

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE		AFSN/SSAN [REDACTED]				
TYPE GEN	PERSONAL APPEARANCE			X	RECORD REVIEW			
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No							
	X							
MEMBER SITTING				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
								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				
HEARING DATE		CASE NUMBER						
19 May 2004		FD-2004-00105						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE								
Case heard at 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								
[REDACTED]								
INDORSEMENT				DATE: 5/19/2004				
TO:		FROM:						
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		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-2004-00105

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

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, change of reason and authority for discharge, and change of reenlistment code are denied.

ISSUE: Applicant does not contest his discharge; he merely wants an upgrade so he can reenlist. The records indicated the applicant received an Article 15, a Letter of Reprimand, nine AETC Forms 341, Memorandum For Record, and a Vacation action under the UCMJ for various acts of misconduct. 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

[REDACTED]
[REDACTED]
(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Goodfellow AFB, TX on 23 Apr 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 14 Mar 84. Enlmt Age: 18 3/12. Disch Age: 19 1/12. Educ: HS DIPL. AFQT: N/A. A-63, E-55, G-62, M-38. PAFSC: 3E711 - Student. DAS: 23 Sep 02.

b. Prior Sv: (1) AFRes 21 Jun 02 - 5 Aug 02 (1 month 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Aug 02 for 4 yrs. Svd: 0 Yrs 8 Mo 18 Das, all AMS.

b. Grade Status: Amn - 6 Feb 03

c. Time Lost: None.

d. Art 15's: (1) 4 Apr 03, Vacation, Goodfellow AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 15 Mar 03, were derelict in the performance of those duties in that you failed to wear the appropriate blue uniform combination while off station and, therefore, failed to adhere to the phase program, as it was your duty to do. You, who knew or should have known of your duties, between on or about 15 Mar 03, were derelict in the performance of those duties in that you failed to remain on station while in phase 1 and, therefore, failed to adhere to the phase program, as it was your duty to do. Forfeiture of \$575.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 17 Mar 03, Goodfellow AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 5 Mar 03, were derelict in the performance of those duties in that you willfully departed Goodfellow AFB, and therefore, failed to adhere to the phase program, as it was your duty to do. Suspended forfeiture of \$575.00, and 30 days correctional custody (Correctional custody mitigated to: 30 days restriction). (No appeal)

e. Additional: AETC 341, UNDATED - Failed room inspection.

AETC 125A, 27 MAR 03 - Disenrolled from training for administrative reasons.
 LOR, 03 MAR 03 - Failure to go, failure to report for details, and phase and curfew violation.
 MEMO, 19 FEB 03 - Phase and curfew violation.
 AETC 341, 16 FEB 03 - Phase violation.
 AETC 341, 09 FEB 03 - No show for phase 1 details.
 AETC 341, 29 JAN 03 - Late for school.
 AETC 341, 27 JAN 03 - Failure to go.
 AETC 341, 18 JAN 03 - Phase violation.
 LOR, 17 JAN 03 - Unprofessional behavior and disrespect to an NCO.
 AETC 341, 10 DEC 02 - Unauthorized departure from class.
 AETC 341, 19 NOV 02 - Haircut violation.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (0) Yrs (10) Mos (3) Das
 TAMS: (0) Yrs (8) Mos (18) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 17 Mar 04.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: The upgrade of my reentry code is needed so that I can reenlist into the Air Force. I know I made mistakes, because I was immature and didn't want to adapt. I need and I, also ask that my reentry code be changed to a 1B from a 2B.

ATCH

None.

