

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE</b>	<b>GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
<b>YES</b>	<b>No</b>			
	<b>X</b>			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					X
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<b>ISSUES</b>	A92.21 A93.01 A92.01 A92.03 A94.05	<b>INDEX NUMBER</b>	A67.90 A67.05	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
				<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 HE

<b>HEARING DATE</b>	<b>CASE NUMBER</b>	
<b>28 Jul 2006</b>	<b>FD-2005-00358</b>	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in 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.

X - Upgrade, Reason and Authority, and RE Code

<b>INDORSEMENT</b>		<b>DATE: 10/17/2006</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2005-00358

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and 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 and change of reason and authority for discharge, and change of reenlistment code are 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 received a General discharge for Pattern of Misconduct--Conduct Prejudicial to Good Order and Discipline

In Issues 1 and 8: Applicant contends his conduct and efficiency ratings/behavior and proficiency ratings were mostly good that he received a rating of "3" and was considered for promotion, on his third EPR he received a rating of "2" because of two isolated minor offenses which resulted in an Article 15. Records indicate that during his last rating period the applicant received three Letters of Reprimand for being late for duty (three times), disobeying an order to refrain from smoking in his dorm room (applicant was counseled three other times on the same infraction) and failure to go to appointed scheduled appointment with his first sergeant because he overslept. The culmination of the misconduct was the Article 15 he received for again disobeying an order not to smoke in his dorm room. The records also indicate that applicant received a second Article 15 for an incident during the same reporting period for disobeying an order not to have children living in his dorm room. The Board concluded that the misconduct was a significant departure from conduct expected of all military members and that the characterization of the discharge was appropriate.

In Issues 2 through 6 applicant states that he: 1) completed all career development courses with average scores, acquired specialty or skill level for his AFSC, and completed various other training events which were beneficial in his performance of duties; 2) he deployed to support OPERATION SHINING HOPE; 3) he was an active support of base and local events; and 4) received several awards and decorations. The Board took note of the accomplishments of the applicant as documented in the record and evidence provided, but found the seriousness of the willful misconduct offset any positive aspects of these accomplishments. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

In Issues 7 and 10 through 12 applicant contends that: 1) he completed a full four-year term of service and that his characterization should have been honorable; 2) basis for his discharge was unjust and inaccurate of his military service and conduct; and 3) he was not presented with the opportunity to participate in probation and rehabilitation. The records indicate that in addition to the already mentioned misconduct the applicant received eight Letters of Reprimand (LOR), a Letter of Admonition (LOA), three Letters of Counseling (LOC) and three Records of Individual Counseling (RIC) for misconduct to include late for duty (five times), dereliction of duty (three times), two failure to obey a lawful order, and four incidents of failure to maintain standards for performance of duty, and a failure to go. The Board found that through these administrative actions—3-RICs, 3-LOCs, 1-LOA, 12-LORs, and two Article 15s—the applicant had ample

opportunities to change his negative behavior. The Board concluded that the characterization of the discharge appropriately characterized the applicant's term of service.

In Issue 9 applicant contends he was young and immature—through his enlistment he was learning new things sometimes the hard way. The Board considered the applicant's contention but opined that there are many other airmen who are young and immature yet manage to avoid serious misconduct throughout their term of service thereby earning an honorable discharge. The Board found this an unpersuasive basis for re-characterization of the discharge; the record reflects that the applicant was given numerous opportunities to improve. The characterization of the discharge was found to be appropriate.

In Issue 13 applicant states he has been a good citizen since his discharge. The Board was pleased to see that the applicant was doing well and had a good job. However, no inequity or impropriety in the discharge was suggested or found in the course of the records review. The Board concluded that the misconduct of the applicant was appropriately characterized.

