

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>AB</b>	AFSN/SSAN <b>[REDACTED]</b>				
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL					
YES	No	NAME OF COUNSEL AND OR ORGANIZATION					
	X						
MEMBER SITTING		VOTE OF THE BOARD					
		HON	GEN	UOTHC	OTHER	DENY	
						X	
						X	
						X	
						X	
ISSUES <b>A93.21</b>		INDEX NUMBER <b>A67.09</b>		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		
HEARING DATE <b>09 Dec 2004</b>		CASE NUMBER <b>FD-2004-00279</b>		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
				TAPE RECORDING OF PERSONAL APPEARANCE			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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							
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				

DATE: 12/9/2004

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00279**

**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 contends discharge was inequitable because he states he was often tardy due to depression. The records indicated the applicant received two Article 15s, three Letters of Reprimand and three Records of Individual Counseling for misconduct for being late to work, drinking underage and using his government travel card for unofficial business. 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.

**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 AB) (HGH A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Pope AFB, NC on 23 Aug 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Sep 80. Enlmt Age: 17 3/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-60, E-73, G-74, M-42. PAFSC: 2A157 - Electronic Warfare Systems. DAS: 9 Jul 99.

b. Prior Sv: (1) AFRes 5 Dec 97 - 22 Sep 98 (9 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Sep 98 for 4 yrs. Svd: 2 Yrs 11 Mo 1 Das, all AMS.

b. Grade Status: AB - 24 Jul 01 (Article 15, 24 Jul 01)  
AMN - 7 May 01 (Article 15, 7 May 01)  
A1C - 23 Jan 00  
AMN - 23 Mar 99

c. Time Lost: None.

d. Art 15's: (1) 24 Jul 01, Pope AFB, NC - Article 92. You, who knew of your duties in the continental United States, on divers occasions between on or about 19 Mar 01 and on or about 4 Jun 01, were derelict in the performance of those duties in that you willfully failed to use your government travel card for official government purposes only, as it was your duty to do. Reduction to AB. (No appeal) (No mitigation)

(2) 7 May 01, Pope AFB, NC - Article 86. You did, on or about 23 Apr 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. Suspended forfeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 26 MAR 01 - Late for work.  
LOR, 03 MAR 01 - Late for work.  
RIC, 21 JUL 00 - Late for work.  
RIC, 05 MAY 00 - Late for appointment with commander.  
LOR, 16 DEC 99 - Drinking alcohol underage.  
RIC, 03 DEC 99 - Late for duty.

f. CM: None.

g. Record of SV: 23 Sep 98 - 22 May 00 Pope AFB 3 (Initial)  
23 May 00 - 22 May 01 Pope AFB 3 (Annual)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (8) Mos (18) Das  
TAMS: (2) Yrs (11) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Jul 04.  
(Change Discharge to Honorable)

Issue 1: I use (sic) to be late sometimes because I was depress (sic).

**ATCH**

1. DD Form 214.

20AUG04/ia



DEPARTMENT OF THE AIR FORCE  
23D FIGHTER GROUP (ACC)  
POPE AIR FORCE BASE, NORTH CAROLINA 28308

FD 2004-00279

MEMORANDUM FOR AB [REDACTED]

15 AUG 01

FROM: 23 MXS/CC  
286 Fortress Street  
Pope AFB NC 28308

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. You understand that approval of this recommendation for your discharge could result in you receiving an under other than honorable conditions discharge, if the convening authority determines such characterization is warranted and directs initiation of a discharge board. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On divers occasions between on or about 19 Mar 01 and on or about 4 Jun 01, you, who knew of your duties in the continental United States, were derelict in the performance of those duties in that you willfully failed to use your government travel card for official government purposes only, as it was your duty to do as documented by an AF Form 3070, Record of Non judicial Punishment Proceedings, dated 24 Jul 01.

b. On or about 23 Apr 01, you did, or near Pope AFB NC, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 636 as documented by an AF Form 3070, Record of Non judicial Punishment Proceedings, dated 7 May 01.

c. On or about 22 Mar 01, you arrived at work 1 hour and 15 minutes late to work without calling or letting your supervisor know you would not be in on time as documented by a Letter of Reprimand (LOR), dated 26 Mar 01.

d. On or about 2 Mar 01, you missed the bus to support 23d Fighter Group flying operations at Seymour Johnson AFB NC for the second time in the week as documented by a Letter of Reprimand (LOR), dated 3 Mar 01.

e. On or about 21 Jul 00, you were asked to show up at 1530 hours to sign out the ECM Flightline support section. You arrived 15 minutes late on four occasions as documented by an AF Form 174, Record of Individual Counseling, dated 21 Jul 00.

f. On or about 5 May 00, you were 5 minutes late for an appointment with the commander as documented by an AF Form 174, Record of Individual Counseling, dated 5 May 00.

g. On or about 5 Dec 99, you were found drinking alcohol at an apartment complex. The legal drinking age is 21, and you were not yet 21 years old as documented by a Letter of Reprimand (LOR), dated 16 Dec 99.

h. On or about 3 Dec 99, you arrived late for the 23 MXS Avionics Flight Call as documented by an AF Form 174, Record of Individual Counseling, dated 3 Dec 99.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The 43d Airlift Wing Commander, who exercises Special Court Martial (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 been scheduled for a physical examination. **Report to Physical Exams Room 10 in the Flight Medicine Clinic on 17 Aug 01 at 0945 hours. In addition, report to Physical Exams/Lab ASAP for HIV screening.**

5. **You have the right to consult counsel. Military legal counsel has been obtained to assist you. Contact [REDACTED] (2) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult [REDACTED], the Area Defense Counsel. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.**

6. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 20 Aug 01 at 1030 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. If you fail to consult counsel or to **submit statements in your own behalf in three days**, your failure will constitute a waiver of your right to do so.