR FORCE BASE NEW MEXICO

FD2084-00262



MEMORANDUM FOR AIC [REDACTED] 27 EMS

FROM: 27 EMS/CC

10 MAR 03

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically a pattern of misconduct prejudicial to good order and discipline; and unsatisfactory performance, specifically failure to progress in on the job training. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.50.2 and 5.26.3. 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 20 Dec 02, you were involved in a vehicle accident and found to have been driving without insurance, as evidenced by a Letter of Reprimand, dated 21 Feb 03. (Atch a)

b. On or about 9 Feb 02, you assaulted your spouse, as evidenced by a Letter of Reprimand, dated 16 Apr 02. (Atch b)

c. On or about 12 Sep 01, you failed to go to your appointed place of duty, as evidenced by a Letter of Reprimand, dated 12 Sep 01. (Atch c)

d. On or about 10 Sep 01, you reported late for duty, as evidenced by a Letter of Counseling, dated 11 Sep 01. (Atch d)

e. On or about 05 Sep 01, you were notified of your second CDC Examination failure. (Atch e)

f. On or about 17 Jul 01, you were notified of your first CDC Examination failure. (Atch f)

g. On or about 17 Jul 01, you reported late for work and disobeyed a lawful order, as evidenced by a Letter of Counseling, dated 18 Jul 01. (Atch g)

h. On or about 10 May 01, you failed to attend a Dental appointment, as evidenced by a Letter of Admonishment, dated 11 May 01. (Atch h)

i. On or about 23 May 00, while attending FTAC, you did not report to class, as evidenced by a Letter of Counseling, dated 24 May 00. (Atch i)

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 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, bonuses, 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. An appointment will be made for you to consult with a military legal counsel from the Cannon AFB Area Defense Counsel's Office at building 600, ext. 2915. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within **3 duty days** from today 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 to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.
7. You will complete a medical examination at the 27th Medical Group on 11 MAR 03 at 0930 hours.
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 orderly room, or you may download a copy from <http://afpubs.hq.af.mil/>.



Commander

Attachments:

- a. Letter of Reprimand, dated 21 Feb 03
- b. Letter of Reprimand, dated 16 Apr 02
- c. Letter of Reprimand, dated 12 Sep 01
- d. Letter of Counseling, dated 11 Sep 01
- e. CDC failure notification, dated 5 Sep 01
- f. CDC failure notification, dated 17 Jul 01
- g. Letter of Counseling, dated 18 Jul 01
- h. Letter of Admonishment, dated 11 May 01
- i. Letter of Counseling, dated 24 May 00