**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 Lackland AFB, TX on 5 Sep 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 9 Feb 80. Enlmt Age: 18 4/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-85, E-66, G-64, M-28. PAFSC: 3P051 - Security Forces Journeyman. DAS: 9 Dec 98.

b. Prior Sv: (1) AFRes 26 Jun 98 - 5 Aug 98 (1 month 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Aug 98 for 4 yrs. Svd: 04 Yrs 01 Mo 00 Das, all AMS.

b. Grade Status: AB - 24 Jul 02 (Article 15, 24 Jul 02)  
Amn - 10 Dec 01 (Article 15, 10 Dec 01)  
A1C - 6 Dec 99  
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 24 Jul 02, Lackland AFB, TX - Article 92. You, having knowledge of a lawful order issued by Major [REDACTED], to wit: "Do not have children living in your dorm room," or words to that effect, an order which it was your duty to obey, did, on or about 2 Mar 02, fail to obey the same by wrongfully having a small child live in your dorm room. Reduction to AB, and forfeiture of \$200.00 pay. (No appeal) (No mitigation)

(2) 10 Dec 01, Lackland AFB, TX - Article 92. You, who knew of your duties, on or about 15 Oct 01, were derelict in the performance of those duties in that you willfully failed to not smoke in your dorm room, as it was your duty to do. Reduction to Airman, and forfeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 18 SEP 01 - Failure to obey a lawful order and failure to go.  
CR, 18 SEP 01 - Failure to show improvement in current

behavior.

LOR, 03 SEP 01 - Failure to go.  
 LOR, 14 AUG 01 - Late for duty two times in two days.  
 LOR/UIF, 10 MAR 01 - Sleeping on post.  
 LOC, 10 MAR 01 - Dereliction of duty.  
 LOR, 19 DEC 00 - Late for duty.  
 LOR, 22 NOV 00 - Late for duty.  
 LOR, 22 NOV 00 - Knowing and willfully wrote an  
 unauthorized entry in the pass on book.  
 LOR, 17 NOV 00 - Late for duty.  
 LOR, 01 NOV 00 - Late for duty.  
 LOR, 25 OCT 00 - Failure to go.  
 LOR, 29 JUL 00 - Dereliction of duty.  
 LOC, 06 JUL 00 - Failure to wear the required traffic  
 safety vest while performing installation  
 Entry Controller Duty.  
 LOC, 23 JUN 00 - Late for duty.  
 LOA, 09 JAN 00 - Failure to obey a lawful order.  
 RIC, 25 AUG 99 - Failure to maintain standards.  
 RIC, 11 APR 99 - Failure to obey a lawful order.  
 RIC, 24 MAR 99 - Dereliction of duty.

f. CM: None.

g. Record of SV: 6 Aug 98 - 5 Apr 00 Lackland AFB 3 (Initial)  
 6 Apr 00 - 5 Apr 01 Lackland AFB 3 (Annual)  
 6 Apr 01 - 5 Apr 02 Lackland AFB 2 (Annual) **REF**

h. Awards & Decs: AFTR, HSM, NDSM, KCM, AFLSAR, NATO MEDAL, AFOUA.

i. Stmt of Sv: TMS: (04) Yrs (02) Mos (10) Das  
 TAMS: (04) Yrs (01) Mos (00) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01 Sep 05.  
 (Change Discharge to Honorable, and Change the RE Code, Reason and Authority  
 for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214.
3. Three Enlisted Performance Reports.
4. Training Certificate.
5. Special Orders.
6. Four Letters of Appreciation.
7. Excerpts of AFI 36-3208, 28 May 03.
8. Appeal to AF Form 418.
9. Written Presentation to Article 15, 23 Jul 02.
10. Recommendation for Discharge, 9 Aug 02.
11. Jury Duty Certification.
12. Two Training Certificates.



