

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)			GRADE		AFSN/SSAN																	
<b>TYPE GEN</b>		<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;"><b>COUNSEL</b></td> </tr> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><b>X</b></td> <td></td> </tr> </table>		<b>COUNSEL</b>		YES	No	<b>X</b>		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL												
<b>COUNSEL</b>																						
YES	No																					
<b>X</b>																						
			<b>VOTE OF THE BOARD</b>																			
			HON	GEN	UOTHC	OTHER	DENY															
							X**															
							X**															
							X**															
							X**															
							X**															
ISSUES <b>A93.22</b>		INDEX NUMBER <b>A67.50</b>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left; background-color: #f2f2f2;"><b>EXHIBITS SUBMITTED TO THE BOARD</b></th> </tr> <tr> <td style="width: 30px; text-align: center;"><b>1</b></td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;"><b>2</b></td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;"><b>3</b></td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>4</b></td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </table>			<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 HEARING
<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 HEARING																					
HEARING DATE <b>18 Jan 2011</b>		CASE NUMBER <b>FD-2009-00072</b>																				
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>*Reason and Authority +RE Code</p>																						
INDORSEMENT																						
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 20762-7001																			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2009-00157**

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined and requests that the review be completed based on the available service record.

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

**FINDING:** The Board denies the upgrade of the discharge.

**ISSUE:** Applicant received a General discharge for Misconduct-Minor Disciplinary Infractions and Conditions that Interfere with Military Service: Mental Disorders Personality Disorders

The Applicant received one Letter of Reprimand, an Article 15, and a Vacation of suspended punishment. His misconduct included failure to go to place of duty (3x) and overindulged in liquor and could not perform duties. The Applicant was also diagnosed as having a personality disorder as well as a depressive disorder so severe that his ability to function effectively in the military environment was significantly impaired. He also had a three day period of inpatient care for a suicidal ideation and showed signs of alcohol dependence. These mental health issues did not require long term treatment with an antidepressant or rise to the level of a medical evaluation board however. The Applicant brings the depression, alcohol addiction, and suicidal feelings into contention now. Although the Board recognizes Applicant's mental health diagnosis may have contributed to his poor performance, judgment, and inability to follow rules and regulations, the Board noted that he knew right from wrong, was still responsible for his actions of misconduct, and should be held accountable for those. The Board was pleased to see that the applicant was doing well and has graduated from college. However after a review of his entire record, no inequity or impropriety in his discharge was noted. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

**CONCLUSION:** 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 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 and determines the discharge should remain unchanged.

Attachment:  
Examiner's Brief

# APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004  
OMB approval expires  
Oct 31, 2009

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 the Department of Defense, Executive Services Directorate (0704-0004). 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. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.**

## PRIVACY ACT STATEMENT

**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.

## 1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one)	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)	AIC		c. GRADE/RANK AT DISCHARGE	d. SOCIAL SECURITY NUMBER	
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 (Forward notification of any change in address.)			f. TELEPHONE NUMBER (Include Area Code)		
			g. E-MAIL		
			h. FAX NUMBER (Include Area Code)		

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)	5. BOARD ACTION REQUESTED (X one)
2008 10 09	<input checked="" type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION:
90 CES	<input type="checkbox"/> UNCHARACTERIZED	
F.E. Warren AFB, WY 82001	<input type="checkbox"/> OTHER (Explain)	

## 6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 13. See instructions on Page 3.)

I would like to go back into the military via Air Guard, and I feel I was unjustly discharged for a medical issue everyone was aware of.

## 7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

## 8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 14. If military documents or medical records are relevant to your case, please send copies.)

Discharge Orders	My Discharge Reply	Copies of LOC's
Copy of Medical Records	Sleep Study Results	LOR's &
My Memorandum to Barasso's office	Discharge Notification	Article 15
Barasso's Memorandum to DC	Copy of MEB Memorandum	Nonjudicial Punishment

## 9. TYPE OF REVIEW REQUESTED (X one)

<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.)

