

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

(INITIAL)

<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
YES	No	
	<b>X</b>	

**MEMBER SITTING**

**VOTE OF THE BOARD**

	HON	GEN	UOTHC	OTHER	DENY
					X
	X				
					X
					X
					X

**ISSUES**      **A95.00**

**INDEX NUMBER**      **A67.50**

**EXHIBITS SUBMITTED TO THE BOARD**

- |          |  |
|----------|--|
| <b>1</b> | ORDER APPOINTING THE BOARD                                   |
| <b>2</b> | APPLICATION FOR REVIEW OF DISCHARGE                          |
| <b>3</b> | LETTER OF NOTIFICATION                                       |
| <b>4</b> | 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**

**03 Aug 2005**

**CASE NUMBER**

**FD-2005-00064**

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.

SIGNATURE OF RECORDER

SIGNATURE OF BOARD PRESIDENT

**INDORSEMENT**

**DATE: 8/3/2005**

**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-2005-00064**

**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:** 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. The records indicated the applicant received two Article 15s and a Vacation action under the UCMJ for being disorderly, AWOL, and for failure to go. In addition, he received three Letters of Reprimand for failure to go, being late for duty, and failure to maintain proper standards for his dormitory room. Although the applicant submitted no issues, he did include a letter from Ms JB, a District Service Officer from the Division of Veterans Affairs in North Carolina. In that letter, Ms JB states that the applicant was awarded a 30% disability for sleep apnea and that she believes this had an effect on his behavior while in the military. The Board did realize that in some cases, there may have been a connection with tardiness and for failure to go. However, some of the more serious misconduct, i.e. AWOL, disorderly conduct, and failure to maintain proper standards for his dormitory room, had no nexus with his sleep apnea. The DRB was not persuaded that this medical condition would overcome his current discharge characterization. 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)



1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Ft George G. Meade, MD on 23 Jun 03 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 28 Sep 80. Enlmt Age: 20 6/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-50, E-24, G-39, M-34. PAFSC: 3S031 - Personnel Apprentice. DAS: 6 Aug 01.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Apr 01 for 6 years. Svd: 02 Yrs 02 Mo 06 Das, all AMS.

b. Grade Status: AB - 24 Apr 02 - (Vacation of Article 15, 11 Jun 02)  
Amn - 24 Apr 02 - (Article 15, 24 Apr 02)  
A1C - 01 Jun 01

c. Time Lost: None.

d. Art 15's: (1) 16 May 03, Fort George G. Meade, MD - Article 134. You were, at or near the Arundel Mills Mall, MD, on or about 15 Mar 03, disorderly, which conduct was of a nature to bring discredit upon the armed forces. Forfeiture of \$100.00 pay per month for 2 months. Restriction to the limits of Fort Meade, MD for 30 days and 15 days extra duty. (No appeal) (No mitigation)

(2) 26 Aug 02, Fort George G. Meade, MD - Article 86. You did on or about 1 Aug 02, without authority absent yourself from your appointed place of duty at which you were required to be and did remain so absent until on or about 2 Aug 02. You did on or about 31 Jul 02, without authority, fail to go at the time prescribed to your appointed place of duty. Restriction to Fort Meade, MD for 14 days and 14 days extra duty. (No appeal) (No mitigation)

(3) 11 Jun 02, Vacation, Fort George G. Meade, MD - Article 86. You did, on or about 29 May 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB. (Appeal/Denied) (No mitigation)

mitigation)



(4) 24 Apr 02, Fort George G. Meade, MD - Article 86. You did, on or about 10 Apr 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. Suspended Reduction to AB. (Appeal/Denied) (No mitigation)

- e. Additional: LOR, 26 FEB 03 - Failure to go at time prescribed.  
LOR, 05 AUG 02 - Failed to maintain proper standards for your dormitory room.  
LOR, 24 OCT 01 - Failure to go and two times for being late for duty.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR, NDSM.
- i. Stmt of Sv: TMS: (02) Yrs (02) Mos (06) Das  
TAMS: (02) Yrs (02) Mos (06) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Feb 05.  
(Change Discharge to Honorable.)

NO ISSUES SUBMITTED.

**ATCH**

- 1. DD Form 214 
- 2. Letter form , District Service Officer for NC VA Office.

14MAR05/day



DEPARTMENT OF THE AIR FORCE  
70th INTELLIGENCE WING (ACC)  
FORT GEORGE G. MEADE MARYLAND

FD 2003-00069  
5 June 2003

MEMORANDUM FOR [REDACTED]

FROM: 29 IS/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 authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.50.1. If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are that:
  - a. You, were, at or near the Arundel Mills Mall, Maryland, on or about 15 March 2003, disorderly, which conduct was of a nature to bring discredit upon the armed forces. For this misconduct, you received Nonjudicial Punishment, dated 15 May 03.
  - b. On or about 5 Feb 03, you failed to be at your appointed place of duty at the prescribed time. For this misconduct, you received a Letter of Reprimand, dated 26 Feb 03.
  - c. You did, at Fort George G. Meade, Maryland, between on or about 1 Aug 02 and on or about 2 Aug 02 absent yourself from your appointed place of duty. For this misconduct, you received Nonjudicial Punishment, dated 26 Aug 02.
  - d. You, did, at Fort George G. Meade, Maryland, between on or about 31 Jul 02, without authority, fail to go at the time prescribed to your appointed place of duty. For this misconduct, you received Nonjudicial Punishment, dated 26 Aug 02.
  - e. On or about 1 Aug 02, you failed to maintain proper standards for your dormitory room. For this misconduct, you received a Letter of Reprimand, dated 5 Aug 02.
  - f. You, did, at or near Fort George G. Meade, Maryland, on or about 29 May 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Commander's Support Staff, Building 9801, Fort George G. Meade, Maryland. For this misconduct, you received a Vacation of Suspended Nonjudicial Punishment, dated 11 Jun 02.

- g. You, did, at or near Fort George G. Meade, Maryland, on or about 10 Apr 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Commander's Support Staff, Building 9801, Fort George G. Meade, Maryland. For this misconduct, you received Nonjudicial Punishment dated 24 Apr 02.
- h. On or about 18 Oct 01 to on or about 23 Oct 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Commander's Support Staff, Building 9801, Fort George G. Meade, Maryland. For this misconduct, you received a Letter of Reprimand and an Unfavorable Information File, dated 24 Oct 01.
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 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 educational 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 Area Defense Counsel, Capt [REDACTED] (240) 857-6624 at Andrews AFB, on 9 June 03 at 0930. 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 10 June 2003 unless you request and receive an extension. I will send them to the separation authority.
6. If you fail to consult counsel or to submit statements in your behalf, your failure will constitute a waiver of your right to do so.
7. You will be notified of your medical examination as soon as it is scheduled.
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 29 IS orderly room or the Area Defense Counsel's office.
9. Execute the attached acknowledgment and return it to me immediately [REDACTED]

[REDACTED]  
[REDACTED] Col, USAF  
Commander

Atchs:

1. Supporting documents

- a. AF Form 3070, dated 12 May 03
- b. Letter of Reprimand, dated 26 Feb 03
- c. AF Form 3070, dated 26 Aug 02
- d. Letter of Reprimand, dated 5 Aug 02
- e. AF Form 366, dated 11 Jun 02
- f. AF Form 3070, dated 24 Apr 02
- g. Letter of Reprimand, dated 24 Oct 01
- h. AF Form 1058, dated 24 Oct 01