*all*

<b>APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES</b> <i>(Please read instructions on Pages 3 and 4 BEFORE completing this application.)</i>		Form Approved OMB No. 0704-0004 Expires Aug 31, 2006
The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.		
<b>PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.</b>		
<b>PRIVACY ACT STATEMENT</b>		
AUTHORITY: 10 U.S.C. 1553; E.O. 9397. PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual. ROUTINE USE(S): None. DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.		
<b>1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.</b>		
a. BRANCH OF SERVICE (X one)		ARMY <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> NAVY <input checked="" type="checkbox"/> AIR FORCE <input type="checkbox"/> COAST GUARD <input type="checkbox"/>
b. NAME (Last, First, Middle Initial)		c. GRADE/RANK AT DISCHARGE E1/AB
d. SOCIAL SECURITY NUMBER		_____
<b>2. DATE OF DISCHARGE OR SEPARATION</b> (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 20020905		<b>4. DISCHARGE CHARACTERIZATION RECEIVED (X one)</b> <input type="checkbox"/> HONORABLE <input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS <input type="checkbox"/> BAD CONDUCT (Special court-martial only) <input type="checkbox"/> UNCHARACTERIZED <input type="checkbox"/> OTHER (Explain)
<b>3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION</b> 37th Security Forces (AETC) Lackland AFB, TX		<b>5. BOARD ACTION REQUESTED (X one)</b> <input checked="" type="checkbox"/> CHANGE TO HONORABLE <input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) <input checked="" type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO: Convenience of the Government
<b>6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)</b> Issue 1. My conduct and efficiency ratings/ behavior and proficiency ratings were mostly good. Refer to attached documents 2-4, Enlisted Performance Reports (EPRs). The EPRs reflect that I have received a rating of a "3" and was considered for promotion. Yet for the third EPR, I received a rating of "2" and was not recommended for promotion due to two isolated minor offenses which resulted in Article 15s. (continuation under Item 14)		
<b>7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD)</b> AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.		
<b>8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)</b> (1) DD Form 214, Certification of Release or Discharge from Active Duty; (2) AF Form 910, Enlisted Performance Reports( 6 Aug 1998-5 Apr 2000); (3) AF Form 910, Enlisted Performance Reports( 6 Apr 2000-5 Apr 2001); (4) AF Form 910, Enlisted Performance Reports( 6 Apr 2001-5 Apr 2002); (5) HazMat Awareness Certificate; (6) AF Form 552, USAF Ground Weapons Training Data(4 pages); (7) SPECIAL ORDER TE-0173: Special Mission Travel; (continuation under Item 15)		
<b>9. TYPE OF REVIEW REQUESTED (X one)</b> <input checked="" type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD. <input type="checkbox"/> I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA. <input type="checkbox"/> I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)		
<b>10.a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS</b> (See Item 10 of the instructions about counsel/representative.)		<b>b. TELEPHONE NUMBER (Include Area Code)</b> _____ <b>c. E-MAIL</b> _____ <b>d. FAX NUMBER (Include Area Code)</b> _____
<b>11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.</b> SPOUSE <input type="checkbox"/> WIDOW <input type="checkbox"/> WIDOWER <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> OTHER (Specify) _____		
<b>12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE</b> (Forward notification of any change in address.) _____		<b>b. TELEPHONE NUMBER (Include Area Code)</b> _____ <b>c. E-MAIL</b> _____ <b>d. FAX NUMBER (Include Area Code)</b> _____
<b>13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)</b>		<b>CASE NUMBER</b> (Do not write in this space.) FD2005- 00358
<b>a. SIGNATURE - REQUIRED. (Applicant or person in Item 11 above)</b> _____		<b>b. DATE SIGNED - REQUIRED (YYYYMMDD)</b> 20050901

**14. CONTINUATION OF ITEM 6, ISSUES (If applicable)**

Issue 2. I have completed all Career Development Courses with above average scores and acquired the speciality or skill level of 3P051-Security Forces Journeyman. Also I have completed various other training which were beneficial in the performance of duties. Refer to attached document 1, blocks 11 and 14; and attached document 5.

Issue 3. Ground Weapons Training is essential element in performance of an airmen's duties. While attending Ground Weapons Training, I qualified in all but one occurrence showing discipline and the ability to learn and to adapt such instruction into my performance. Refer to attached document 6 (4 pages).

Issue 4. In 1999, I have served overseas in support of OPERATION SHINING HOPE. Providing protection and security to Rinas Airfield, Tirana, Albania where UN supplies for humanitarian relief were flown in for refugees. Refer to attached document 2, block VI; and attached document 7.

Issue 5. There were other acts of merit which reflect my active support for base and local functions by volunteering extensive off-duty time. Refer to attached documents 2-4 and 8-11.

