

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 SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																														
TYPE GEN	X	PERSONAL APPEARANCE																															
COUNSEL YES No <div style="border: 1px solid black; width: 40px; height: 20px; margin: 2px auto; text-align: center;">X</div>		NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL																															
MEMBER SITTING		VOTE OF THE BOARD <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">HON</th> <th style="width: 15%;">GEN</th> <th style="width: 15%;">UOTHC</th> <th style="width: 15%;">OTHER</th> <th style="width: 15%;">DENY</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		HON	GEN	UOTHC	OTHER	DENY					X	X									X					X	X				
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ISSUES A93.23 A92.21 A93.11 A93.01 A93.15		INDEX NUMBER A67.90																															
		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 13 Jun 2007		CASE NUMBER FD-2006-00115																															
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. via video teleconference with Robins AFB, GA Advise applicant of the decision of the Board 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.																																	
INDORSEMENT		DATE: 6/14/2007																															
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-2006-00115

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

The applicant appeared and testified before the Discharge Review Board (DRB) without counsel via video teleconference between Andrews AFB, MD and Robins AFB, GA on 13 June 2007.

The following additional exhibits were submitted at the hearing:
Exhibit #5: Letters of Reference (8)

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

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issue 1. The applicant's principal contention is that he should receive the G.I Bill benefits, citing his pursuit of a college education, the support he is providing for his four children, his full-time night shift employment, and outstanding citizenship. The records indicated the applicant received two Articles 15, two Letters of Reprimand, two Letters of Counseling, and five Records of Individual Counseling for a pattern of misconduct. The Board was sympathetic with the likely adverse economic impact that the loss of G.I. Bill benefits has upon the applicant's ability to fund his education and to provide for his family; but determined that none of these are matters of inequity or impropriety in his case that would warrant an upgrade.

Issue 2. The DRB considered the contributory effect of the applicant's monthly financial support reportedly provided for treatment of his daughter's asthma on the civilian economy, upon his inability to meet other financial obligations on his limited income. However, the DRB determined that the applicant had full access to helpful resources, such as financial management counseling and the Air Force Assistance Fund, as a remedy to his recurring financial irresponsibility.

Issue 3. The applicant also implicitly contends that he was young and immature at the time he committed his offenses, citing that he has "learned [his] lesson" since his discharge. The DRB recognized that the applicant was 23 years of age when the discharge took place. However, the DRB noted that the applicant was within the same age group of the vast majority of first-term members who properly adhere to Air Force standards of conduct. The DRB concluded that the applicant's pattern of misconduct is not mitigated by his age or perceived immaturity at the time the offenses were committed.

Issue 4. The applicant contended, during testimony, that he was singled out due to his race, in the processing of at least one of his disciplinary actions; specifically his "reluctance" to carry out a reportedly self-incriminating order from his supervisor. However, the DRB found no evidence, such as Inspector General reports or documents from an alternative investigative body, to substantiate an inequity or impropriety occurred due to a racial or cultural bias.

Issue 5. The DRB also acknowledged that the applicant received treatment for depression during calendar year 2001 and again near the time of his discharge in 2002, particularly as it may have impacted his duty performance. However, the DRB found no causal or mitigating relationship between the applicant's depression and the offenses he committed.

Issue 6. The DRB considered the applicant's "outstanding citizenship" since leaving military service and was pleased to see that he was doing well as the owner-operator of a retail apparel business, "Bubblegum and Grits." However, the DRB determined that the applicant's post-service accomplishments are overshadowed by the numerous infractions that characterize his military service.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings, the Board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

FD2006-00115A

(Former SRA) (HGH SRA) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a Gen Disch fr F.E. Warren AFB, WY on 25 Nov 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 the Reason and Authority for Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 22 Aug 03.

b. The AFDRB reviewed case on 20 Nov 03 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 01 Mar 06. (Change Discharge to Honorable & Change the Reason and Authority for Discharge)

Issues: I am attending college at Troy University, AL and desperately need my G.I. Bill I paid for. I am providing support for my four children, working night shift from 1 pm. To 10 pm five days a week and have been an outstanding citizen since I left the Air Force. My conduct has improved enormously. I am receiving A's & B's (sic) in college & my mind is gaining knowledge every class session. I have felt what a General discharge can cause, such as no unemployment, no G.I. Bill, + no military assistance. It's been four years since my discharge and I have learned my lesson. I just want my degree because I owe that to my children, my mother, & my self. Please consider my apology for my past. Thank you for taking time out to hear my plea!

Atch

None.

20APR06/ia

FD2003-00340

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 25 Nov 02 UP AFI 36-3208, para 5.50.2 (Misconduct - A Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 28 May 79. Enlmt Age: 19 2/12. Disch Age: 23 5/12. Educ: HS DIPL. AFQT: N/A. A-82, E-42, G-41, M-18. PAFSC: 3E131 - Heating Ventilation, AC and Refrigeration Apprentice. DAS: 29 Jul 99.

b. Prior Sv: (1) AFRes 18 Aug 98 - 2 Dec 98 (3 Months 15 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AlC 3 Dec 98 for 6 yrs. Svd: 3 Yrs 11 Mos 23 Das, all AMS.

b. Grade Status: SRA - 3 Apr 01

c. Time Lost: None.

