

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD									
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE		AFSN/SSAN		
					AMN				
TYPE GEN		PERSONAL APPEARANCE			X		RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES		No							
		X							
MEMBER SITTING					VOTE OF THE BOARD				
					HON	GEN	UOTHC	OTHER	DENY
									X*+
									X*+
									X*+
									X*+
									X*+
ISSUES		A94.05			INDEX NUMBER		A67.10		
					EXHIBITS SUBMITTED TO THE BOARD				
					1 ORDER APPOINTING THE BOARD				
					2 APPLICATION FOR REVIEW OF DISCHARGE				
					3 LETTER OF NOTIFICATION				
					4 BRIEF OF PERSONNEL FILE				
					COUNSEL'S RELEASE TO THE BOARD				
ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE									
TAPE RECORDING OF PERSONAL APPEARANCE HE									
HEARING DATE		CASE NUMBER							
25 Jul 2007		FD-2006-00111							
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.									
* Reason and Authority									
+ Reenlistment Code									
INDORSEMENT					DATE: 7/30/2007				
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-2006-00111

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

The applicant requested a personal appearance before the Discharge Review Board (DRB) and was scheduled for an appearance on 11 June 2007, via video-teleconference between Robins AFB, GA and Andrews AFB, MD, but he did not keep the appointment or call to reschedule. Therefore, his request was reviewed based upon the record and his submission.

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

**FINDINGS:** Upgrade of discharge, 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:

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He admits that he made mistakes and has expressed a desire for upgrade of discharge so that he may reenlist into the armed forces. The records indicated the applicant received a Letter of Reprimand, six Letters of Counseling, and six Records of Individual Counseling for misconduct. The applicant was administratively disciplined for being late for duty on numerous occasions, arriving to work in the wrong uniform, failing the Weapons Safety portion of the Quality Control exam, failure to go, missing dental appointments, dereliction of duty, and taking apart a loaded M-9 weapon in the guard gate. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the applicant's 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 AMN) (HGH AMN)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF McChord AFB, WA on 4 Aug 92 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for an Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

**2. BACKGROUND:**

a. DOB: 24 Oct 70. Enlmt Age: 20 3/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-56, E-81, G-70, M-89. PAFSC: 81132 - Apprentice Law Enforcement Specialist. DAS: 4 Mar 92.

b. Prior Sv: (1) AFRes 12 Feb 91 - 22 Sep 91 (7 months 11 days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Sep 91 for 4 yrs. Svd: 00 Yrs 10 Mo 12 Das, all AMS.

b. Grade Status: Amn - 23 Mar 92

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 01 JUL 92 - Late for duty and uniform not in accordance with AFR 35-10.  
MFR, 30 JUN 92 - Late for duty.  
MFR, 24 JUN 92 - Failed the Weapons Safety portion of the Quality Control exam.  
LOC, 23 JUN 92 - Failed the Weapons portion of the Quality Control exam.  
LOC, 25 MAY 92 - Arriving at work in the wrong uniform.  
LOC, 24 MAY 92 - Failure to go.  
LOC, 19 MAY 92 - Late for duty.  
MFR, 19 MAY 92 - Showing a lack of responsibility.  
MFR, 08 MAY 92 - Late for duty and arriving in the wrong uniform.  
LOC, 30 APR 92 - Failure to go.  
MFR, 21 APR 92 - Failure to go.  
MFR, 21 APR 92 - Late for duty.  
LOC, 04 APR 92 - Late for duty.

(Examiner's Note: The following additional derogatory information was not covered anywhere else; however, is listed on the "Overview of Duty Performance, dated 25 May 92):

21 May 92 - Missed dental appointment.

19 May 92 - Late for duty.

18 May 92 - Missed dental appointment.  
07 May 92 - Dereliction of duty.  
24 Apr 92 - Missed dental appointment.  
15 Apr 92 - Missed dental appointment.  
06 Apr 92 - Failed to attend Squadron Training.  
04 Apr 92 - Late for duty, and taking apart a loaded M-9  
Weapon in the guard gate.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (05) Mos (23) Das  
TAMS: (00) Yrs (10) Mos (12) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Mar 06.

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

Issue 1: Seperation (sic) was requested - not mandatory and during, military force reductions by executive order by pres (sic) Reagan. I wish to reenter the service of the United States as a Reservist and possibly from there back into active service if you will let me. I made mistakes in the past and left the service. Please allow me to correct that mistake and serve my country again.

**ATCH**

None.

16MAY06/ia



## DEPARTMENT OF THE AIR FORCE

62d AIRLIFT WING(AMC)

FROM: JA (Major [redacted])

28 July 1992

SUBJ: Legal Review of AFR 39-10, Discharge of Amn [redacted]  
[redacted], 62d Security Police Squadron

TO: CC

1. This action was initiated under AFR 39-10, chapter 5, paragraph 5-46 (pattern of misconduct). The Squadron Commander recommends separation from the Air Force with a general (under honorable conditions) discharge and that probation and rehabilitation should not be offered.