Issue 6. I have received several awards and decorations. Refer to attached document 1, block 13. (continued on separate paper)

**15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)**

(8) Letter from Fisher House, Inc. dated Apr 5, 2001; (9) Letter of Appreciation from 37th Support Group Commander dated 24 Aug 2001; (10) Letter of Appreciation from 37th Security Forces Squadron Commander dated 20 Nov 2001; (11) Letter from Community Health Charities; (12) AIR FORCE INSTRUCTION 36-3208 (7 pages consisting of 1, 21, 29, 35, 37, 91, and 158); (13) AF Form 174 dated 19990825; (14) Memorandum from me to Col. [redacted] 37th SPTG/CC dated 23 June 2001; (15) Memorandum from me to 37th SFS/CC dated 23 July 2002; (16) Memorandum for 37th TRW/CC from 37th SFS/CC dated 15 Aug 2002; (17) Jury Duty Certification dated 10/14/02; (18) Texas Department of Criminal Justice Correctional Training Department Certificate dated 22 October 2004; (19) Texas Department of Criminal Justice Correctional Training Department Certificate dated 6 December 2004.

**16. REMARKS (If applicable)**

I am hereby requesting a review be accomplished regarding my discharge from the United States Air Force. Upon completion of this review, I request change of the Discharge Characterization that I have received of "Under Honorable Conditions (General)" to "Honorable." Likewise, request change of the Narrative Reason for Separation from "Misconduct" to "Convience of the Government." Also, last but not least, request change of Re-Entry Code to that that which would enable me to re-enlist into this United States Armed Forces.

The basis of the characterization of "Under Honorable Conditions (General)" is "when significant negative aspects of the airman's conduct or performance of duty outweigh the the positive aspects of the airman's military record" (AFI 36-3208, 1.18.2; refer to attached document 12 page 21). As you can see within my military records all that has been maintained only reflect such negative aspects, and for whatever reason all records which reflect the positive aspects have been disgarded.

So at this time, I would like for you to accomplish this review of my records and the documents which I have provided to find such positive aspects of my military career that would prove such characterization be unjust, and that "the quality of the airman's (mine) service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise meritorious that any other characterization would be inappropriate" (AFI 36-3208, 1.18.1; refer to attached document 12 page 21).

Through this review I hope that you can find substantial reason to make these changes as I have requested.

**MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.**

<p style="text-align: center;"><b>ARMY</b></p> <p>Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See <a href="http://arba.army.pentagon.mil">http://arba.army.pentagon.mil</a>)</p>	<p style="text-align: center;"><b>NAVY AND MARINE CORPS</b></p> <p>Naval Council of Personnel Boards 720 Kennon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023</p>
<p style="text-align: center;"><b>AIR FORCE</b></p> <p>Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p style="text-align: center;"><b>COAST GUARD</b></p> <p>U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p>



Continuation of DD Form 293 for [REDACTED]  
Continuation of Item 6, Issues

page 1 of 2

Issue 7. I have completed a full four year term of service (refer to attached document 1, block 18). According to AFI 36-3208, 2.2, the type of separation or characterization which I have received should have been none other than "Honorable." Refer to attached document 12, page 29, table 1.1, and page 35.

Issue 8. My discharge was based on several infractions, yet they were only minor. My record of Article 15s indicated only isolated minor offenses such as smoking cigarettes in my dorm room and then having children in my dorm room. These offenses only have a reflection of my personal life and time, and had no connection with my conduct or performance as an airman. For such offenses an Article 15 and the punishment I have received was harsh and excessive. For the last offense, a court-martial was pursued and was denied. Being so, it is obvious that these offenses did not warrant such punishment.

Issue 9. When I enlisted, I was only 18 and straight out of high school. I was young and immature. Being given such liberty out from under my parent's wing was difficult to adapt to and not take advantage of. As I continued through my enlistment, I was learning new things, unfortunately sometimes the hard way.

Issue 10. At the beginning of my enlistment I was not very knowledgeable of the punishment process and was unaware of the purpose and effect of a rebuttal. Therefore, several of letters of counseling, letters of reprimand, etc. went unanswered. So at this time I'd like to address a few of such documents by presenting some of the statements or rebuttals which may have been left out of my military records. Refer to attached documents 16-18.

