

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

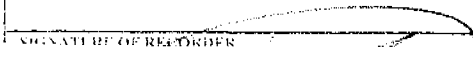
TYPE UOTH		X	PERSONAL APPEARANCE		GRADE		AB		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No				American Legion 1608 K Street NW Washington DC 20006				
X									
MEMBER SITTING					VOTE OF THE BOARD				
					HON	GEN	UOTHC	OTHER	DENY
						X			
						X			
									X
						X			
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD					
A94.06		A67.10 A66.00		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		CASE NUMBER							
19 Jan 2005		FD-2005-00052							

APPLICANT COUNSEL 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.

Names and votes will be made available to the applicant at the applicant's request.

SIGNATURE OF RECORDER		INDORSEMENT		DATE: 1/31/2006	
 _____		_____		_____	
TO:		FROM:			
SAE/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 4E WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00052

GENERAL: The applicant appeals for upgrade of discharge to general.

The applicant appeared and testified before the Discharge Review Board (DRB) with counsel, Ms. _____ of the American Legion, at Andrews AFB, MD, on 19 Jan 2005. Ms. _____, the applicant's mother, and Ms. _____ the applicant's fiancée, also testified on the applicant's behalf.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The Board grants the requested relief; the discharge is upgraded to general.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's characterization of discharge inequitable.

ISSUE: Applicant received a UOTHC discharge for Misconduct – Drug Abuse and Minor Disciplinary Infractions.

Applicant contends that his track record of LORs came without LOCs, warning, or guidance, that once he finished his confinement and returned to his unit, he was confined to the base and still being punished by being made to work around the squadron and not being allowed to take leave or go out of town, that while he was confined, no one from his squadron came to check up on him or his well-being, and that upon his return from confinement, his discharge package was prolonged and he was confined to the base and not allowed to take leave during the process.

The records indicated the applicant received an Article 15 and six Letters of Reprimand for misconduct to include appearing to be sleeping while performing duties as a sentry by having his eyes closed while inside his patrol vehicle with his head resting against the window and then failing to obey the lawful order of an NCO to get out of the vehicle and walk around, smoking while performing duties as an entry controller and failing to render a salute to a commissioned officer entering his control point, operating a government vehicle without possessing a valid government driver's license, reporting for EOC testing in civilian clothing and having to be rescheduled, failure to go on four occasions, and violating a Base Restriction Order, as well as a Special Court Martial conviction for failure to go, making a false official statement to an AFOSI agent, and wrongfully using marijuana. Although the Board concluded the misconduct was a significant departure from conduct expected of all military members, the Board felt that some of the more minor misconduct could have been more appropriately addressed through verbal counseling, and also noted that the first three LORs given to the applicant were rendered by officials not in the applicant's normal home station chain of command while applicant was in a six month deployed status. The Board also noted that applicant's documented use of marijuana was a one time use not involving distribution or introduction to a military installation, and that the applicant's EPRs contained numerous positive comments. The Board concluded that the applicant's overall misconduct was not of the more egregious nature normally associated with a UOTHC characterization, and opined that had applicant presented his case to an administrative discharge board rather than waiving his right to do so, he probably would not have been given a UOTHC characterization. Although the Board determined that none of applicant's issues had merit as concerns his characterization of discharge, the Board concluded that applicant's UOTHC discharge characterization was inequitable because it was too harsh, and concluded that the overall quality of applicant's service is more accurately reflected by a General discharge.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by a General discharge. The applicant's characterization should be changed to General under the provisions of Title 10, USC 1553.

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 Seymour-Johnson AFB, NC on 18 Jun 04 UP AFI 36-3208, paragraphs 5.54 & 5.49 (Misconduct - Drug Abuse & Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 25 Jul 82. Enlmt Age: 18 3/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-54, E-41, G-39, M-33. PAFSC: 3P051 - Security Forces Journeyman. DAS: 30 Jul 01.

b. Prior Sv: (1) AFRes 14 Nov 00 - 20 Feb 01 (3 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Feb 01 for 4 yrs. Svd: 3 Yrs 3 Mo 29 Das, of which AMS is 2 yrs 10 months 27 days (excludes 5 months 2 days lost time).

b. Grade Status: AB - 9 Dec 03 (SPCM, 9 Dec 03)
Amn - 1 Dec 03 (Article 15, 1 Dec 03)
A1C - 21 Jun 03
Amn - 21 Aug 01

c. Time Lost: 5 months 2 days.

