

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF APPLICANT (LAST, FIRST, MIDDLE INITIAL)		GRADE		AFSCN/SSAN							
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;">X</td> <td></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								
			HON	GEN	UOTHC						
					OTHER						
					DENY						
					X						
					X						
					X						
					X						
					X						
ISSUES A90.01			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 10 Mar 2005			CASE NUMBER FD-2004-00424								
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> <p>Names and votes will be made available to the applicant at the applicant's request.</p>											
<div style="border: 1px solid black; width: 100%; height: 30px;"></div>											
INDORSEMENT			DATE: 3/10/2005								
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

CASE NUMBER

FD-2004-00424

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge, and to change the reenlistment code.

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.

ISSUES:

Issue 1. The applicant received a General (Under Honorable Conditions) discharge. The records reflect member received an Article 15, five Letters of Reprimand, a Letter of Counseling, and four Records of Individual Counseling. The misconduct included insubordination, failure to report, failure to go, missed appointments, failure to obey a lawful order, reporting to work in the wrong uniform, late for duty, disobedience, and making a false official statement. The applicant contends that he was offered an early release and was not notified of the type of discharge he received or the repercussions of the discharge. The records show that the applicant was served with a discharge notification memorandum dated 7 November 1997. The applicant signed the memorandum acknowledging that the action against him may result in a General (Under Honorable Conditions) discharge. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 Andrews AFB, MD on 24 Nov 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 25 Jul 72. Enlmt Age: 21 10/12. Disch Age: 25 3/12. Educ: HS DIPL. AFQT: N/A. A-68, E-62, G-64, M-19. PAFSC: 4P031 - Pharmacy Apprentice. DAS: 31 Dec 94.

b. Prior Sv: (1) AFRes 31 May 94 - 30 Jun 94 (1 month) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 01 Jul 94 for 4 yrs. Svd: 3 Yrs 4 Mo 24 Das, all AMS.

b. Grade Status: SrA - 1 Jul 97
A1C - 1 Nov 95
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 16 Feb 96, Andrews AFB, MD - Article 107. You did, at or near Mission, Texas, on or about 7 Jan 96, with intent to deceive, make to [REDACTED] an official statement, to wit: that you were back in the local area from your Christmas leave and that you had returned the previous day, or words to that effect, which statement was false in that you were still in Texas, and was then known by you to be so false. Article 107. You did, at or near Mission, Texas, on or about 7 Jan 96, with intent to deceive, make to [REDACTED] an official statement, to wit: that you did not fly back to Baltimore-Washington International (BWT) Airport on your scheduled flight of 5 Jan 96, because the Airline canceled the flight due to inclement weather, or words to that effect, which statement was false in that your flight was not canceled due to inclement weather, and in fact left Texas on-time, and was then known by you to so false. Suspended reduction to Airman. Fourteen days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 22 OCT 97 - Late for duty, disobedience, and failure

to obey.

LOC, 21 OCT 97 - Reporting to work in the wrong uniform.
 LOR, 20 OCT 97 - Failure to go.
 LOR, 17 SEP 97 - Failure to go.
 LOR, 14 AUG 97 - Failure to obey a lawful order.
 LOR, 28 JUL 97 - Failure to obey a lawful order.
 RIC, 13 NOV 95 - Missed appointment.
 RIC, 06 NOV 95 - Failure to go.
 RIC, 30 OCT 95 - Failure to report in a timely manner.
 RIC, 11 AUG 95 - Insubordination.

f. CM: None.

g. Record of SV: 01 Jul 94 - 29 Feb 96 Andrews AFB 2 (Initial) REF
 01 Mar 96 - 15 Sep 96 Andrews AFB 5 (CRO)
 16 Sep 96 - 07 May 97 Andrews AFB 4 (CRO)

h. Awards & Decs: AFAM, AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (5) Mos (25) Das
 TAMS: (3) Yrs (4) Mos (24) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Sep 04.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Certification Certificate.
4. Two Training Certificates.
5. NPRC Letter.