Issue 11. The basis for my discharge is AFI 36-3208, 5.50.2, A Pattern of Misconduct, Specifically Conduct Prejudicial to Good Order and Discipline. Refer to attached document 12, page 91. By discharging me according to this regulation is unjust and inaccurate of my military service and conduct. My conduct never "disrupted order, discipline, or morale within the military community." I have never dissented, disrupted, or degraded the mission's effectiveness. It is clear that I supported it by my awards and decorations and training which I have completed. Neither did my conduct bring discredit to the Air Force in view of the civilian community. I gave up my personal time and self for the civilian community and therefore presented myself as a model airman.

Issue 12. I was not presented with the opportunity to participate in the Air Force Program of Probation & Rehabilitation (P&R). P&R was not recommended by my commander. Refer to attached document 16, paragraph 3 of page 2. The reason given was that I had every opportunity for rehabilitation and that I thwarted every effort. This is not exactly true. After I had received the last Article 15, my actions have changed. Yes, it did take several hard lessons teach me that I can't do everything my way as long as I am serving in the military. As it is obvious, I did not reach any negative documentation there after. At the least, the last six months of my term of service was spotless. Therefore I do believe that P&R would have been beneficial and could have made a difference if I were given the opportunity, which could have led to the consideration to allow me to remain in the Air Force.

Continuation of DD Form 293 for [REDACTED]  
Continuation of Item 6, Issues

page 2 of 2

Issue 12 cont. This reason given for non-recommendation is not in accordance of AFI 36-3208, 7.2. Refer to attached document 12, page 128. Therein, is listed reasons for non-recommendation. Not one is applicable to my service. Therefore I should have been granted the opportunity of rehabilitation and re-enlistment.

Issue 13. I have been a good citizen since my discharge. I have served on jury duty. Refer to attached document 17. I maintained employment for two years at a telemarketing company. Then I was employed by the Texas Department of Criminal Justice (TDCJ) as a correctional officer. This required that I complete their six week extensive training academy, which I completed. Refer to attached document 18. Also was required to complete On-the-Job Training, which I have completed. Refer to attached document 19. I have been employed by TDCJ for a year now. By completing this training and holding such a position within such an organization, it is clear that I do have the discipline, professionalism, and dedication that is required to serve within the United States Air Force.



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD2005-00358

09 AUG 2002

MEMORANDUM FOR AB [REDACTED]

FROM: 37 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, specifically, Conduct Prejudicial to Good Order and Discipline. The basis for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as Honorable, Under Honorable Conditions (General) or Under Other Than Honorable Conditions (UOTHC). I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On 24 Mar 99, you were derelict in the performance of your duties in that during an exercise, you failed to get out of the car while another patrolman was being challenged by a perpetrator. As a result, you received an AF Form 174, Record of Individual Counseling, dated 24 Mar 99.

b. On 9 and 10 Apr 99, you failed to obey an order issued by TSgt: [REDACTED] to sweep and mop the floor, take out the trash and a pile of newspapers at the Valley Hi VRC prior to leaving your post. As a result, you received a Letter of Counseling, dated 11 Apr 99.

c. On 24 Aug 99, you were late to a briefing and had a breach of integrity. As a result, you received an AF Form 174, Record of Individual Counseling, dated 25 Aug 99.

d. On 9 Jan 00, you were instructed to remove items from your post and failed to do so. As a result, you received a Letter of Admonishment, dated 9 Jan 00.

e. On 22 Jun 00, you failed to show up on time to guardmount. As a result, you received a Letter of Counseling, dated 23 Jun 00.

f. On 6 Jul 00, you failed to wear the required traffic safety vest while performing your duties. As a result, you received a Letter of Counseling, dated 6 Jul 00.

g. On 28 Jul 00, you failed in your duties to properly control the entry to a certain vehicle onto the installation. As a result, you received a Letter of Reprimand, on 29 Jul 00.

h. On 19 Oct 00, you missed a mandatory formation. As a result, you received a Letter of Reprimand, dated 25 Oct 00.

i. On 21 Oct 00, you knowingly and willfully wrote an unauthorized entry in the pass on book. As a result, you received a Letter of Reprimand, dated 22 Nov 00.

j. On 1 Nov 00, you reported late for guardmount. As a result, you received a Letter of Reprimand, dated 1 Nov 00.