d. Art 15's: (1) 4 Sep 02, F. E. Warren AFB, WY - Article 134. You, did, on or about 24 Jul 02, make and utter to Bank of America a certain check, in words and figures, to wit: \$145.86, one hundred forty five dollars and eighty six cents, in payment of a debt, and did thereafter dishonorably fail to maintain sufficient funds in the Warren Federal Credit Union for payment of such check in full upon its presentment for payment. Suspended reduction to AlC, and 15 days extra duty. (No appeal) (No mitigation)

(2) 10 Oct 01, F. E. Warren AFB, WY - Article 92. You, who knew of your duties, on or about 9 Sep 01, were derelict in the performance of those duties in that you willfully failed to refrain from tampering or altering your temporary license plates to extend validity, as it was your duty to do. Suspended reduction to AlC, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOC, 26 SEP 02 - Failure to obey a lawful order.
LOR, 30 NOV 01 - Financial irresponsibility.
LOR, 16 AUG 01 - Financial irresponsibility.
LOC, 12 APR 01 - Late for work.
RIC, 15 MAR 01 - Late for formation.

RIC, 23 JUN 00 - Taking an unauthorized break.
RIC, 22 JUN 00 - Taking an unauthorized break and sleeping
on duty.
RIC, 22 FEB 00 - Late for work.
RIC, 05 SEP 99 - Late for work.
TRAFFIC TICKET, 25 AUG 99 - Speeding.

f. CM: None.

g. Record of SV: 3 Dec 98 - 2 Aug 00 F. E. Warren AFB 4 (Initial)
3 Aug 00 - 2 Aug 01 F. E. Warren AFB 2 (Annual REF)

(Discharged from F. E. Warren AFB)

h. Awards & Decs: AFTR, NDSM, CEB.

i. Stmt of Sv: TMS: (4) Yrs (3) Mos (8) Das
TAMS: (3) Yrs (11) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 7 Jul 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
None.

22 Aug 03/cr



DEPARTMENT OF THE AIR FORCE
90TH SPACE WING (AFSPC)

28 Oct 02

MEMORANDUM FOR SrA [REDACTED]

FROM: 90 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 5 Sep 99, did fail to go to your appointed place of duty at the scheduled time (late for work). For this misconduct you received a Record of Counseling (ROC), dated 5 Sep 99.

b. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 22 Feb 00, did fail to go to your appointed place of duty at the scheduled time (late for work). For this misconduct you received an ROC, dated 22 Feb 00.

c. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 20 Jun 00, were derelict in your duty (taking an unscheduled break and sleeping on duty). For this misconduct you received an ROC, dated 22 Jun 00.

d. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 23 Jun 00, were derelict in your duty (taking an unscheduled break). For this misconduct you received an ROC, dated 23 Jun 00.

e. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 15 Mar 01, did fail to go to your appointed place of duty at the scheduled time (Readiness formation). For this misconduct you received an ROC, dated 15 Mar 01.

f. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 12 Apr 01, did fail to go to your appointed place of duty at the scheduled time (late for work). For this misconduct, you received a Letter of Counseling (LOC), dated 12 Apr 01.

g. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 16 Jul 01 did fail to pay your debts. For this misconduct you received a Letter of Reprimand (LOR), dated 16 Aug 01.

h. You, who knew of your duties at Francis E. Warren Air Force Base, Wyoming, on or about 9 Sep 01, were derelict in the performance of those duties in that you willfully failed to refrain from tampering or altering your temporary license plates to extend validity, as it was your duty to do. For violation of UCMJ Article 92, you received an Article 15, dated 10 Oct 01.

i. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 27 Nov 01, did fail to pay your debts. For violation of Article 134 of the UCMJ, you received an LOR, dated 30 Nov 01.

j. You, did, at or near Cheyenne, Wyoming, on or about 24 July 02, make and utter to Bank of America a certain check, in words and figures as follows, to wit: \$145.86, one hundred forty five dollars and eighty six cents, in payment of a debt, and did thereafter dishonorably fail to maintain sufficient funds in the Warren Federal Credit Union for payment of such check in full upon its presentment for payment. For violation of UCMJ Article 134, you received an Article 15, dated 4 Sep 02.

k. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 25 Sep 02, did fail to obey a lawful order and report to the HVAC shop. For this misconduct you received an LOC, dated 26 Sep 02.

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 education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult with an attorney at the Area Defense Counsel's Office at Building 292, extension 3248, on 28 Oct 02 at 1530. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays after receipt of the notification memorandum, that date being 31 Oct 02, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.

6. If you fail to consult counsel or to submit statements on 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 Physical Exams at 0730 hours, on 29 Oct 02 for the examination.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in your Command Support Staff office.
9. Execute the attached acknowledgment and return it to me immediately.



Commander, 90th Civil Engineering Squadron

Attachments:

1. ROC, dated 5 Sep 99
2. ROC, dated 22 Feb 00
3. ROC, dated 22 Jun 00
4. ROC, dated 23 Jun 00
5. ROC, dated 15 Mar 01
6. LOC, dated 12 Apr 01
7. LOR, dated 16 Aug 01
8. Article 15, dated 10 Oct 01
9. LOR, dated 30 Nov 01
10. Article 15, dated 4 Sep 02
11. LOC, dated 26 Sep 02
12. Other derogatory data not listed in the Notification Memorandum: Armed Forces Traffic Ticket, dated 25 Aug 99.