d. Art 15's: (1) 1 Dec 03, Seymour-Johnson AFB, NC - Article 92. You, having knowledge of a lawful order issued by Maj Richard D. McComb, to wit: Base Restriction Order dated 2 Oct 03, stating that you were restricted to your dormitory building 3607, room 229, the fitness center building 4210, dining facility building 3050, and your place of work as directed by your supervisors, an order which it was your duty to obey, did, at or near Seymour-Johnson AFB, NC, between on or about 9 Oct 03 and on or about 25 Oct 03, on divers occasions, fail to obey the same by wrongfully going to the base Class Six Shoppette, building 3711, and wrongfully going to dormitory building 3615, room 130. Reduction to Airman. (No appeal) (No mitigation)

e. Additional: LOR, 08 SEP 03 - Failure to go.
LOR, 30 JUL 03 - Failure to go.
LOR, 05 DEC 02 - Showing up for testing in civilian clothes
LOR, 18 JUN 02 - Operating a government vehicle without a valid government driver's license.

LOR, 17 JUN 02 - Smoking on duty and failure to render a salute to a commissioned officer.
 LOR, 27 MAY 02 - Sleeping on sentry duty.

f. CM: Special Court Martial - 9 Dec 03.

CHARGE I: Article 86.

Specification 1: Did, at or near Seymour-Johnson AFB, NC, on divers occasions between on or about 15 Sep 03 and on or about 3 Oct 03, without authority, fail to go at the time prescribed to his appointed place of duty, to wit: Building 5006, Security Forces Headquarters, located at Seymour-Johnson AFB, NC.
 Plea: Guilty. Finding: Guilty.

Specification 2: Did, at or near Seymour-Johnson AFB, NC, on or about 1 Oct 03, without authority, fail to go at the time prescribed to his appointed place of duty, to wit: Building 4210, Physical Fitness Center, located at Seymour-Johnson AFB, NC.

CHARGE II: Article 107.

Specification: Did, at or near Goldsboro, NC, on or about 21 Jul 03, with intent to deceive, make to Air Force Office of Special Investigations Agent , an official statement, to wit: that he did not have any involvement with marijuana, which statement was false in that he had knowingly and wrongfully used marijuana, and was then known by the said A1C Antonio D. Stanton to be so false. Plea: Guilty. Finding: Guilty, except the words "he did not have any involvement with marijuana" substituting thereafter the words "his cousin smoked all of the marijuana his cousin brought from home"; and except the words "he knowingly used marijuana," substituting therefore the words "he knowingly and wrongfully smoked some of the marijuana his cousin brought from home.;; Guilty.

CHARGE III: Article 112a.

Specification: Did, within the continental United States; between on or about 21 Jun 03 and on or about 21 Jul 03, wrongfully use marijuana. Sentence adjudged on 9 Dec 03: Reduction to AB, forfeiture of \$767.00 pay per month for 7 months, and 7 months confinement. PTA Cap - 6 months. Pretrial confinement credit: 46 days.

g. Record of SV: 21 Feb 01 - 20 Oct 02 Seymour-Johnson AFB 4 (Initial)
 21 Oct 02 - 20 Oct 03 Seymour-Johnson AFB 2 (Annual)REF

h. Awards & Decs: AFTR, NDSM, AFOUA W/1 DEV.

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (3) Das
 TAMS: (2) Yrs (10) Mos (27) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 27 Jan 05.

(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Forms 214 (Member 4 & 1).

26APR05/ia

January 27, 2005

To Whom It May Concern
 Air Force Review Boards Agency
 SAF/MRBR
 550-C Street West, Suite 40
 Randolph AFB, TX 78150-4742

Dear To Whom It May Concern:

SUBJECT: REVIEW OF DISCHARGE

Writing this letter to ask for your help. I would first like to give you a little background information. My son [redacted] enlisted in the U.S. Air Force in January, 2001. I am a single parent [redacted] is my only child. I raised [redacted] alone without any assistance from his father or the state. When [redacted] father & I broke up [redacted] was not quite a year old. His father had very little involvement in his life. He would visit on occasions. When [redacted] was about 9 yrs old his father was incarcerated, as [redacted] he is still incarcerated.