- k. On 17 Nov 00, you reported late for guardmount. As a result, you received a Letter of Reprimand, dated 17 Nov 00.
- l. On 22 Nov 00, you reported late for guardmount. As a result, you received a Letter of Reprimand, dated 22 Nov 00.
- m. On 18 Dec 00, you reported late for guardmount. As a result, you received a Letter of Reprimand, dated 19 Dec 00.
- n. On 7 Mar 01, you failed to check privately owned vehicles at the law enforcement desk, as you were ordered to do. As a result, you received a Letter of Counseling, dated 10 Mar 01.
- o. On 9 Mar 01, you were observed asleep while on post. As a result, you received a Letter of Reprimand, dated 10 Mar 01 and an Unfavorable Information File (UIF) was established on 26 Mar 01.
- p. On 14 Aug 01, you reported late for guardmount. As a result, you received a Letter of Reprimand, dated 14 Aug 01.
- q. On 2 Sep 01, you reported late for guardmount. As a result, you received a Letter of Reprimand, dated 3 Sep 01.
- r. On 10 Sep 01, you were found smoking inside your dormitory and failed to report to the First Sergeant's office on the same day. As a result, you received a Letter of Reprimand, dated 18 Sep 01. This Letter of Reprimand was placed in your existing UIF.
- s. On 15 Oct 01, you failed to obey a lawful instruction, not to smoke in your dorm room. As a result, you received an Article 15, dated 10 Dec 01. Your punishment was reduction to the grade of E-1, with new date of rank of 10 Dec 01 and forfeiture of \$100.00 pay per month for 2 months.
- t. On 2 Mar 02, you failed to obey a lawful order, not to have children living in your dorm room. As a result, you received an Article 15, dated 24 Jul 02. Your punishment was reduction to the grade of E-2, with new date of rank of 24 Jul 02 and forfeiture of \$200.00 pay.
3. Copies of the documents to be forward 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, if you are discharged, and how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.
4. You have the right to counsel. Military Legal Counsel has been obtained for you. I have made an appointment for you to consult Area Defense Counsel, at Building 1000, on 12 Aug 02 at 0900 hours. You may consult civilian counsel at your own expense. If employed, civilian counsel must be readily available.
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 (allow 3 workdays) 14 Aug 02, 1300, 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 statement 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 Willford Hall Medicine Clinic, building 4550, suite 1 with your medical, immunization, and dental records for the initial examination of your records.

8. You have been scheduled for a Transition Assistance Program (TAP) briefing. You must report to the Family Support Center, Bldg 1249, 1561 Stewart Street, on 12 Aug 02 at 1400 hours for an appointment with Ms OZUNA.

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 the Commander's Support Staff.



Commander

Attachments:

1. Record of Individual Counseling dated 24 Mar 99
2. Record of Individual Counseling, dated 11 Apr 99
3. Record of Individual Counseling, dated 25 Aug 99
4. Letter of Admonishment, dated 9 Jan 00
5. Letter of Counseling, dated 23 Jun 00
6. Letter of Counseling, dated 6 Jul 00
7. Letter of Reprimand, acknowledged on 29 Jul 00
8. Letter of Reprimand, dated 22 Nov 00
9. Lette of Reprimand, dated 25 Oct 00
10. Letter of Reprimand, dated 1 Nov 00
11. Letter of Reprimand, dated 17 Nov 00
12. Letter of Reprimand, dated 22 Nov 00
13. Letter of Reprimand, dated 19 Dec 00
14. Lette of Counseling, dated 10 Mar 01
15. Letter of Reprimand, dated 10 Mar 01
16. AF Form 1058, Unfavorable Information File, dated 21 Mar 01
17. Letter of Reprimand, dated 14 Aug 01
18. Letter of Reprimand, dated 3 Sep 01
19. Letter of Reprimand, dated 18 Sep 01
20. AF Form 1058, Unfavorable Information File, dated 21 Sep 01
21. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 10 Dec 01
22. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 24 Jul 02



