

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 SGT		AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	
TYPE GEN		PERSONAL APPEARANCE		X	RECORD REVIEW
COUNSEL YES <input type="checkbox"/> No <input checked="" type="checkbox"/> X		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
MEMBER SITTING <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>				VOTE OF THE BOARD	
				HON	GEN
				UOTHC	OTHER
				DENY	X
				X	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 08 Mar 2007		CASE NUMBER FD-2006-00362			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE					
<p>Case heard in Washington, D.C.</p> <p>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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <p>X – Upgrade of discharge and change of reason and authority is denied.</p> <div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					
INDORSEMENT				DATE: 3/9/2007	
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

FD-2006-00362

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

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

FINDINGS: Upgrade of discharge is denied.

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 contends his discharge was inequitable because it was too harsh. The records indicated the applicant received five Letters of Reprimand, two Letters of Counseling, two Records of Individual Counseling and four Memorandums for Record for misconduct. The misconduct included financial irresponsibility, sexual harassment, dereliction of duty on numerous occasions, failure to go, poor communication, making a false statement, unauthorized access to a database, and violation of dress and appearance standards. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

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

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

Attachment:
Examiner's Brief

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

(Former SGT) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Travis AFB, CA on 4 Feb 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and Change Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 13 Feb 65. Enlmt Age: 20 4/12. Disch Age: 27 11/12. Educ: HS DIPL. AFQT: N/A. A-32, E-81, G-88, M-69. PAFSC: 90650 - Health Services Support Specialist. DAS: 1 Dec 91.

b. Prior Sv: (1) AFRes 03 Jul 85 - 03 Nov 85 (4 months 1 day) (Inactive).

(2) Enlisted as AB 4 Nov 85 for 4 years. Svd: 3 Yrs 8 Mos 29 Das, all AMS. Amn - 4 May 86. A1C - 4 Mar 87. SrA - 4 Nov 88. APRs: 9,9,8.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 3 Aug 89 for 6 years. Svd: 3 Yrs 06 Mo 02 Das, all AMS.

b. Grade Status: Sgt - 4 Nov 89

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 12 NOV 92 - Dereliction of duty.
RIC, 06 NOV 92 - Violation of AFR 35-10.
MFR, 04 NOV 92 - Utilized the AQCESS database, without authorization.
LOR, 02 NOV 92 - Dereliction of duty.
CR, 28 OCT 92 - Misconduct and dereliction of duty.
LOR/UIF, 27 OCT 92 - Dereliction of duty and making a false official statement.
MFR, 15 OCT 92 - False statement about scooter accident.
RIC, 16 OCT 92 - Poor Communication.
LOR, 13 OCT 92 - Failure to go.
LOC, 06 OCT 92 - Dereliction of duty.
LOC, 22 SEP 92 - Dereliction of duty.
VC/MFR, 2 JUL 92 - Sexually harassment.
LOR, 23 AUG 91 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 27 Dec 88 - 26 Dec 89 Lackland AFB 3 (Annual)

27 Dec 89 - 26 Dec 90 Lackland AFB 3 (Annual)
27 Dec 90 - 10 Oct 91 Lackland AFB 3 (CRO)
11 Oct 91 - 24 Nov 92 Kadena AB 1 (Annual) REF

h. Awards & Decs: AFTR, NDSM, AFOSLTR, AFLSAR, AFGCM W/1OLR, NCOPMER.

i. Stmt of Sv: TMS: (07) Yrs (07) Mos (02) Das
TAMS: (07) Yrs (03) Mos (01) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Sep 06.
(Change Discharge to Honorable and Change Reason for Discharge.)

Issue 1: The facts were not supported by evidence. I believe that there was someone there who felt that it was time for me to leave and I was beginning to feel as if this was true. I took the discharge because it was indicated to me that I could either live with my situation or take the general discharge.

ATCH

1. Separation Order.
2. Waterford Police Report.
3. Five character references.

18OCT06/day

FROM: 18 MG/CCQ
Unit 5142
APO AP 96368-5142

25 NOV 1992

SUBJ: Notification Letter - Board Hearing

TO: Sgt [REDACTED], 18 MG (PACAF), Kadena AB, Japan

1. I am recommending your discharge from the United States Air Force for Misconduct-Minor Disciplinary Infractions according to AFR 39-10, under the provisions of paragraph 5-46. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.
2. My reasons for this action are:
 - a. Between 31 Jul 91 and 1 Aug 91, you wrote three checks without sufficient funds to honor those checks. As a result, you received a Letter of Reprimand and an Unfavorable Information File was established on 23 Aug 91 (Tab 1-1).
 - b. On 2 Jul 92, you harassed a female airman, whom you were sponsoring. As a result, you were verbally counseled and a Memo for Record was accomplished on 2 Jul 92 (Tab 1-2).
 - c. On 22 Sep 92, you were derelict in the performance of your duties. As a result, you received a Letter of Counseling on 22 Sep 92 (Tab 1-3).
 - d. On 6 Oct 92, you were derelict in the performance of your duties. As a result, you received a Letter of Counseling on 6 Oct 92 (Tab 1-4).
 - e. On 8 Oct 92 and 9 Oct 92, you failed to go at the time prescribed to your appointed place of duty. As a result, you received a Letter of Reprimand on 13 Oct 92 (Tab 1-5).
 - f. On 14 Oct 92, you failed to communicate information necessary to the performance of your duties. As a result, you received a Letter of Counseling on 16 Oct 92 (Tab 1-6).
 - g. On 15 Oct 92, you falsely completed AF Form 1800, stating you had accomplished a government vehicle check when you, in fact, had not. As a result, you received a Letter of Reprimand on 27 Oct 92, an Unfavorable Information File was initiated and you were placed on the Control Roster on 28 Oct 92 (Tab 1-7).
 - h. Between 22 Oct 92 and 30 Oct 92, you were derelict in the performance of your duties. As a result, you received a Letter of Reprimand on 2 Nov 92 (Tab 1-8).
 - i. On 16 Oct 92, you utilized the AQCESS database, without authority, for personal business. As a result, you were verbally counseled on 4 Nov 92 (Tab 1-9).
 - j. On 3 Nov 92, you were in violation of AFR 35-10. As a result, you received a Letter of Counseling on 6 Nov 92 (Tab 1-10).

k. On about 10 Nov 92, you were derelict in the performance of your duties. As a result, you received a Letter of Reprimand on 12 Nov 92 (Tab 1-11).

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that your service be characterized as general. The commander exercising SPCM 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.

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 Physical Examinations Section, 18th Medical Group, Kadena AB, at 0800 on 30 Nov 92.

6. Military legal counsel CAPT [redacted] has been obtained to assist you. An appointment has been scheduled for you to consult (him/her) on 30 Nov 92/1330 at the Area Defense Counsel at Building 1460. 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 AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. 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 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 Statement as explained in AFR 39-10, Attachment 2. A copy of AFR 39-10 is available for your use in the orderly room.

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


Section Commander, 18th Medical Group

3 Atch

1. 23 Aug 91, LOR/UIF; 2 Jul 92, MFR; 22 Sep 92, LOC; 6 Oct 92, LOC; 13 Oct 92, LOR; 16 Oct 92, LOC; 28 Oct 92, LOR/UIF/Control Roster; 2 Nov 92, LOR; 4 Nov 92, MFR; 6 Nov 92, LOC; 12 Nov 92, LOR
2. Airman's Acknowledgment
3. EFRs/APRs