20DEC04/ia

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09/20/2004


To whom it may concern:

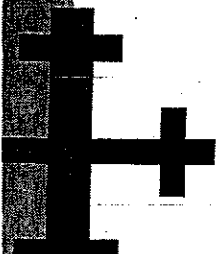

My name is [REDACTED] and I am a former United States Airman. The reason for my letter is for a humble request for an upgrade on my discharge status, from General under Honorable Conditions to an Honorable Discharge. While in the United States Air Force I received the Air Force Achievement Medal and I was an active member of the A.A.F.B. Base Basketball team. My AFSC while in the Air Force was 4P051, Pharmacy Technician a trade I still hold today. As a matter of fact, I used my Air Force training to educate civilians in the practice of pharmacy. I am certified Pharmacy Tech instructor at Valley Grande Institute and continue to practice and teach pharmacy with the integrity and professionalism I obtained in the Air Force. Since leaving the Air Force I have achieved several certifications in the field of Pharmacy, and I have decided to apply to Pharmacy school at the University of Texas at Austin. My ultimate goal is to graduate Pharmacy school and re-enlist in the best Air Force in the world today as an officer. There are some obstacles in the way of this becoming a reality, and one is my discharge status. On the 4th year of my contract with Air Force I was transferred to the Main Pharmacy from the refill prescription area of the hospital. This is when I was placed under the supervision of a female TSgt who was known to be a little over the top when it came to her subordinates. I was on the base team, as I mentioned before and she was not a fan of extra curricular activities in the Air Force. She made it known to me that I was not to participate in any sports anymore and that I had done it for too long without any interruption from her superiors. I was asked by the Coach of the A.A.F.B. Base team to try out for the All-Air Force Team at Langley A.F.B., she quickly denied my efforts for leave time to participate. It was an honor just to be asked and needless to say I was disappointed at not being able to participate. One day I was asked to participate on the intramural basketball team to represent Malcom Grow Medical Center and I respectfully declined, when she was made aware of my decision she was infuriated and words were exchanged. Ultimately, I was sent to the 1st Sgt office, where I accepted fault, but also requested a supervisor change or even base transfer for my final 7-8 months of my enlistment. Again, my request fell on deaf ears and I feel that my lack of rank sealed my fate. It was then I approached my O.I.C and he recommended a second meeting with my 1st Sgt. The 1st Sgt, of the 89th Medical Wing, at A.A.F.B. said, if I was this unhappy with his decisions and Air Force policy he could release me out of my final months in the Air Force. I was so frustrated by then I accepted my early release from the Air Force. I was never under the impression that this would affect my discharge status in any way or was I



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informed of any possible disciplinary action against me, if I was to accept the early release. I came to find out that I was given a less than satisfactory re-enlistment code and I feel was given out of malice rather than true Air Force justice. Now that I am informing myself on possible re-enlistment actions after Pharmacy School I was told by  my local recruiter, of the weight imposed by these codes. My experience in the Air Force was a still a great one and I would love nothing else but to serve again during these trying times. I feel that my Air Force acquired skills can be better utilized back in the service with my brothers and sisters of the Air Force than in the civilian sector. Please consider my plea for an upgrade in my discharge status so that I can again volunteer and serve the greatest Air Force In the world. I am enclosing copies of my nationally recognized certifications to further prove my dedication to my Air Force given education.





DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 89TH AIRLIFT WING (AMC)

FD2004-00424

NOV - 7 1997

MEMORANDUM FOR SRA [REDACTED]

FROM: 89 MDTs/CC

1050 W. Perimeter Road, Suite 1E-16
Andrews AFB MD 20762

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as a General discharge. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached.

