

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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YES	No	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
	X		

MEMBER SITTING			HON	GEN	UOTHC	OTHER	DENY
							X
							X
							X
							X
							X

ISSUES A94.53	INDEX NUMBER A67.10	<table border="1" style="width:100%"> <tr><td style="text-align:center">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align:center">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align:center">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align:center">4</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</td></tr> </table>	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
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HEARING DATE 20 Oct 2004	CASE NUMBER FD-2004-00025	
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Case heard at Washington, D.C.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00025

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

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) on October 20, 2004, via Video Tele-Conference between Travis AFB, CA, and Andrews AFB, MD, but failed to appear or contact the DRB.

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

FINDINGS: Upgrade of discharge and change of reenlistment code is denied. 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 or reenlistment code.

ISSUE:

Applicant contends he would like to upgrade his discharge to re-enter the military; that when he was younger he didn't know if the Air Force was what he wanted to do so he got into trouble to get out but now realizes that the Air Force is what he wants to do with his life. The records indicated the applicant received three Article 15s, three Letters of Reprimand, one Letter of Admonishment, and three AAFES Letters of Impending Involuntary Collection for misconduct that included numerous failures to go, repeatedly missing appointments, failure to pay just debts, making numerous personal calls on a government phone, speeding on base, as well as a referral Enlisted Performance Report. 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 and reenlistment code should not be changed.

Attachment:
Examiner's Brief

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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Edwards AFB, CA on 22 Sep 98. UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 May 78. Enlmt Age: 18 1/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-72, E-63, G-55, M-32. PAFSC: 2W131E - Aircraft Armament Systems Apprentice. DAS: 13 Apr 97.

b. Prior Sv: (1) AFRes 28 Jun 96 - 3 Sep 96 (2 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Sep 96 for 4 yrs. Svd: 2 Yrs 0 Mo 19 Das, all AMS.

b. Grade Status: AB - 7 Aug 98 (Article 15, 7 Aug 98)
 AMN - 16 Jul 98 (Vacation of Article 15, 4 Aug 98)
 A1C - 4 Jan 98
 AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) 7 Aug 98, Edwards AFB, CA - Article 92. You, did, on or about 19 Jul 98, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman Basic. (No appeal) (No mitigation)

(2) 4 Aug 98, Vacation, Edwards AFB, CA - Article 86. You did, on or about 19 Jul 98, fail to go at the time prescribed to your appointed place of duty. *Reduction to Airman. (* Punishment is missing from AF Form 366, however, Memorandum For 95 ABC/CC, 8 Sep 98, para 2j states, "I have vacated the suspended reduction to the grade of Airman from his previous Article 15.") (No appeal) (No mitigation)

(3) 16 Jul 98, Edwards AFB, CA - Article 86. You, did, on divers occasions, between on or about 19 Jun 98 and on or about 24 Jun 98, without authority, fail to go at the time prescribed to your appointed place of duty. Article 107. You, did, on or about 24 Jun 98 with intent to deceive, make to [REDACTED] an official statement, to wit: the Metro Nissan dealership hours were from 0800 to 1700 and a part was ordered for

your vehicle, which statement was false in that the dealership was open from 0700 to 1900 and a part was not on order for you. Suspended reduction to Airman. Seven days restriction, and 7 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOA, 07 JUL 98 - Speeding.
 LOR, 17 JUN 98 - Failed to take proper steps to accomplish leave form and routing slip.
 LOR, 30 JUN 98 - Making personal calls on the government phone.
 AAFES LTR, 7 MAY 98 - Failure to pay just debt.
 AAFES LTR, 7 MAR 98 - Failure to pay just debt.
 AAFES LTR, 7 NOV 97 - Failure to pay just debt.
 LOR, 27 MAY 97 - Missed appointments.
 MFR, 19 MAY 97 - Missed appointments and personal responsibility.
- f. CM: None.
- g. Record of SV: 4 Sep 96 - 3 May 98 Edwards AFB 3 (Initial)
- h. Awards & Decs: AFTR, MBOB.
- i. Stmt of Sv: TMS: (2) Yrs (2) Mos (26) Das
 TAMS: (2) Yrs (0) Mos (19) Das

- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Jan 04.
 (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
 None.

3MAR04/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 412TH TEST WING (AFMC)
EDWARDS AIR FORCE BASE CALIFORNIA

FD 2004-00025

You did, between on or about 19 June 1998 and on or about 24 June 1998, on divers occasions, use the government phone to make a personal phone calls to your girlfriend in San Bernardino, California, as evidenced by an Article 15, dated 30 Jun 98. (Atch 1.6)

FROM: 412 TS/CC

300 E Mojave Blvd
AFMTC
Edwards AFB CA 93524-6325
Admonishment, dated 7 Jul 98 (Atch 1.9)

SUBJECT: Notification Memorandum

You did, on or about 19 July 1998, without authority, fail to go at the time prescribed to your appointed place of duty, as evidenced by an Article 15, dated 14 Aug 98 and an AF Form 155, dated 4 Aug 98. (Atch 1.10)

1. I am recommending your discharge from the United States Air Force for 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 discharge will be characterized as honorable or general. I am recommending that your service be characterized as general. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial convening authority (SCM) 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.