I met and started dating [redacted] Stepfather when [redacted] was about 10 yrs old. Actually we never married but this was the only father figure that [redacted] ever really had in his life. He was very active in [redacted] upbringing, very involved with his schooling & studies. It was [redacted] Stepfather that had the initial conversation with [redacted] encouraging him to pursue a career with the U.S. Air Force. He took Antonio to meet with the local recruiter, after the meeting [redacted] agreed this is what I'm going to do. The very next day his stepfather came home with study manuals [redacted] could use to study for the Air Force Exam. [redacted] passed the test and was scheduled to leave for the Air Force January 23rd 2001.

Then, tragedy struck. [redacted] Stepfather left home on the night of January 9th 2001 to visit his mother. His mother lived approximately 15-20 miles from our house. Unfortunately, this would be the last we heard from [redacted] Stepfather. He never made it to his mother's. We contacted the Police and began calling around and for him searching ourselves, with no luck. On January 13th 2001, 4 days later, I received a call from D.C. Police telling me I had to come downtown. I was informed the body of my fiancé had been found. He had been shot 21 times, his body placed in the passenger seat of his own vehicle and parked at the end of a dead end street in a high crime neighborhood. Needless to say our lives were turned upside down. Without knowing who committed this crime the police didn't know if we were in any danger, [redacted] & I literally packed our things and moved out of our home that night. This was a difficult period. We basically went from relative to relative.

With all this going on [redacted] was scheduled to leave for the Air Force in 10 days. We contacted the Air Force recruiter and advised him of the tragedy. [redacted] was given a two week extension on his departure date for the Air Force. He left for the Air Force the first week of February, 2001. [redacted] left home with a lot on his mind, issues that were never addressed. While I was home still trying to get my life together and dealing with the police and the investigations I worried about [redacted] and his well being constantly. I finally purchased a new home the end of 2001. When I returned to work my Supervisors and Manager new I was having a difficult time. My job sent me to counseling. I was in counseling for about a year. It helped me tremendously. I am grown and had difficulty dealing with everyday things, I could only imagine what my son was going through thousands of miles away.

[redacted] never had the opportunity to deal with any of his feelings or grief. Although he never complained or seemed like anything was bothering him, I still worried. He made it through Basic Training, he loved it, he was an Element Leader. He was stationed at Seymour Johnson AFB. He really enjoyed his job as a Military Police Officer. [redacted] was deployed after Sept 11th 2001 to somewhere near Afghanistan. I was afraid for him. [redacted] assured me over and over he was going to be ok. Later when the war started in Iraq [redacted] called me

January 27, 2005

to tell me he was going to volunteer for this deployment. I pleaded with him not to.

Then things changed somewhere in 2003. I kept saying to myself each time I spoke with , he doesn't sound happy. I could hear something different in his voice. There was no enthusiasm. He seemed to be depressed. But he insisted he was fine. Then one weekend I received a call. had been arrested and locked up for smoking marijuana. I was devastated. had never given me any problems as a teenager.

went before a Court Martial. He had an excellent Defense Team. The defense Team argued that basically no one had taken the time to find out about the decline in behavior.. They advised the court of the tragedies had to endure just weeks before his enlistment. They said was crying out for help and his Superiors tailed him. Instead of helping him, they began to form a paper trail on him. No one tried to get him counseling or took the time to really talk to him took the stand during the trial and spoke in his own defense.

The Judge left and came back with his verdict. was sentenced to 6 months. The time he had already been detained counted towards the 6 months, so he ended up doing around 60-90 days after the trial. The Judge indicated that after reviewing his work records he could see when was working he was good at what he did. They mentioned something about points or scores received, rating your work, and had high scores. The Judge did not give him a Bad Conduct Discharge. I was so relieved, I thought this meant he would receive a General Discharge.

After returning to Seymour Johnson AFB we learned Antonio would be receiving a Other Than Honorable Discharge.

We live in the Washington DC area. It has been impossible for to gain employment due to his Other Than Honorable Discharge. We have sent out resume after resume and he has been on numerous interviews. Each company gives the same response, they're unable to offer him employment due to his Other Than Honorable Discharge. I am at a lost. I don't know what to do at this point. I am single and I can not afford to take care of and myself forever.

It is a hurting feeling to see my son go through this. He is losing all hope. He still could use counseling to help him with the things he as been through, without a job & benefits it's almost impossible for him to get the help he needs. He is so young. He has so much pinned up inside of him.

