

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

VOTE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X

X

X

X

X

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 HEARING

ISSUES

A92.21

INDEX NUMBER

A67.10

HEARING DATE

14 Oct 2010

CASE NUMBER

FD-2009-00118

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.

INDORSEMENT

10/18/2010

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-2009-00118

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.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge)

ISSUE:

Issue 1. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The DRB recognized the applicant was 22 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was the same age or older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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

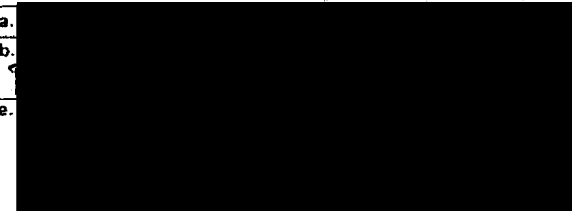
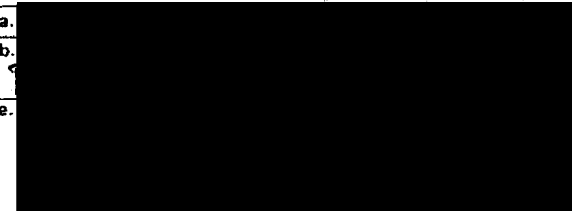
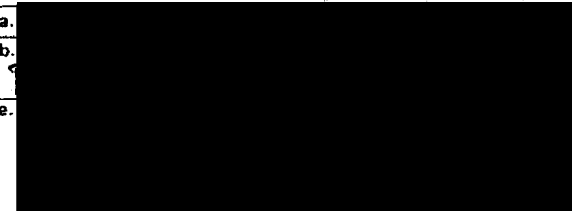
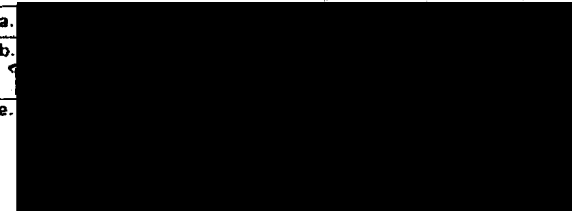
AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

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.  | <input type="checkbox"/> ARMY | <input type="checkbox"/> NAVY | <input checked="" type="checkbox"/> AIR FORCE | <input type="checkbox"/> COAST GUARD |
| b.  | c. GRADE/RANK AT DISCHARGE E2 | | | |
| e.  | f.  | | | |
| h. FAX NUMBER (Include Area Code) | | | | |

2. DISCHARGE CHARACTERIZATION RECEIVED (X one) 5. BOARD ACTION REQUESTED (X one)

| | | |
|--|--|---|
| 2. (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 20041277 | <input 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) |
| | <input type="checkbox"/> BAD CONDUCT (Special court-martial only) | <input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION: |
| 3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION EGUN APO 33RD AIRCRAFT MAINT. SQD. | <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.)

BASED ON PERFORMANCE EVALUATIONS AND CLEAN RECORD SINCE DISCHARGE THERE HAVE BEEN LESSONS LEARNED AND MATURITY. I AM PROUD OF MY SERVICE AND WISH MY RECORD TO REFLECT HONORABLE SERVICE

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.)

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, 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.) | | | | | |

CASE NUMBER
(Do not write in this space.)

| | | |
|---|---|----------------------|
| a.  | b. DATE SIGNED - REQUIRED (YYYYMMDD) 20090218 | FD-2009-00118 |
|---|---|----------------------|

13. CONTINUATION OF ITEM 6, ISSUES (If applicable)**14. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)****15. REMARKS (If applicable)**

Since my discharge I have held manager positions at very well known retailers. I also have had a kid which has made me much more responsible. I am currently attending college in pursuit of a Bachelors degree so I can provide a better life for my son. Upon completion of my schooling I would like to obtain a respectable job and I do not want my past holding me back. Please take into consideration that I have learned from my mistakes in the past and wish to move on and lead a successful life with my son. I have attached four character letters from co-workers, friends, and family.