2. My reasons for this action are:

a. You did, on or about 19 May 1997, without authority, fail to go at the time prescribed to your appointed place of duty, as evidenced by a memo for record, dated 19 May 97. (Atch 1.1).

4. You do not have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult. You may consult with counsel at your own expense.

b. You did, on or about 27 May 1997, without authority, fail to go at the time prescribed to your appointed place of duty, as evidenced by a Letter of Reprimand, dated 27 May 97. (Atch 1.2).

5. You have the right to make all statements in your own behalf. Any statements you want the separation authority to consider must reach me by 7:00 p.m. on 27 May 97. If you request, you will receive an advisory for your own use. You may submit them to the separation authority.

c. You did, between on or about 7 September 1997 to on or about 7 November 1997, fail to pay just debts to Army and Air Force Exchange Service (AAFES) for the amount of \$31.00, as evidenced by a letter from AAFES, dated 7 Nov 97. (Atch 1.3).

6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your rights.

d. You did, between on or about 7 January 1998 to on or about 7 March 1998, fail to pay just debts to Army and Air Force Exchange Service for the amount of \$28.00, as evidenced by a letter form AAFES, dated 7 Mar 98. (Atch 1.4).

e. You did, between on or about 7 March 1998 to on or about 7 May 1998, fail to pay just debts to Army and Air Force Exchange Service for the amount of \$30.00, as evidenced by a letter from AAFES, dated 7 May 98. (Atch 1.5).

f. You did, between on or about 27 April 1998 to on or about 13 May 1998, on divers occasions, use the government phone to make a personal phone calls to your girlfriend in San Bernardino, California, as evidenced by a Letter of Reprimand, dated 30 Jun 98. (Atch 1.6).

g. You did, on or about 15 June 1998 and on or about 16 June 1998, without authority, fail to take the proper steps to accomplish leave form and routing slip, as evidenced by a Letter of Reprimand, dated 17 Jun 98. (Atch 1.7).

1. You did, between on or about 19 June 1998 and on or about 24 June 1998, on divers occasions, without authority, fail to go at the time prescribed to your appointed place of duty, as evidenced by an Article 15, dated 16 Jul 98. (Atch 1.8).

1.3 AAFES Ltr, dtd 7 Nov 97

1.4 You did, on or about 27 June 1998, violate a lawful traffic regulation, AFR 125-14, AFFTC Sup 1, by driving 67 MPH in a 55 MPH zone, as evidenced by a Letter of Admonishment, dated 27 Jul 98. (Atch 1.9).

1.7 LOR, dtd 17 Jun 98

1.8 You did, on or about 19 July 1998, without authority, fail to go at the time prescribed to your appointed place of duty, as evidenced by an Article 15, dated 14 Aug 98 and an AF Form 366, dated 2 Aug 98A (Atch 1.10).

AF Form 366, dtd 4 Aug 98

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

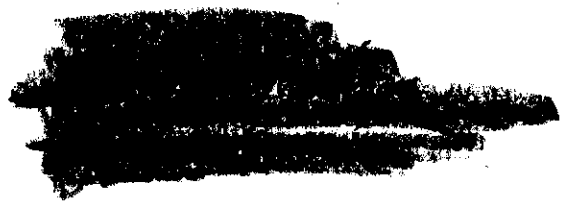
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [redacted] at Bldg 2670 on 31 Aug 98 at 1300 hrs. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 3 Sep 98 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 a medical examination. You must report to the Physical Examination Section, Flight Surgeon's Office, Bldg 3925 at 0730 on SEP 02 1998 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 the Orderly Room.



Attachments:

- 1. Supporting documents
- 1.1 MER, dtd 19 May 97
- 1.2 LOR, dtd 27 May 97
- 1.3 AAFES Ltr, dtd 7 Nov 97
- 1.4 AAFES Ltr, dtd 7 Mar 97
- 1.5 AAFES Ltr, dtd 7 May 98
- 1.6 LOR, dtd 30 Jun 98
- 1.7 LOR, dtd 17 Jun 98
- 1.8 Art 15, dtd 16 Jul 98
- 1.9 LOA, dtd 7 Jul 98
- 1.10 Art 15, dtd 14 Aug 98

you missed your reading appointment for a second time. Your
 I know where it was so by the time you found it you were late, and
 in. This is not a good excuse, and given your prior record you and I
 and an adult and are suppose to act responsibly. It is your
 your appointments are, and to be at them at the scheduled
 self, nor are you making them easy on me as
 your supervisor. I will not tolerate conduct such as this when I am supervising you. This
 is your warning to get it together. People have a close eye on you because of the baggage
 you brought here from tech school. Stop drawing un-needed attention to yourself by not
 doing the very simplest things, such as not being were your supposed to be on time. I
 think that you will be a fine Airman and will contribute to this shop as a good worker,
 and I will gladly help you in every way possible. But for your own sake don't take it out
 of my control, help me help you. Because of the baggage I mentioned before you will
 have to better than just average you will have to try and excel, and by excelling you can
 lose that baggage. If you have any comments you would like to add to this letter write
 them down and I will attach it to them.

[Redacted signature]

I don't want have any comments to add to this memo.

[Redacted signature]