

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00309

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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received seven Letters of Reprimand for misconduct. His infractions included failure to go, failure to complete assigned homework on multiple occasions, failing to march in formation when required to, failing to keep his dormitory room in inspection order, allowing other airmen in his room after "lights out," and failure to obey orders. The record also reflected member failed out of his initial technical training school for air traffic control. While attending his second technical training school for diagnostic imaging, he struggled with the first four blocks, failing the first test and getting marginally passing grades on the subsequent three. He was put on academic probation, but continued to fail to complete his homework, routinely came to class unprepared, failed to meet military bearing and behavior standards, lacked attention to detail, and was not recommended for further retraining or retention due to his attitude and behavior. 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 and the characterization of the discharge received by the applicant was 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

[REDACTED]
 [REDACTED]
 (Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Sheppard AFB, TX on 15 Nov 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 May 79. Enlmt Age: 20 2/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-77, E-52, G-57, M-16. PAFSC: 4R011 - Diagnostic Imaging Helper. DAS: 22 May 00.

b. Prior Sv: (1) AFRes 26 Jul 99 - 4 Apr 00 (8 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

- a. Enlisted as AB 5 Apr 00 for 6 yrs. Svd: 0 Yrs 7 Mo 11 Das, all AMS.
- b. Grade Status: A1C - 19 May 00
- c. Time Lost: None.
- d. Art 15's: None.
- e. Additional: LOR, 11 OCT 00 - Failure to go.
 LOR, 11 OCT 00 - Disobeying a direct order.
 LOR, 04 OCT 00 - Failure to march to and from school in formation, and failure to provide AETC Form 341 when asked.
 LOR, 04 OCT 00 - Failure to obey a direct order.
 LOR, 28 SEP 00 - Failure to maintain room in inspection order by having repeat write-ups, and allowed others in assigned room after Phase I curfew hours.
 LOR, 19 SEP 00 - Failing to obey orders.
 LOR, 19 SEP 00 - Failure to obey a direct order.
 AETC 173, 8 SEP 00 - Failure of Block II test.
 AETC 173, 7 SEP 00 - Failure to complete DSA.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (1) Yrs (3) Mos (21) Das
 TAMS: (0) Yrs (7) Mos (11) Das

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

Issue 1: My supervisor at work asked why didn't I ever go to get my discharge upgraded. This is strong punishment for the minor infractions that I did.

ATCH

1. Fiv Character References.
2. Birth Certificate.
3. AF Form 100.

29SEP04/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD2004-00309

31 OCT 2000

MEMORANDUM FOR AIC [REDACTED] 381 TRS

FROM: 381 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 honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general) discharge.
2. My reason for this action are:
 - a. You did, at or near Sheppard AFB TX, on or about 7 Oct 00, fail to go to your appointed place of duty at the appointed time, to wit: formation. For this ~~infraction~~ you received a Letter of Reprimand (LOR) on 11 Oct 00.
 - b. You, who knew or should have known of your duties at Sheppard AFB TX, on or about 6 Oct 00, were derelict in the performance of those duties in that you failed to complete your assigned homework, as it was your duty to do. For this misconduct you received an LOR on 11 Oct 00.
 - c. You did, at or near Sheppard AFB TX, on or about 3 Oct 00, violate a lawful general instruction, to wit: AETCI 36-2216, paragraph 4.1.9, by failing to march in formation to and from. For this misconduct and subparagraph "d" below, you received an LOR on 4 Oct 00.
 - d. You did, at or near Sheppard AFB TX, on or about 3 Oct 00, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 2.1.2, by failing to surrender an AETC Form 341 when directed to do so.
 - e. You, who knew or should have known of your duties at Sheppard AFB TX, on or about 3 Oct 00, were derelict in the performance of those duties in that you failed to complete your assigned homework, as it was your duty to do. For this misconduct you received an LOR on 4 Oct 00.
 - f. You did, at or near Sheppard AFB TX, on or about 21 Sep 00 and on or about

23 Sep 00, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 2.1.3, by failing to keep your dormitory room in inspection order at all times. For this misconduct and subparagraph "g" below, you received an LOR on 28 Sep 00.

g. You did, at or near Sheppard AFB TX, on or about 21 Sep 00 and on 23 Sep 00, violate a lawful general instruction, to wit: SAFBI 36-2002, paragraph 2.1.7, by allowing airmen in your room after lights out.


h. You having knowledge of a lawful order issued by Amn Allender 381 student leader, to wit: an order which was your duty to obey, did, at or near Sheppard AFB TX, on or about 16 Sep 00, fail to obey several orders given to you while on CQ duty. For this misconduct you received an LOR on 19 Sep 00.

i. You, who knew or should have known of your duties at Sheppard AFB TX, on or about 18 Sep 00, were derelict in the performance of those duties in that you failed to complete your assigned homework, as it was your duty to do. For this misconduct you received an LOR on 19 Sep 00.




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 for reenlistment 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 Capt [REDACTED] at Bldg 1638, Rm 110 on 31 Oct 00, at 0930. 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 2 NOV 00 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 11 Oct 00 at 1545 in the hospital, Bldg 1200, in the student clinic.
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.


Capt, USAF, MSC
Section Commander, 381 TRS

Attachments:

1. LOR, 11 Oct 00
1. LOR, 11 Oct 00
2. MFR, Lt Col , 16 Oct 00
3. LOR, 4 Oct 00
4. MFR, Capt , 30 Oct 00
5. LOR, 4 Oct 00
6. Response to LOR, 6 Oct 00
7. LOR, 28 Sep 00
8. LOR, 19 Sep 00
9. LOR, 19 Sep 00
10. Response to LOR, undated
11. Statement, AB , undated
12. AETC Form 125A, 17 Oct 00
14. Student Training Report, Class #00014
15. AETC Form 173, 18 Sep 00
16. AETC Form 173, 8 Sep 00
17. AETC Form 173, 7 Sep 00
18. AETC Form 173, 1 Sep 00
19. AETC Form 173, 28 Aug 00
20. Airman's Receipt to Notification Memorandum 