Can you please consider upgrading his discharge status to a General Discharge? Please, help me to help my child. He realizes the mistakes he made, can you please help us deal with our problem. With an Upgrade in his Discharge Status it would afford him the opportunity to obtain a job. He is young, he has his whole life in front of him. Can you please consider my request for an Upgrade in Discharge Status?

Sincerely,

FD1005-00052



DEPARTMENT OF THE AIR FORCE
4TH FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

13 MAY '04

MEMORANDUM FOR AIRMAN BASIC

4 SFS

FROM: 4 SFS/CC

SUBJECT: Addendum to Notification Memorandum - Board Hearing

1. I am recommending your discharge from the United States Air Force for drug abuse and minor disciplinary infractions. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraphs 5.54 and 5.49. According to Table 1.3 of AFI 36-3208, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending that the primary basis for your discharge be drug abuse and your service be characterized as an under other than honorable conditions discharge. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action:

a. On 24 May 2002, while TDY to Peter Ganci Air Base, Kyrgyzstan, while performing duties as a sentry, you repeatedly gave the impression of being asleep while being posted as a sentry by having your eyes closed while inside your patrol vehicle. You also failed to obey the lawful order of SSgt when you failed to walk around the vehicle as he specifically instructed you to do. For this you received a Letter of Reprimand, dated 27 May 2002. (Tab 1a)

b. On 17 June 2002, while TDY to Peter Ganci Air Base, Kyrgyzstan, you were observed smoking a cigar while performing duties as entry controller. You also failed to render a salute to an officer entering your control point. For this you received a Letter of Reprimand, dated 17 Jun 2002. (Tab 1b)

c. On 18 June 2002, while TDY to Peter Ganci Air Base, Kyrgyzstan, you operated a government vehicle when you did not possess a valid government drivers license and failed to ride in the passenger seat in your position as machine gunner. For this you received a Letter of Reprimand, dated 18 June 2002. (Tab 1c)

d. On 27 November 2002, you reported for your end of course exam, your official military duty for that day, in civilian clothes. Because you were not in uniform, you were denied testing, resulting in a No-show being reported for a mandatory appointment. For this you received a Letter of Reprimand, dated 5 December 2002. (Tab 1d)

e. On 23 July 2003, you failed to report for squadron physical training at 0700 at the base gym. Furthermore, you did not report to work at the squadron after physical training was complete. For this you received a Letter of Reprimand, dated 30 July 2003. (Tab 1e)

f. On or about 4 September 2003 you missed guard mount at 0715. On or about 5 September 2003 you failed to show for squadron physical training and on or about 8 September 2003, you failed to report for duty until 0900. For this you received a Letter of Reprimand, dated 8 September 2003. (Tab 1f)

g. Between on or about 9 October 2003 and on or about 25 October 2003 on divers occasions, you failed to obey a lawful order to wit: Base Restriction Order dated 2 October 2003, stating that you were restricted to your dormitory building 3607, the fitness center, dining facility and your place of work, by

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wrongfully going to the base shoppette and to dormitory building 3
15, dated 17 November 2003. (Tab 1g)

is you received an Article

h. Between on or about 15 September 2003 and on or about 3 October 2003, you failed to report for duty at Building 5006, Security Forces Headquarters, at the time prescribed. On or about 1 October 2003, you failed to report for squadron physical training at the fitness center, at the time prescribed. On or about 21 July 2003, you made a false official statement to AFOSI to wit: that you did not have any involvement with marijuana. Between on or about 21 June 2003 and on or about 21 July 2003, you wrongfully used marijuana. For these acts of misconduct you were convicted by Special Court-Martial. (Tab 1h)

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive an under other than honorable conditions discharge. The commander exercising special court-martial 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 will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subjected to recoupment.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.

e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have already had a medical examination.

6. Military legal counsel has been obtained to assist you. Although you have already consulted with an Area Defense Counsel, you have the right to again consult with Capt _____ Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB, NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to consult civilian counsel at your own expense. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within seven (7) workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

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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 Commander's Support Staff (CSS) or the Area Defense Counsel's Office.
9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.
10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.
11. You have already attended mandatory Transition Assistance Program (TAPs) counseling.
12. Execute the attached acknowledgement and return it to me immediately.