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

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (CG-122)
2100 Second Street, S.W. Room 5500
Washington, DC 20593

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

| AFDRB BRIEF | | | | | | | |
|--|------|---|---------------|--------------------------------------|--------------------|--|------------------------------|
| | | | | DOCKET # FD-2009-00118 | | COMPONENT: USAF | |
| TYPE OF DISCHARGE: GENERAL | | DISCHARGE FROM: EGLIN AFB, FL | | DISCHARGE DATE: 27 DEC 04 | | APPEALS FOR: HON DISCH | |
| DOB/ ENLMT AGE: 4 AUG 82 18 8/12 | | DISCH AGE: 22 4/12 | | FORMER: AMN | HGH: A1C | B. CURRENT DOR: 4 MAR 03 | C. TIME LOST: NONE |
| AFSC: 2A353A – TAC ACFT MAINT F-15 (JORNEYMAN) | | | | DEP DT: 3 MAY 01 | | ASVAB SCORES: A: 63 E: 67 G: 66 M: 70 | |
| D. ART 15: ART 15: 2 | | D. LOR, LOA, RIC, LOC: LOR: 2 | | E. SPCM / GCM: NONE | | ADDITIONAL: (IE. CIVIL CONV, CDC) NONE | |
| F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT) : | | | | | | | |
| 14 AUG 01 – 13 APR 03 EGLIN 2 (INITIAL) REFERRAL 14 APR 03 – 13 APR 04 EGLIN 3 (ANNUAL) REFERRAL | | | | | | | |
| G. AWARDS & DECS: NDSM, AFTR | | | | | | | |
| EAD: 14 AUG 01 | | DAS: 19 MAY 02 | | H. TMS: 3 YRS 7 MOS 24 DAS | | TAMS: 3 YRS 4 MOS 3 DAS | |
| APPLN (DD FORM 293) DTD: 18 FEB 09 | | DT/ INITIALS: 2 SEP 09 / VML | | NPA: YES | | PA: NO | |
| RECORDS : | MPR: | ARMS: X | STR: X | ISSUES: YES | | ATTACHMENTS: YES | |
| AUTH FOR DISCHARGE : AFI 36-3208 PARA 5.49 - (MISCONDUCT: MINOR DISCIPLINARY INFRACTIONS) | | | | | | | |
| ART 15; SPCM; GCM; ADDITIONAL: | | | | | | | |
| <p style="margin-left: 40px;">LOR : 13 FEB 03 – ALLOWED FELLOW AMN TO DRIVE WHILE INTOXICATED.</p> <p style="margin-left: 40px;">(1) ART 15 : 4 MAR 03 – (ART 108) BROKE WINDOW IN DORMITORY.</p> <p style="margin-left: 40px;">(2) ART 15 : 4 AUG 04 – (ART 92) PROVIDED ALCOHOL TO A MINOR (AMN).</p> <p style="margin-left: 80px;">(ART 111) PHYSICALLY CONTROLLED A VEHICLE WHILE INTOXICATED.</p> <p style="margin-left: 40px;">LOR: 1 SEP 04 – (2 APR 09) FLED AND ELUDED THE CQ & SF.</p> <p style="margin-left: 80px;">(2 AUG 09) DESTROYED PERSONAL PROPERTY, UNAUTHORIZED FEMALE IN DORM & CHARGED WITH ASSAULT.</p> | | | | | | | |
| EXAMINER'S NOTE: | | | | | | | |
| NOTES: | | | | | | | |

**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
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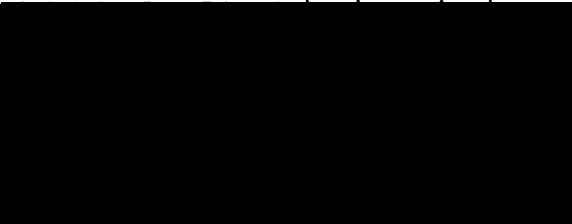
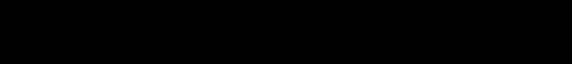
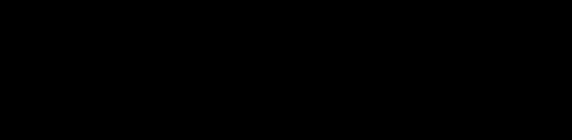
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| b.  | c. GRADE/RANK AT DISCHARGE E2 | | | |
| c.  | NAME IN ITEM 11 (Forward) | | | |

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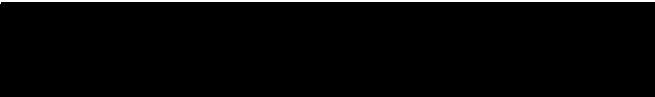
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| | | |
|--|--|--|
|  | b. DATE SIGNED - REQUIRED (YYYYMMDD) 20090218 | CASE NUMBER (Do not write in this space.) FD2009-00118 |
|--|--|--|