## 10.a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS

(See Item 10 of the instructions about counsel/representative.)

b. CODE
c. E-MAIL
d. FAX NUMBER (Include Area Code)

## 11. APPLICANT MUST SIGN IN ITEM 12.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.

<input type="checkbox"/> 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)
---------------------------------	--------------------------------	----------------------------------	--------------------------------------	---	--

## 12. 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.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)	b. DATE SIGNED - REQUIRED (YYYYMMDD)	CASE NUMBER (Do not write in this space.)
	2009 01 16	FD2009-00072
		5 FEB 09

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

<b>AFDRB BRIEF</b>							
NAME (Last, First, MI):			SSN:		DOCKET # <b>FD2009-00072</b>		COMPONENT: <b>USAF</b>
TYPE OF DISCHARGE: <b>GENERAL</b>		DISCHARGE FROM: <b>F.E. WARREN AFB, WY</b>		DISCHARGE DATE: <b>9 OCT 08</b>		APPEALS FOR: <b>HONORABLE DISCH, RE CODE &amp; NARRATIVE REASON</b>	
DOB/ ENLMT AGE : <b>24 SEP 87 19</b>		DISCH AGE: <b>21</b>		FORMER: <b>A1C</b>	HGH: <b>A1C</b>	B. CURRENT DOR: <b>30 MAR 07</b>	
						C. TIME LOST: <b>NONE</b>	
AFSC: <b>3E331- STRUCTURAL APPRENTICE</b>				DEP DT: <b>19 JAN 07</b>		ASVAB SCORES: <b>A: 67 E: 46 G: 47 M: 59</b>	
D. ART 15: <b>ART 15: 1 / VAC: 1</b>		D. LOR, LOA, RIC, LOC: <b>LOR:4 / LOC:1 / RIC: 1</b>		E. SPCM / GCM: <b>NONE</b>		ADDITIONAL: (IE. CIVIL CONV, CDC) <b>NONE</b>	
F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT) : <b>13 OCT 07- 9 JUN 08 F.E. WARREN AF FM 77 (MANDATORY)</b>							
G. AWARDS & DECS: <b>NDSM, GWOTSM, AFTR</b>							
EAD: <b>6 FEB 07</b>		DAS: <b>13 OCT 07</b>		H. TMS: <b>1 YRS, 8 MOS, 19 DAS</b>		TAMS: <b>1 YRS, 8 MOS, 4 DAS</b>	
APPLN (DD FORM 293) DTD: <b>16 JAN 09</b>		DT/ INITIALS: <b>26OCT09/ TS</b>		NPA: <b>YES</b>		PA: <b>NO</b>	
RECORDS :	MPR:	ARMS: <b>X</b>	STR:	ISSUES: <b>YES</b>		ATTACHMENTS: <b>YES</b>	
AUTH FOR DISCHARGE : <b>AFI 36-3208, PARA 5.50.2 (A PATTERN OF MISCONDUCT: CONDUCT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE)</b>							
ART 15; SPMC; GCM; ADDITIONAL:							
<p><b>LOC: 19 NOV 07 - SENT AN UNOFFICAL EMAIL VIA THE BASE NETWORK.</b></p> <p><b>RIC: 3 DEC 07 - FAILED TO GO TO PT.</b></p> <p><b>LOR: 10 DEC 07 - FAILED TO GO TO PT.</b></p> <p><b>LOR: 8 FEB 08 - FAILED TO GO TO READINESS FORMATION AND RECALL.</b></p> <p><b>LOR: 3 MAR 08 - FAILED TO GO TO PT.</b></p> <p><b>(1) ART 15: 22 APR 08 - FAILED TO GO TO PT.</b></p> <p><b>LOR: 6 MAY 08 - SAT IN SHOP VEHICLE INSTEAD OF REPORTING TO CHAIN OF COMMAND.</b></p> <p><b>(2) VAC: 28 MAY 08 - FAILED TO GO TO BLDG 475.</b></p>							
EXAMINER'S NOTE: <b>STR UNAVAILABLE AFTER 3 ATTEMPTS. PEB FROM BASE IN CASE FILE.</b>							

**APPLICATION FOR THE REVIEW OF DISCHARGE  
FROM THE ARMED FORCES OF THE UNITED STATES**  
(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004  
OMB approval expires  
Oct 31, 2009

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 the Department of Defense, Executive Services Directorate (0704-0004). 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. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.**

**PRIVACY ACT STATEMENT**

**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.

**1. APPLICANT DATA** (The person whose discharge is to be reviewed). **PLEASE PRINT OR TYPE INFORMATION.**

a. BRANCH OF SERVICE (X one)	<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
		A1C			
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 (Forward notification of any change in address.)				f. TELEPHONE NUMBER (Include Area Code)	
				g. E-MAIL	
				h. FAX NUMBER (Include Area Code)	