9APR04/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD2004-00105

APR 10 2003

MEMORANDUM FOR AMN [REDACTED] 312 TRS

FROM: 312 TRS

SUBJECT: Notification Memorandum

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 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. On or about 19 Nov 02, you needed a haircut. For this, you received an AETC Form 341 on 19 Nov 02.
 - b. On or about 10 Dec 02, you left the squadron before your class was released. For this, you received an AETC Form 341 on 10 Dec 02.
 - c. On or about 16 Jan 03, you acted unprofessionally by telling the flight in front of you to halt for no reason. When questioned by the Airman Leader [REDACTED] you responded by saying, "that you were not in the Air Force and that you were in the Army". You laughed and walked off. Your behavior was inexcusable and you displayed a lack of respect for authority in front of the other airmen. For these, you received an AETC Form 341 on 16 Jan 03 and a Letter of Reprimand on 17 Jan 03.
 - d. On or about 18 Jan 03, you wore civilian clothes and rode in a privately owned vehicle in violation of phase rules after accountability. In addition, your room was checked and your window placard was removed in violation of the phase program. For this, you received an AETC Form 341 on 18 Jan 03.
 - e. On or about 27 Jan 03, you failed to go to assigned details. For this, you received an AETC Form 341 on 27 Jan 03 and it was documented on two Memorandum for Records on 29 Jan 03.
 - f. On or about 29 Jan 03, you were over one hour late for class. For this, you received an AETC Form 341 on 29 Jan 03 and it was documented on a Memorandum for Record, dated 29 Jan 03.
 - g. On or about 09 Feb 03, you were a no show for phase 1 details. For this, you received an AETC Form 341 on 09 Feb 03 and it was documented on a Memorandum for Record, dated 09 Feb 03.

h. On or about 16 Feb 03, you were not in your room for 2200 hour phase check and your placard was not in your window which is a violation of the phase program. For these, you received an AETC Form 341 on 16 Feb 03 and it was documented on a Memorandum for Record, dated 19 Feb 03. For this incident and the failures to report on 29 Jan and 06 Feb 03, you received a Letter of Reprimand on 03 Mar 03.

i. On or about 05 Mar 03, you, who knew or should have known of your duties, at or near Goodfellow AFB, Texas, were derelict in the performance of those duties in that you willfully departed Goodfellow Air Force Base, and therefore, failed to adhere to the phase program, as it was your duty to do. For this, you received an AF Form 3070 (Article 15) on 17 Mar 03.

j. On or about 15 Mar 03, you, who knew or should have known of your duties, at or near Goodfellow AFB, Texas, were derelict in the performance of those duties in that you failed to wear the appropriate blue uniform combination while off station and, therefore, failed to adhere to the phase program, as it was your duty to do. On or about 15 Mar 03, you, who knew or should have known of your duties, at or near Goodfellow Air Force Base, Texas, were derelict in the performance of those duties in that you failed to remain on station while in phase 1 and, therefore, failed to adhere to the phase program, as it was your duty to do. For these, you received an AF Form 366 (Vacation Action) on 4 Apr 03.

k. On or about 27 Mar 03, you were disenrolled from course X3ABR3E731-006 (Fire Protection Apprentice) for administrative reasons. You are not recommended for further technical training. This was documented on AETC Form 125A and a Record of Training on 27 Mar 03.

l. On an unknown date, your room failed an inspection because your wall locker was open, both beds were unmade, and there was trash in the trashcan. For these, you received an AETC Form 341, undated.

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 with the Goodfellow AFB, Area Defense Counsel on 10 Apr 03 at 900 1500 hours in Bldg 308. 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 15 Apr 03 at 1300 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 must report to the Physical Exams Section of the clinic during walk-in hours, Monday through Thursday from 0730-1530 hours, for your medical examination.

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 in the Unit Orderly Room.



Lt Col, USAF

Commander

Attachments:

1. AETC Form 341 on 19 Nov 02
2. AETC Form 341 on 10 Dec 02
3. AETC Form 341 on 16 Jan 03
4. Letter of Reprimand on 17 Jan 03
5. AETC Form 341 on 18 Jan 03
6. AETC Form 341 on 27 Jan 03
7. Memorandum for Record on 29 Jan 03 (2)
8. AETC Form 341 on 29 Jan 03
9. AETC Form 341 on 09 Feb 03
10. Memorandum for Record, dated 09 Feb 03
11. AETC Form 341 on 16 Feb 03
12. Memorandum for Record, dated 19 Feb 03
13. Letter of Reprimand on 03 Mar 03
14. AF Form 3070 (Article 15), dated 17 Mar 03
15. AF Form 366 (Vacation Action), dated 04 Apr 03
16. AETC Form 125A and a Record of Training, dated 27 Mar 03
17. AETC Form 341, undated