13. CONTINUATION OF ITEM 8, ISSUES (If applicable)

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

15. REMARKS (If applicable)

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Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (CG-122)
2100 Second Street, S.W. Room 5500
Washington, DC 20593



DEPARTMENT OF THE AIR FORCE
33 AIRCRAFT MAINTENANCE SQUADRON (ACC)
EGLIN AFB FLORIDA 32542

MEMORANDUM FOR A [REDACTED]

1 DEC 04

FROM: 33 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

- a. Investigation has disclosed that on or about 2 August 2004 at Dormitory 17D, you were involved in an incident where Security Forces personnel responded to a report of violence within your room. During that investigation it was determined that there was destruction of personal property. Additionally, you had an unauthorized female guest in your dormitory room and were charged with assault. In a separate dormitory incident on or about 2 April 2004, you were charged with fleeing and eluding the CQ and Security Forces, hiding personnel in your latrine, assisting them in eluding apprehension, and failing to obey the CQ. For this offense you received a letter of reprimand, dated 1 September 2004.
- b. You, who knew of your duties at or near Eglin Air Force Base, Florida, on or about 2 April 2004, were derelict in the performance of those duties in that you willfully failed to refrain from providing alcohol to Airman First [REDACTED] who was under the age of twenty-one, as it was your duty to do.

You did, at or near Eglin Air Force Base, Florida, on or about 23 May 2004, near the entry control point of the East Gate physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was 0.160 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. For these offenses you received nonjudicial punishment, dated 4 August 2004.

- c. You did, at Eglin Air Force Base, Florida, on or about 15 February 2003, without proper authority, willfully break a window in dormitory 17, military property of the United States, by hitting it with your hand, the amount of said damage being in the sum of about \$49.59. For this offense you received nonjudicial punishment, dated 4 March 2003.
- d. Investigation has disclosed that on or about 11 January 2003, you were involved in a social gathering in your room in Dorm #17 with [REDACTED]. During this party, the other individuals were drinking both beer and "Jaegermeister" shots. They both made sworn written affidavits that implicated you in the crime of underage drinking.

However, in your sworn written statement, you vehemently denied consuming any alcohol (this could never be verified because you could NOT be located that night/you never returned to your room and no BAT was taken). At approximately 2245 hours, 11 January 2003, you [REDACTED] POV and drove to the West Gate Shoppette to get some "Black & Milds." By your own sworn admission, you related that [REDACTED] was so intoxicated he could, "hardly see, much less drive." However, you (the ONLY person who was allegedly NOT drinking that night) allowed [REDACTED] to get behind the wheel of his car while you and [REDACTED] both got inside as passengers. For this offense you received a letter of reprimand, dated 13 February 2003.

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 higher authority will decide whether you will be discharged or retained in the United States 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 [REDACTED] 04 N. 2nd Street, on **1 December 2004 at 1300 hours**. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me **within 3 duty days** 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 statements in your own behalf, your failure will constitute a waiver of your right to do so.
7. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on **1 December 2004 at 1430 hours**.
1430
8. After your briefing, you are to report to the 96th Traffic Management Office with your authorized letter from separations to schedule your TMO pickup.
9. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on **7 December 2004 at 0800 hours**.
10. You have been scheduled for a medical examination. You must report to 96 MDG Force Health Management, 307 Boatner Rd. on **9 December 2004, at 0715 hours** for the examination.
11. 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 33 AMX/CSS.

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



Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 96TH AIR BASE WING (AFMC)
EGLIN AIR FORCE BASE, FLORIDA

MEMORANDUM FOR 96 ABW/CC

DEC 16 2004

FROM: 96 ABW/JA

SUBJECT: Legal Review, AFI 36-3208 Administrative Discharge, [REDACTED]
[REDACTED] (CC)

1. **LEGAL SUFFICIENCY:** I reviewed the attached discharge package concerning [REDACTED] and find it legally sufficient to support an administrative discharge action for misconduct, specifically minor disciplinary infractions under AFI 36-3208, paragraph 5.49.

2. **INITIATION OF ACTION:** On 1 December 2004, [REDACTED] 33 AMXS/CC, notified the respondent he was recommending the respondent be administratively discharged for minor disciplinary infractions under AFI 36-3208, paragraph 5.49. [REDACTED] recommends the respondent receive a general discharge. The respondent is not entitled to an administrative discharge board.