, Lt Col, USAF
Commander, 4 SFS

Attachments:

- 1.a. Letter of Reprimand, dated 27 May 2002
 - b. Letter of Reprimand, dated 17 June 2002
 - c. Letter of Reprimand, dated 18 June 2002
 - d. Letter of Reprimand, dated 5 December 2002
 - e. Letter of Reprimand, dated 30 July 2003
 - f. Letter of Reprimand, dated 8 September 2003
 - g. AF Form 3070, dated 17 November 2003
 - h. AF Form 1359, dated 9 December 2003
2. Airman's acknowledgement



DEPARTMENT OF THE AIR FORCE

4TH FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

FD7205-00052

1 Apr 04

MEMORANDUM FOR

4 SFS

FROM: 4 SFS/CC

SUBJECT: Notification Memorandum - Board Hearing

1. I am recommending your discharge from the United States Air Force for misconduct, specifically drug abuse. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.54 according to AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, under the provisions of Paragraph 5.54. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action:

a. On 24 May 2002, while TDY to Peter Ganci Air Base, Kyrgyzstan, while performing duties as a sentry, you appeared to be asleep and was given a lawful order to stop, which you disobeyed. For this you received a Letter of Reprimand, dated 27 May 2002. (Tab 1a)

b. On 17 June 2002, while TDY to Peter Ganci Air Base, Kyrgyzstan, you were observed smoking a cigar while performing duties as entry controller. You also failed to render a salute to an officer entering your control point. For this you received a Letter of Reprimand, dated 17 Jun 2002. (Tab 1b)

c. On 18 June 2002, while TDY to Peter Ganci Air Base, Kyrgyzstan, you operated a government vehicle when you did not possess a valid government drivers license. For this you received a Letter of Reprimand, dated 18 June 2002. (Tab 1c)

d. On 27 November 2002, you reported for your end of course exam, your official military duty for that day, in civilian clothes. Because you were not in uniform, you were denied testing, resulting in a No-show being reported for a mandatory appointment. For this you received a Letter of Reprimand, dated 5 December 2002. (Tab 1d)

e. On 23 July 2003, you failed to report for squadron physical training, your official duty for that day. For this you received a Letter of Reprimand, dated 30 July 2003. (Tab 1e)

f. On or about 4 September 2003 and on or about 8 September 2003, you failed to report for duty at the time prescribed. For this you received a Letter of Reprimand, dated 8 September 2003. (Tab 1f)

g. Between on or about 9 October 2003 and on or about 25 October 2003, you failed to obey a lawful order. For this you received an Article 15, dated 17 November 2003. (Tab 1g)

h. Between on or about 15 September 2003 and on or about 3 October 2003, you failed to report for duty at the time prescribed. On or about 21 July 2003, you made a false official statement to AFOSI. Between on or about 21 June 2003 and on or about 21 July 2003, you wrongfully used marijuana. For these acts of misconduct you were convicted by Special Court-Martial. (Tab 1h)

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3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive an under other than honorable conditions discharge. The commander exercising special court-martial 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 will probably be denied enlistment in any component of the armed forces.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.

e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to the 4th Medical Group, Family Practice Clinic (Blue Team) on 29 MARCH 2004 at 1300 hours with Capt. You must report 20 minutes prior to your scheduled appointment time.

6. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt, Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB, NC. Your appointment has been scheduled on 1 APRIL 04 (date) at 1230 hours (time). The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to consult civilian counsel at your own expense. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within seven (7) workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

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 Commander's Support Staff (CSS) or the Area Defense Counsel's Office.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

FD7005-00052

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

11. You have been scheduled to attend mandatory Transition Assistance Program (TAPs) counseling on 5 April 200~~7~~₄ at 1300 hours. You must report to building 3602 for your TAPs counseling.

12. Execute the attached acknowledgement and return it to me immediately.

Commander, 4 SFS
, Lt Col, USAF

Attachments:

- a. Letter of Reprimand, dated 27 May 2002
- b. Letter of Reprimand, dated 17 June 2002
- c. Letter of Reprimand, dated 18 June 2002
- d. Letter of Reprimand, dated 5 December 2002
- e. Letter of Reprimand, dated 30 July 2003
- f. Letter of Reprimand, dated 8 September 2003
- g. AF Form 3070, dated 17 November 2003
- h. AF Form 1359, dated 9 December 2003