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR 37 TRW/CC

FROM: 37 TRW/JA

20 AUG 2002

SUBJECT: Legal Review, Administrative Discharge,  
AB: \_\_\_\_\_, 37 SFS

1. **Authority for Action:** I have reviewed the attached administrative discharge case file regarding the respondent, AB David W. Almgren. His commander, Major: \_\_\_\_\_, recommends an Under Honorable Conditions (General) discharge characterization pursuant to AFI 36-3208, Chapter 5, paragraph 5.50.2 Conduct Prejudicial to Good Order and Discipline. Paragraph 5.56 indicates that you, as the Separation Authority, personally approve or disapprove the recommendations for a notification discharge (not board entitled) under paragraph 5.50.2, which result in an Under Honorable Conditions (General) characterization. The proposed discharge pursuant to paragraph 5.50.2 Conduct Prejudicial to Good Order and Discipline, is supported by a preponderance of the evidence and is legally sufficient, subject to a medical determination that the respondent is qualified for worldwide duty and separation. He is not entitled to an administrative board hearing based on time in service, grade, or any other factors.

2. **Respondent's Military Record:** The respondent has been on active duty since 6 Aug 98. AB: \_\_\_\_\_ is an Alarm Monitor and has been assigned to the 37 Security Forces Squadron since 9 Dec 98. He has three Enlisted Performance Reports (EPRs): 5 Apr 00 (3), 5 Apr 01 (3), 5 Apr 02 (2-referral). His awards include: Air Force Training Ribbon, National Defense Service Medal, Humanitarian Service Medal, Kosovo Campaign Medal, NATO Medal, Air Force Outstanding Unit Award.

3. **Respondent's Response:** The respondent consulted counsel and waived his rights to submit statements.

4. **Analysis:**

a. **Basis and Propriety of Discharge:** Paragraph 5.50.2 authorizes the involuntary separation of airmen who have engaged in a pattern of misconduct prejudicial to good order and discipline. This includes conduct of a nature that tends to disrupt order, discipline, or morale within the military community. This category of misconduct usually involves causing dissent, disruption, and degradation of mission effectiveness. The evidence in this case supports AB: \_\_\_\_\_ involuntary separation under Paragraph 5.50.2.

(1) On 24 Mar 99, AB: \_\_\_\_\_ was derelict in the performance of his duties during an exercise, by failing to get out of the car while another patrolman was being challenged by a perpetrator. As a result, he received an AF Form 174, Record of Individual Counseling, dated 24 Mar 99.

(2) On 9 and 10 Apr 99, AB: [REDACTED] failed to obey an order issued by an Noncommissioned Officer. As a result, he received a Letter of Counseling, dated 11 Apr 99.

(3) On 24 Aug 99, AB: [REDACTED] was late to a briefing and had a breach of integrity. As a result, he received an AF Form 174, Record of Individual Counseling, dated 25 Aug 99.

(4) On 9 Jan 00, AB: [REDACTED] was instructed to remove items from his post and failed to do so. As a result, he received a Letter of Admonishment, dated 9 Jan 00.

(5) On 22 Jun 00, AB: [REDACTED] failed to show up on time to guardmount duty. As a result, he received a Letter of Counseling, dated 23 Jun 00.

(6) On 6 Jul 00, AB: [REDACTED] failed to wear the required traffic safety vest while performing his duties. As a result, he received a Letter of Counseling, dated 6 Jul 00.

(7) On 28 Jul 00, AB: [REDACTED] failed in his duties to properly control the entry of a certain vehicle onto the installation. As a result, he received a Letter of Reprimand, on 29 Jul 00.

(8) On 19 Oct 00, AB: [REDACTED] missed a mandatory formation. As a result, he received a Letter of Reprimand, dated 25 Oct 00.

(9) On 21 Oct 00, AB: [REDACTED] knowingly and willfully wrote an unauthorized entry in the pass on book. As a result, he received a Letter of Reprimand, dated 22 Nov 00.

(10) On 1 Nov 00, AB: [REDACTED] reported late for guardmount duty. As a result, he received a Letter of Reprimand, dated 1 Nov 00.

(11) On 17 Nov 00, AB: [REDACTED] reported late for guardmount duty. As a result, he received a Letter of Reprimand, dated 17 Nov 00.

