

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>		GRADE AB	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>						
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL									
YES	No								
	X								
MEMBER SITTING		VOTE OF THE BOARD							
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>		HON	GEN	UOTHC	OTHER	DENY			
						X			
						X			
						X			
						X			
						X			
ISSUES A94.05	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 Dec 2004	CASE NUMBER FD-2004-00351								
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE									
<p>Case heard at Washington, D.C.</p> <p>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</p> <div style="border: 1px dashed black; width: 100%; height: 100%;"></div>									
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							

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2004-00351

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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, a Vacation action under the UCMJ, three Letters of Reprimand, and two Letters of 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 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

[REDACTED]
(Former AB) (HGH AMN)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Whiteman AFB, MO on 19 Jul 02 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: 6 Nov 81. Enlmt Age: 19 3/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-48, E-45, G-53, M-52. PAFSC: 3P031 - Security Forces Apprentice. DAS: 13 Sep 01.

b. Prior Sv: (1) AFRes 23 Feb 01 - 9 Apr 01 (1 month 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Apr 01 for 4 yrs. Svd: 1 Yrs 3 Mo 10 Das, all AMS.

b. Grade Status: AB - 23 May 02 (Vacation of Article 15, 11 Jun 02)
Amn - 10 Oct 01

c. Time Lost: None.

d. Art 15's: (1) 11 Jun 02, Vacation, Whiteman AFB, MO - Article 113. You, on or about 4 Jun 02, being posted as a sentinel at the back vehicle gate of Building 711, were found sleeping upon your post. Reduction to AB. (No appeal) (No mitigation)

(2) 23 May 02, Whiteman AFB, MO - Article 113. You, on or about 3 May 02, being posted as a sentinel at Whiskey 8, were found sleeping upon your post. Suspended reduction to AB. Forfeiture of \$150.00 pay per month for two months, 30 days extra duty, and 30 days restriction. (No appeal) (No mitigation)

e. Additional: LOR, 08 JUL 02 - Lying.
LOR, 21 MAR 02 - Missed appointment.
LOR, 21 MAR 02 - Missed appointment.
LOC, 15 MAR 02 - Dereliction of duty.
LOC, 22 NOV 01 - Unauthorized departure from a mandatory training class.

f. CM: None.

g. Record of SV: None.

[REDACTED]
August 29, 2004

In reply to: review of discharge

Air Force Review Boards Agency

SAF/MRBR

550-C Street, Suite 40

Randolph AFB, TX 78150-4742

Dear Air Force Review Boards Agency,

I [REDACTED] would like to request my under honorable discharge be upgraded to an honorable discharge. I have several reasons for this request. One reason is that it is hard to get a respectful job to support the two greatest things in my life, my fiancé and my little girl. Since, I have been discharged I have not been in any trouble and before the military I had never had any misconduct with the laws. My goal is to become apart of the Oklahoma City Police Department and with an under honorable discharge this is not possible. I cannot take back the careless immature mistakes I made during my time in the military. Now that I am trying to start up a family it has taken a lot of growing up. The thing that I dread is that my careless acts will render me from any goals I have set for my family to reach. Thank you for your time and I hope to hear from you soon.

Respectfully yours,
[REDACTED]



DEPARTMENT OF THE AIR FORCE
509TH SECURITY FORCES SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

FD 2004-00351

JUL 10 2002

MEMORANDUM FOR AB [REDACTED]

FROM: 509 SFS/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 8 July 2002, you received an LOR for lying to your supervisor about having a valid motorcycle driver's license.
 - b. On 4 June 2002, you were found sleeping while being posted as a sentinel at the back vehicle gate of building 711. For this incident, you were reduced to the grade of airman basic.
 - c. On 3 May 2002, you were found sleeping while posted as a sentinel at Whiskey 8. For this incident, you receive an Article 15 dated 4 June 2002. Reduction to the rank of airman basic was suspended until 22 November 2002.
 - d. On 21 March 2002, you failed to show up for your scheduled dental appointment. For this incident, you received an LOR dated 21 March 2002.
 - e. On 14 March 2002, you failed to show up for your scheduled dental appointment. For this incident, you received an LOR dated 21 March 2002.
 - f. On 15 March 2002, you were observed by [REDACTED] being inattentive while posted as W-24 Close boundary sentry. For this incident, you received an LOC dated 15 March 2002.
 - g. On 21 November 2001, you departed the squadron without attending the mandatory training class. For this incident, you received an LOC dated 22 November 2001.
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 [REDACTED] in Bldg 509 on 11 July 02 at 0900. 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 15 Jul 02 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 Physical Exams at 1000 on 16 July 02 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 Orderly Room.

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

[REDACTED]
Commander

Attachments:

1. Supporting documents --for the reason for discharge

- a. LOR, dated 8 Jul 02
- b. LOR, dated 21 Mar 02
- c. LOR, dated 21 Mar 02
- d. LOC, dated 15 Mar 02
- e. LOR, dated 22 Nov 01
- f. Article 15, dated 4 Jun 02
- g. Vacation of suspended nonjudicial punishment, dated 11 Jun 02

2. Documents containing derogatory information -- which are not listed in the notification memorandum. None.

3. Airman's receipt of notification memorandum, dated JUL 10 2002