

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████			GRADE SRA ██████████		AFSN/SSAN ██████████		
TYPE GEN	PERSONAL APPEARANCE		<input checked="" type="checkbox"/> 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
ISSUES A94.05	INDEX NUMBER A67.10		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 01 Mar 2005	CASE NUMBER FD-2004-00398						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.							
Names and votes will be made available to the applicant at the applicant's request.							
<div style="border: 1px solid black; height: 20px;"></div>							
INDORSEMENT			DATE: 3/1/2005				
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-2004-00398

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 an Article 15, two Letters of Reprimand, and two Records of Individual Counseling for misconduct. The misconduct included late for work, sleeping on duty, disrespect towards a noncommissioned officer, failure to progress, and assault. 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Elmendorf AFB, AK on 12 Jan 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Aug 73. Enlmt Age: 21 1/12. Disch Age: 24 4/12. Educ: HS DIPL. AFQT: N/A. A-72, E-41, G-41, M-21. PAFSC: 2S031 - Inventory Management Apprentice. DAS: 3 Aug 95.

b. Prior Sv: (1) AFRes 19 Sep 94 - 21 Mar 95 (6 months 3 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 22 Mar 95 for 4 yrs. Extended on 13 Nov 97 for 5 months. Svd: 2 Yrs 9 Mo 22 Das, all AMS.

b. Grade Status: SrA - 22 Jul 97

c. Time Lost: None.

d. Art 15's: (1) 14 Feb 97, Elmendorf AFB, AK - Article 128. You, did, on or about 1 Feb 97, assault A1C [REDACTED] by grabbing him around the neck with your arms. Forfeiture of \$50.00 pay per month for 2 months, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 02 DEC 97 - Failure to progress.
 LOR, 29 JUL 97 - Late for work.
 LOR, 21 JUL 97 - Sleeping on duty, and disrespect towards an NCO.
 RIC, 16 APR 97 - Late for work.

f. CM: None.

g. Record of SV: 22 Mar 95 - 15 Oct 96 Elmendorf AFB 3 (HAF Dir)
 01 Nov 96 - 01 May 97 Elmendorf AFB 3 (CRO)

h. Awards & Decs: AFTR, NDSM, AFOUA, AFOSLTR.

i. Stmt of Sv: TMS: (3) Yrs (3) Mos (25) Das
 TAMS: (2) Yrs (9) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Sep 04.

(Change Discharge to Honorable)

Issue 1: Because of the minor nature of the events leading to my discharge, I feel I should be given an opportunity for review. I would hope that my consistant (sic) work history, since my separation, would add to my favor in this decision process. Future career opportunities have been placed on hold because of this situation. I sincerely ask for your assistance in giving me another opportunity for a successful future.

ATCH

None.

7DEC04/ia

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

DEC 11 1997

MEMORANDUM FOR 3 SUPS/LGSCW (SRA [REDACTED])

FROM: 3 SUPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct based on 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, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 1 Feb 97, you did, at or near Elmendorf Air Force Base, Alaska, assault A1C [REDACTED] by grabbing him around the neck with your arms, as evidenced by an Article 15, dated 7 Feb 97, and an Unfavorable Information File (UIF) entry, undated.

b. On or about 16 Apr 97, you were derelict in the performance of your duties in that you failed to report for a scheduled formal meeting at 1430 hrs with SMSgt [REDACTED], TSgt [REDACTED] Capt [REDACTED] and SSgt [REDACTED] as it was your duty to do. On or about 16 Apr 97, you did treat with disrespect SSgt [REDACTED], a noncommissioned officer, then known by you to be a superior noncommissioned officer, who was in the execution of his office. These offenses are evidenced by a Letter of Counseling (LOC), dated 16 Apr 97.

c. On or about 17 Jul 97, you were derelict in the performance of your duties in that you failed, on two separate occasions, to remain awake while on duty. On or about 17 Jul 97, you did treat with disrespect TSgt [REDACTED], a noncommissioned officer, then known by you to be a superior noncommissioned officer, who was then in the execution of his office. These offenses are evidenced by a Letter of Reprimand (LOR), dated 21 Jul 97, and a UIF entry, dated 24 Jul 97.

d. On or about 29 Jul 97, you failed to go at the time prescribed to your appointed place of duty, as evidenced by an LOR, dated 29 Jul 97, and a UIF entry, dated 4 Aug 97.

e. Between on or about 21 Oct 97 and on or about 26 Nov 97, you were derelict in the performance of your duties in that you failed to progress in your mandatory Career Development Course (CDC) material, as evidenced by an LOC, dated 2 Dec 97.

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 are 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 legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt Black, 552-3887, at Bldg 6-920, Rm 330 on 12 Dec 97 at 0900. You may 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 within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide 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 right to do so.
7. You have been scheduled for medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 24-850, at 15 Dec 97 on 0730 for your first exam, at which time you will be notified of the time for your second exam. You are to fast (drink water only) for 14 hours, refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.
8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 1315 on 15 Dec 97. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 2-900 (People Center), Rm 247 at 1400 on 16 Dec 97. You must be in uniform for all appointments.
9. 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 at your Squadron Orderly Room.
10. The discharge authority will make the findings and recommendations required under 10 U.S.C. 2005(g).


Lt Col, USAF
Commander

Attachments:

1. Article 15, 7 Feb 97
2. LOC, 16 Apr 97
3. LOR, 21 Jul 97
4. LOR, 29 Jul 97
5. LOC, 2 Dec 97