(12) On 22 Nov 00, AB: [REDACTED] reported late for guardmount duty. As a result, he received a Letter of Reprimand, dated 22 Nov 00.

(13) On 18 Dec 00, AB: [REDACTED] reported late for guardmount duty. As a result, he received a Letter of Reprimand, dated 19 Dec 00.

(14) On 7 Mar 01, AB: [REDACTED] failed to check privately owned vehicles at the law enforcement desk, as he was ordered to do. As a result, he received a Letter of Counseling, dated 10 Mar 01.

(15) On 9 Mar 01, AB: [REDACTED] was observed asleep while on post. As a result, he received a Letter of Reprimand, dated 10 Mar 01 and an Unfavorable Information File (UIF) was established.

**Attorney Work Product**

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(16) On 14 Aug 01, AB [redacted] reported late for guardmount duty. As a result, he received a Letter of Reprimand, dated 14 Aug 01.

(17) On 2 Sep 01, AB [redacted] reported late for guardmount duty. As a result, he received a Letter of Reprimand, dated 3 Sep 01.

(18) On 10 Sep 01, AB [redacted] was found smoking inside his dormitory and failed to report to the First Segeant's office on the same day. As a result, he received a Letter of Reprimand, dated 18 Sep 01.

(19) On 15 Oct 01, AB [redacted] failed to obey a lawful instruction, not to smoke in his dorm room. As a result, he received an Article 15, dated 10 Dec 01. His punishment was reduction to the grade of E-2 and forfeiture of \$100.00 pay per month for 2 months.

(20) On 2 Mar 02, AB [redacted] failed to obey a lawful order not to have children living in his dorm room. As a result, he received an Article 15, dated 24 Jul 02. His punishment was reduction to the grade of E-1 and forfeiture of \$200.00 pay.

Accordingly, AB [redacted] should be discharged pursuant to AFI 36-3208, paragraph 5.50.2, Conduct Prejudicial to Good Order and Discipline.

b. Characterization of Discharge: The possible service characterizations in this case are Honorable, Under Honorable Conditions (General), and Under Other Than Honorable Conditions (UOTHC). The initiating commander recommended a General service characterization. Characterization of service as General is appropriate when an airman's service has been honest and faithful but significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects. A service characterization of Honorable is appropriate when the airman's quality of service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate. A UOTHC characterization is appropriate when behavior constitutes a significant departure from the conduct expected of airmen. Significant negative aspects of AB [redacted] conduct outweigh the positive aspects of his military record. Accordingly, characterization of AB [redacted] service as General is appropriate.

c. Probation and Rehabilitation (P&R): I concur with 37 SFS/CC that P&R is not appropriate for this airman. The squadron gave AB [redacted] ample opportunity for rehabilitation. He did not take advantage of those opportunities as shown by his repeated misconduct. There is no reason to believe that further rehabilitative efforts would be successful.

d. Errors and Irregularities: Two errors are noted in the Notification Memorandum relating to the respondent's reduction in grade. Paragraph "s" of the Notification Memorandum states that AB [redacted] was reduced to the grade of E-1. It should say "reduction to the grade of E-2". Paragraph "t" states that AB [redacted] was reduced to the grade of E-2. It should say "reduction to the grade of E-1." I find no errors or irregularities that prejudice any substantial right of the

**Attorney Work Product**

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to the grade of E-1." I find no errors or irregularities that prejudice any substantial right of the respondent.

5. **Options:** You may:

- a. direct retention in the United States Air Force;
- b. direct discharge from the Air Force with a General discharge, with or without P&R;
- c. forward a recommendation for separation with an Honorable discharge, with or without P&R, to 2 AF/CC; or
- d. direct re-initiation of the package to convene an administrative discharge board if you believe a UOTHC discharge is warranted.

6. **Recommendation:** Sign the attached proposed memorandum directing AB Almgren's discharge from the Air Force with an Under Honorable Conditions (General) service characterization.

Chief, Adverse Actions

**Attachments:**

- 1. Proposed Memorandum
- 2. Case File

Concur.

Staff Judge Advocate