2. My reasons for this action are:

a. You were, at or near Andrews Air Force Base, Maryland, on or about 11 August 1995, disrespectful to an Non-commissioned Officer, your supervisor, as evidenced by a AF Form 174, Record of Individual Counseling dated 11 August 1995. As a result, you were counseled.

b. You did, at or near Andrews Air Force Base, Maryland, on or about 27 October 1995, without authority, fail to go at the time prescribed to your appointed place of duty, as evidenced by an AF Form 174, Record of Individual Counseling dated 30 October 1995. As a result, you were counseled.

c. You did, at or near Andrews Air Force Base, Maryland, on or about 1 and 2 November 1995, without authority, fail to go to a mandatory formation, to wit: commander's call, as evidenced by an AF Form 174, Record of Individual Counseling 6 November 1995. As a result, you were counseled.

d. You did, at or near Andrews Air Force Base, Maryland, on or about 13 November 1995, without authority, fail to go to a mandatory dental appointment, as evidenced by an AF Form 174, Record of Individual Counseling dated 13 November 1995. As a result, you were counseled.

e. You did, at or near Mission, Texas, on or about 7 January 1996, with intent to deceive, make to [REDACTED] an official statement, to wit: that you were back in the local area from your Christmas leave and that you had returned the previous day, or words to that effect, which statement was false in that you were still in Texas, and was then known by you to be so false. Furthermore, you did, at or near Mission, Texas, on or about 7 January 1996, with intent to deceive, make to [REDACTED] an official statement to wit: that you did not fly back to Baltimore-Washington International (BWI) Airport on your scheduled flight of 5 January 1996, because the Airline canceled due to inclement weather, and in fact left Texas on-time, and was then known by you to be so false, as evidenced by an AF Form 3070, Record of Nonjudicial Punishment Proceedings dated 15 March 1996. As a result you given a suspended reduction to the grade of Airman and 14 days extra duty.

f. You did, at or near Andrews Air Force Base, Maryland, on or about 24 July 1997, fail to report, to wit: [REDACTED] as instructed to do so by a superior NCO, as evidenced by a Letter of Reprimand dated 28 July 1997.

g. You did, at or near Andrews Air Force Base, Maryland, on or about 8 August 1997, fail to inform your supervisor of your duty status, as it was your duty to do so, as evidenced by a Letter of Reprimand dated 14 August 1997.

h. You did, at or near Andrews Air Force Base, Maryland, on or about 16 September 1997, without authority, fail to go to your appointed place of duty, to wit: Red Flag readiness training and in addition did not report to duty at the prescribed time, to wit: 1000 hrs, as evidenced by a Letter of Reprimand dated 17 September 1997.

i. You did, at or near Andrews Air Force Base, Maryland, on or about 14 October 1997, fail to report to your appointed place of duty, to wit: Bldg 1050, as evidenced by a Letter of Reprimand dated 21 October 1997.

j. You did, at or near Andrews Air Force Base, Maryland, on or about 21 October 1997, fail to report to duty in the required uniform, as evidenced by a Letter of Counseling dated 21 October 1997.

k. You did, at or near Andrews Air Force Base, Maryland, on or about 20 October 1997, fail to report at the prescribed time, to wit: 0800 hrs, in the required duty uniform, as evidenced by a Letter of Reprimand dated 22 October 1997.

3. This action could result in your separation with an General or Under Other Than Honorable Conditions (UOTHC) discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. 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] Bldg 1430 Arnold Avenue, x6624 at the Area Defense Counsel's office on 5 November 1997 at 1330 hours. 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 by 13 NOV 97 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 in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to Bldg 1075, Flight Medicine Clinic, Malcolm Grow Medical Center at 0700 hours on _____ 1997, 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 at the Publications Library.

[REDACTED]

2 Attachments:

1. Supporting Documents

- 1-1. AF Form 174 dtd 11 Aug 95
- 1-2. AF Form 174 dtd 30 Oct 95
- 1-3. AF Form 174 dtd 6 Nov 95

- 1-4. AF Form 174 dtd 13 Nov 95
- 1-5. AF Form 3070 dtd 15 Mar 97
- 1-6. AF Form 174 dtd 7 Aug 97
- 1-7. LOR dtd 28 Jul 97,
- 1-8. LOR dtd 17 Sep 97
- 1-9. LOR dtd 21 Oct 97
- 1-10. LOC dtd 21 Oct 97
- 1-11. LOR dtd 22 Oct 97

- 2. Airman's receipt of notification memorandum