2. The specific reasons for the commander's recommendation are:

a. On or about 4 April 92, respondent reported to work late for the second time in three days. He received a Letter of Counseling (LOC) on 4 April 92.

b. On or about 21 April 92, respondent reported to work late. He was verbally admonished.

c. On or about 7 May 92, respondent failed to have in his possession his authentication card during a duress response to his location which was caused by him. He was verbally counseled.

d. On or about 8 May 92, respondent reported late to work in the wrong uniform. He was verbally counseled.

e. On or about 19 May 92, respondent reported to work in the wrong uniform. He received a Letter of Counseling.

f. On or about 24 May 92, respondent missed his dental appointment, which he had personally rescheduled, for the second time. He received a Letter of Counseling.

g. On or about 23 June 92, respondent failed his quality control evaluation on weapons safety. Although he was to be ready for this evaluation within 30 days from release from training, he was given 90 days. He received a Letter of Counseling.

3. A preponderance of the evidence indicates that respondent did commit the misconduct as alleged.

4. The respondent is 21 years old, enlisted on 23 September 91 for a term of 4 years and has a total of 10 months of active service. After consulting with the Area Defense Counsel, respondent chose not to submit statements.


5. Irregularities: There are several minor administrative irregularities in this package. Respondent was notified that part of the basis for discharge were two incidents, on 4 and 6 April 92, for which he was verbally admonished. There is no record of those incidents in the file resulting in verbal admonishments, and you should disregard them in evaluating this package. Also, the commander indicated in his letter of notification that respondent received a letter of counseling for an incident on 8 May 92. The record indicates respondent was verbally counseled. Finally, the commander does not mention in his notification letter that respondent reported for work late and out of uniform on 30 June 92, for which he received a letter of reprimand. However, the LOR is included in the case file, and it shows that respondent acknowledged receipt. Presumably, it documents the incident that triggered this discharge action. Respondent's acknowledgment of receipt confirms he was notified and reprimanded for the incident. Accordingly, you may consider the 30 June incident, and your consideration will not prejudice Respondent's rights in this action.

6. As Discharge Authority, you are empowered to:

- a. Order respondent to be retained in the Air Force; or
- b. Approve the discharge and issue an honorable or a general (under honorable conditions) discharge, without probation and rehabilitation.

7. Recommend you discharge respondent with a general discharge, without probation and rehabilitation. Even without consideration of the incidents of 4 and 6 April 92, the record shows respondent repeatedly failed to meet even the most basic standards of timeliness and appearance. Further, he failed to properly perform on several occasions due to what at best was his own carelessness. His continued service would be detrimental to good order and discipline at McChord, and his record certainly merits no better than a general discharge. Probation and rehabilitation is not appropriate. Respondent has had many chances to comply with the most simple and basic requirements, yet he repeatedly failed to do so. Further efforts at rehabilitation would be a waste of Air Force resources.

8. A medical evaluation is included in the package stating that the respondent is medically qualified to be involuntarily discharged. The package is legally sufficient.

  
Staff Judge Advocate



## DEPARTMENT OF THE AIR FORCE

62d AIRLIFT WING(AMC)

FROM: 62 SPS/CC

16 July 1992

SUBJECT: Notification Letter

TO:   
62 SPS

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions according to AFR 39-10, under the provisions of Section H, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general, under honorable conditions.

2. My reasons for this action are:

a. On or about 4 Apr 92, you reported to work late twice in three days. You received a Letter of Counseling on 4 Apr 92.

b. On or about 4 Apr 92, you took apart your M-9 while posted as a entry controller. You were verbally admonished.

c. On 6 Apr 92, you missed a scheduled training session. You were verbally admonished.

d. On 21 Apr 92, you reported to work late. You were verbally admonished.

e. On 7 May 92, you failed to have in your possession your authentication card during a duress response to your location which was caused by you. You were verbally counseled.

f. On 8 May 92, you reported late to work and in the wrong uniform. You were verbally admonished.

g. On 19 May 92, you reported to work in the wrong uniform. You received a Letter of Counseling.

h. On or about 24 May, you missed two dental appointments of which you scheduled. You received a Letter of Counseling.

i. On 23 Jun 92, you failed your quality control evaluation on weapons safety. You were to be ready for this evaluation within 30 days from release from training, yet you had 90 days. You received a Letter of Counseling.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court martial (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.

AMC-GLOBAL REACH FOR AMERICA

3. 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 Captain: [redacted] at bldg 524, on 17 Jul 92 at 1400 hours. You may consult civilian counsel at our own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 21 Jul 92 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to USAF Clinic, McChord AFB WA on 20 Jul 92 at 0745 and 1130 hours for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10 is available for your use in the Orderly Room.

8. Execute the attached acknowledgment and return it to me immediately.

  
[redacted]  
Commander

16 Atch

1. LOR, 01 Jul 92
2. MFR, 30 Jun 92
3. MFR, 24 Jun 92
4. LOC, 23 Jun 92 (w/2 Atch)
  - a. QC Eval, 23 Jun 92
  - b. SPOT ltr, 17 Mar 92
5. MFR Overview, 25 May 92
6. LOC, 25 May 92
7. LOC, 24 May 92
8. MFR, 21 May 92
9. MFR, 19 May 92
10. LOC, 19 May 92
11. MFR, 08 May 92
12. MFR, 07 May 92
13. LOC, 30 Apr 92
14. MFR, 21 Apr 92
15. MFR, 21 Apr 92
16. LOR, 04 Apr 92