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)  2008 09 09	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		5. BOARD ACTION REQUESTED (X one)
	<input type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE	
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS	
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)	
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 90 CES F.E. Warren AFB, WY 82001	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)		CHANGE NARRATIVE REASON FOR SEPARATION:
	<input type="checkbox"/> UNCHARACTERIZED		
	<input type="checkbox"/> OTHER (Explain)		

**6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST** (Continue in Item 13. See instructions on Page 3.)

I would like to go back into the military via Air Guard, and I feel I was unjustly discharged for a medical issue everyone was aware of.

**7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.**

**8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE:** (Continue in Item 14. If military documents or medical records are relevant to your case, please send copies.)

Discharge Orders Copy of Medical Records My Memorandum to Balasso's office Balasso's Memorandum to DC	My Discharge Reply Sleep Study Results Discharge Notification Copy of MEB Memorandum	Copies of LOC's LOR's & Article 15 Nonjudicial Punishment
--	---	--

**9. TYPE OF REVIEW REQUESTED (X one)**

<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.)

**10.a. COUNSEL/REPRESENTATIVE** (If any) **NAME** (Last, First, Middle Initial) **AND ADDRESS**  
(See Item 10 of the instructions about counsel/representative)

**b. TELEPHONE NUMBER** (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

**11. APPLICANT MUST SIGN IN ITEM 12.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, and relationship by marking a box below.

☐ SPOUSE ☐ WIDOW ☐ WIDOWER ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER (Specify)

**12. 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.)

**CASE NUMBER**

(Do not write in this space.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)

b. DATE SIGNED - REQUIRED  
(YYYYMMDD)

2009 01 16

FD2009-00072

5 FEB 09



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

16 Jun 08

MEMORANDUM FOR AMN

FROM: 90 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. I am recommending that your discharge be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

a. You were, at or near Francis E. Warren Air Force Base, Wyoming, on or about 16 Nov 07, derelict in the performance to your duties, to wit: you sent an unofficial e-mail via the base network. For this misconduct you received a Letter of Counseling (LOC), dated 19 Nov 07.

b. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 3 Dec 07, fail to go to your appointed place of duty at the scheduled time, to wit: mandatory physical training. For this failure you received a Record of Individual Counseling (RIC), dated 3 Dec 07.

c. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 10 Dec 07, fail to go to your appointed place of duty at the scheduled time, to wit: mandatory physical training. For this failure you received a Letter of Reprimand (LOR), dated 10 Dec 07.

d. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 7 Feb 08, fail to go to your appointed place of duty at the scheduled time, to wit: mandatory Readiness Formation and Recall. For this failure you received an LOR, dated 8 Feb 08.

e. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 29 Feb 08, fail to go to your appointed place of duty at the scheduled time, to wit: mandatory physical training. For this failure you received an LOR, dated 3 Mar 08.

f. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 2 Apr 08, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 475, for mandatory physical training formation. For this violation of Article 86 of the UCMJ you received an Article 15, dated 22 Apr 08.

g. You were, at or near Francis E. Warren Air Force Base, Wyoming, on or about 6 May 08, derelict in the performance of your duties, to wit: you sat in a shop vehicle listening to the radio instead of reporting to your chain of command for job reassignment as you had previously been briefed. For this misconduct you received an LOR, dated 13 May 08.

h. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 19 May 08, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 475. For this violation of Article 86 of the UCMJ you received a Vacation Action, dated 28 May 08.

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 ADC at F.E. Warren AFB on 17 Jun 08, at 0800 hours. You may consult civilian counsel at your 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 19 Jun 08 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 F.E. Warren on 23 Jun 08, at 0915 hours for the examination.  
CLINIC, Family Practice

7. 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 your command support staff office.

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

Commander, 90th Civil Engineer Squadron

Attachments:

1. LOC, dated 19 Nov 07
2. RIC, dated 3 Dec 07

3. LOR, dated 10 Dec 07
4. LOR, dated 8 Feb 08
5. LOR, dated 3 Mar 08
6. Article 15, dated 22 Apr 08
7. LOR, dated 13 May 08
8. Vacation Action, dated 28 May 08





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

MEMORANDUM FOR 90 SW/CC

15 JUN 200P

FROM: 90 SW/JA

SUBJECT: Legal Review of AFPD 36-32 and AFI 36-3208 Discharge Action:

1. I have reviewed the subject discharge action and find it legally sufficient. Lt Col [redacted] the 90th Civil Engineer Squadron Commander, has recommended that Amn [redacted] be involuntarily separated from the United States Air Force Under Honorable Conditions (General) Discharge in accordance with AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. Lt Col [redacted] does not recommend probation and rehabilitation (P&R). I concur with Lt Col [redacted] recommendation.