3. **EVIDENCE CONSIDERED FOR THE GOVERNMENT:**

a. Investigation has disclosed that on or about 2 August 2004 at Dormitory 17D, [REDACTED] was involved in an incident where Security Forces personnel responded to a report of violence within his room. During that investigation it was determined that there was destruction of personal property. Additionally, [REDACTED] had an unauthorized female guest in his dormitory room and was charged with assault. In a separate dormitory incident on or about 2 April 2004, [REDACTED] was charged with fleeing and eluding the CQ and Security Forces, hiding personnel in his latrine, assisting them in eluding apprehension, and failing to obey the CQ. For this offense [REDACTED] received a letter of reprimand, dated 1 September 2004.

b. [REDACTED] who knew of his duties at or near Eglin Air Force Base, Florida, on or about 2 April 2004, was derelict in the performance of those duties in that he willfully failed to refrain from providing alcohol to Airman First [REDACTED] who was under the age of twenty-one, as it was his duty to do.

[REDACTED] d, at or near Eglin Air Force Base, Florida, on or about 23 May 2004, near the entry control point of the East Gate physically control a vehicle, to wit: a passenger car, while the alcohol concentration in his breath was 0.160 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. For the above offenses, [REDACTED] received nonjudicial punishment, dated 4 August 2004.

c. [REDACTED], at Eglin Air Force Base, Florida, on or about 15 February 2003, without proper authority, willfully break a window in dormitory 17, military property of the United States, by hitting it with his hand, the amount of said damage being in the sum of about \$49.59. For this offense [REDACTED] received nonjudicial punishment, dated 4 March 2003.

d. Investigation has disclosed that on or about 11 January 2003, [REDACTED] was involved in a social gathering in his room in Dorm #17 with A [REDACTED]. During this party, the other individuals were drinking both beer and "Jaegermeister" shots. They both made sworn written affidavits that implicated [REDACTED] in the crime of underage drinking.

However, in [REDACTED] sworn written statement, he vehemently denied consuming any alcohol (this could never be verified because he could NOT be located that night; he never returned to his room and no BAT was taken). At approximately 2245 hours, 11 January 2003, [REDACTED] got [REDACTED] POV and drove to the West Gate Shoppette to get some "Black & Milds." By A [REDACTED] own sworn admission, he related to [REDACTED] as so intoxicated he could, "hardly see, much less drive." However, [REDACTED] the ONLY person who was allegedly NOT drinking that night) allowed [REDACTED] to get behind the wheel of his car while A [REDACTED] both got inside as passengers. For this offense [REDACTED] received a letter of reprimand, dated 13 February 2003.

The supporting documents for these offenses are located at Tab 1.

4. **EVIDENCE CONSIDERED FOR THE RESPONDENT:** The respondent is 22 years old and enlisted in the Air Force on 14 August 2001. He was assigned to his current unit on 19 May 2002. After being advised of his rights to counsel and to submit statements, the respondent consulted counsel and waived his right to submit matters for your consideration (Tabs 2 & 3).

5. DISCUSSION:

a. *Separation Criteria:* [REDACTED] file is legally sufficient to support an administrative discharge action for minor disciplinary infractions pursuant to AFD 36-32 and AFI 36-3208, paragraph 5.49.

b. *Characterization of Discharge:* Discharge under paragraph 5.49 can be described as under other than honorable conditions (UOTHC), general, or honorable. An under other than honorable conditions discharge is appropriate when there has been a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of airmen. A general discharge is warranted when an Airman's service has been honest and faithful but significant negative aspects of the Airman's performance of duty outweigh positive aspects of the Airman's military record. An honorable discharge would be appropriate when the member's service has been so meritorious that any other characterization would be clearly inappropriate. The respondent's continuous disregard for rules and regulations is a significant negative aspect of his duty performance that outweighs any positive aspects of his military record. Thus, a general discharge appropriately characterizes [REDACTED] service.

c. *Probation & Rehabilitation (P&R):* Respondent is eligible for P&R under AFI 36-3208, chapter 7. P&R is limited to deserving cases, including those where the airman has demonstrated a potential to serve satisfactorily, has the capacity to be rehabilitated for continued military service or for completion of the current enlistment, or whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force. Past rehabilitative