2. Facts:

a. Amn [redacted] misconduct consists of: failure to obey a lawful order/dereliction of duty (twice) and failure to go (six times).

b. As a result of his misconduct, Amn [redacted] received an Article 15 with Vacation Action, four Letters of Reprimand (LOR), one Letter of Counseling (LOC), and one Record of Individual Counseling (RIC).

3. There is a legally sufficient basis to separate Amn [redacted] from the United States Air Force with a General Discharge without P&R.

a. Basis for discharge: AFI 36-3208, paragraph 5.50.2, authorizes separation for a pattern of misconduct in the current enlistment that is prejudicial to good order and discipline. Amn [redacted] misconduct, as described above, establishes a sufficient basis for discharge.

b. Should Amn [redacted] be discharged? Amn [redacted] should be discharged. Amn [redacted] has engaged in a steady pattern of misconduct. In the span of just over six months, Amn [redacted] has received an Article 15 with Vacation Action, four LORs, one LOC and a RIC. Amn [redacted] misconduct is a consistent pattern of failing to go or being derelict in his duties at work. Though his unit used escalating levels of discipline in an attempt to get Amn [redacted] attention, his pattern of misconduct continued. Given this pattern, his continued presence within the Air Force is likely to be disruptive, and he is likely to be an undesirable influence. For factors you must consider, refer to Attachment 1.

c. Service characterization: Amn [redacted] has engaged in a pattern of misconduct that is prejudicial to good order and discipline as evidenced by his inability to correct his irresponsible behavior. However, his conduct is not of the nature that would usually warrant an Under Other than Honorable Conditions Discharge. Thus, I concur with Lt Col [redacted] recommendation for a General Discharge. For authorized service characterizations, reference Attachment 1.

d. Probation and Rehabilitation: The unit has made multiple attempts over time to encourage Amn [redacted] to adhere to military standards regarding both his duty performance and punctuality. Because of the frequency of Amn [redacted] misconduct in such a short duration (a little over six months) as well as the many escalating attempts (one Article 15 with Vacation Action, four LORs, one LOC, and one RIC) his unit made to try to get him to change his unsatisfactory behavior, P&R is inappropriate.

4. Amn [redacted] Response:

a. Amn [redacted] is entitled to wear the National Defense Service Medal, Global War on Terrorism Service Medal, and the Air Force Training Ribbon.

b. Amn [redacted] was notified of this discharge action on 16 June 2008. He consulted counsel and submitted a written statement for your consideration. In his written statement, Amn [redacted] summarizes his background and asks that you retain him, or in the alternative, discharge him with an Honorable discharge characterization. Amn [redacted] recounts much of his training and recent volunteer work, but does not address any of his misconduct. With his response, Amn [redacted] also submitted a character statement, written on his behalf, from A1C [redacted].

5. Options for Separation Authority: As the special court-martial convening authority, you are the separation authority for this action. You may:

a. retain Amn [redacted] in the Air Force;

b. recommend Amn [redacted] be separated with an Honorable Discharge, with or without probation and rehabilitation, and forward this case to the general court-martial convening authority (20 AF/CC) for action;

c. direct Amn [redacted] be separated with an Under Honorable Conditions (General) Discharge with or without probation and rehabilitation;

d. direct this case be reinitiated pursuant to the board hearing procedures of AFI 36-3208, Chapter 6, Section C, if you feel a UOTHC Discharge is warranted;

e. direct this case be reinitiated under another paragraph of AFI 36-3208, if you deem it more appropriate.

6. I recommend that you direct Amn [redacted] be separated with an Under Honorable Conditions (General) Discharge without P & R. Although Lt Col [redacted] did

## ATTACHMENT 1

1. **AFI 36-3208, paragraph 6.1.1, Separation or Retention Factors:** AFI 36-3208, paragraph 6.1.1, lists the factors that the separation authority must consider in making a