

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

|  |                     |                                |
|--|---------------------|--------------------------------|
| <b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b><br>[REDACTED] | <b>GRADE</b><br>AMN | <b>AFSN/SSAN</b><br>[REDACTED] |
|--|---------------------|--------------------------------|

|                                     |                                     |  |   |
|-------------------------------------|-------------------------------------|--|---|
| <b>TYPE GEN</b>                     | <input checked="" type="checkbox"/> | <b>PERSONAL APPEARANCE</b>                 | <b>RECORD REVIEW</b>                          |
| <b>COUNSEL</b>                      |                                     | <b>NAME OF COUNSEL AND OR ORGANIZATION</b> | <b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b> |
| <b>YES</b>                          | <b>No</b>                           | [REDACTED]                                 | [REDACTED]                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |   |

| MEMBER SITTING | VOTE OF THE BOARD |     |       |       |      |
|----------------|-------------------|-----|-------|-------|------|
|                | HON               | GEN | UOTHC | OTHER | DENY |
|                |                   |     |       |       | X    |
|                |                   |     |       |       | X    |
|                |                   |     |       |       | X    |
|                |                   |     |       |       | X    |
|                |                   |     |       |       | X    |

|                         |                               |  |
|-------------------------|-------------------------------|--|
| <b>ISSUES</b><br>A94.53 | <b>INDEX NUMBER</b><br>A67.09 | <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                        |

|                                    |                                     |  |
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| <b>HEARING DATE</b><br>15 Nov 2004 | <b>CASE NUMBER</b><br>FD-2004-00189 |  |
|------------------------------------|-------------------------------------|--|

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Washington, D.C., via video-conference at Randolph AFB TX.

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

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|--|---|-------------------------|
| <b>INDORSEMENT</b>   |   | <b>DATE:</b> 11/19/2004 |
| <b>TO:</b><br>SAF/MRBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742 | <b>FROM:</b><br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3RD FLOOR<br>ANDREWS AFB, MD 20762-7002 |                         |

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2004-00189

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

The applicant appeared and testified via video teleconference at Randolph AFB, TX before the Discharge Review Board (DRB) which met at Andrews AFB, MD, on November 15, 2004. He was represented by [REDACTED] of the Texas Veterans Commission.

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 are 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.

The applicant's representative stated that the applicant did not have a material issue with the discharge action. The applicant is seeking an honorable discharge and a change in reenlistment code so that he may enlist in the Army.

The records indicated the applicant received two Article 15s, and a Letter of Reprimand. The first Article 15 was for an attempt to unlawfully enter the dormitory room of a fellow airman. The applicant explained that he was trying to leave the airman information so that the airman would contact him to sell him a cell phone. The applicant was found guilty and received forfeiture of \$150 pay per month for two months. He received a Letter of Reprimand for violation of security standards and not maintaining his dorm room according to standards. He was also returned to Phase I status. The applicant was required to remain on base, in proper uniform during his time in Phase I. He received the second Article 15 for failure to go, failure to remain on base, failure to remain in uniform, and false official statement. The applicant was ordered to help clean up a building. Instead, the applicant attended an off-base church, in civilian clothes. Upon his return to base, he was seen by an NCO. In response to the NCO's inquiry, the applicant falsely stated that he was in Phase III, indicating that it was allowable for him to be in civilian clothes. The DRB noted that the second Article 15 occurred less than six months after his first offense. They were concerned that the first offense indicated a lack of trustworthiness. The Board also considered the applicant's second offense a serious matter because it involved failure to perform his duty and untruthfulness. The characterization of the discharge received by the applicant was found to be appropriate.

The applicant testified that he is working and attending college classes. He performs volunteer services for his church and the local VA hospital. 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 Board concluded that the characterization of the applicant's service was appropriate.

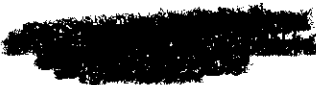
**CONCLUSIONS:** The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

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

FD2003-00189A

 (Former AMN) (HGH A1C) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Dish fr Sheppard AFB, TX on 10 Dec 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 14 Mar 03.

b. The AFDRB reviewed case on 8 Apr 03 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 19 Apr 04. (Change Discharge to Honorable).

NO ISSUES SUBMITTED.

Atch

None.

21JUL04/ai

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

[REDACTED]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 10 Dec 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 3 Aug 81. Enlmt Age: 18 11/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-74, E-68, G-41, M-23. PAFSC: 2E632 - Communications Cable & Antenna Systems Apprentice. DAS: 28 Mar 01.

b. Prior Sv: (1) AFRes 18 Jul 00 - 5 Sep 00 (1 Month 19 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 6 Sep 00 for 6 yrs. Svd: 1 Yr 3 Mos 5 Das, all AMS.

b. Grade Status: AMN - 3 Oct 01 (Article 15, 3 Oct 01)

c. Time Lost: None.

d. Art 15's: (1) 3 Oct 01, Sheppard AFB, TX - Article 86. You did, on or about 2 Sep 01 and on or about 3 Sep 01, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You did, on or about 3 Sep 01, violate a lawful general instruction by wrongfully failing to remain on Sheppard AFB, TX. You did, on or about 3 Sep 01, violate a lawful general instruction, by wrongfully failing to remain in proper military uniform. Article 107. You did, on or about 3 Sep 01, with intent to deceive, make to MSgt -----, an official statement, to wit: you were in Phase III, which statement was totally false, and was then known by you to be so false. Reduction to AMN, restriction for 30 days, and a reprimand. (No appeal) (No mitigation)

(2) 17 May 01, Sheppard AFB, TX - Article 80. You did, on or about 4 Apr 01, attempt to unlawfully enter the dorm room of A1C ----- . Forfeiture of \$150.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 7 AUG 01 - Violation of room security standards, and failure to obey an order or regulation by not maintaining dorm room in accordance with base guidelines.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (4) Mos (23) Das  
TAMS: (1) Yr (3) Mos (5) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Jan 03.  
(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

Issues: Sir, my conduct while I was in the Air Force was unacceptable. As a member of the Air Force I am expected to understand and comply with all established rules, regulation, and policies. I took some time to reevaluate my dedication and commitment to the Air Force and should set an example for other Airmen to follow. By maintaining the highest standards of personal conduct, discipline, integrity, and responsibility. Sir, I've learned that is not all about me but, the issue of my concern is re-entry into the armed services. Right now my re-entry code is a (2B) which mean for a year I will not return (sic) the Arm (sic) Forces of any kind. I need at least a (1C) to re-enter the Army.

**ATCH**

1. DD Form 149.

14Mar03/cr



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

27 NOV 2001

MEMORANDUM FOR AMN [REDACTED]

FROM: 364 TRS/CSS

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 under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reasons for this action are:
  - a. You did, at or near Sheppard AFB TX, on or about 2 Sep 01 and on or about 3 Sep 01 without authority, fail to go to your prescribed place of duty, to wit: details at building 776. For this infraction and subparagraphs "b", "c", and "d" below you received an Article 15 on 3 Oct 01.
  - b. You did, at or near Sheppard AFB TX, on or about 3 Sep 01, violate a lawful general instruction, to wit: paragraph 5.2.1, Sheppard Air Force Base Instruction 36-2902, dated 15 Oct 1997, by wrongfully failing to remain on Sheppard Air Force Base, Texas.
  - c. You did, at or near Sheppard AFB TX, on or about 3 Sep 01, violate a lawful general instruction, to wit: paragraph 5.2.2, Sheppard Air Force Base Instruction 36-2902, dated 15 Oct 1997, by wrongfully failing to remain in proper military uniform.
  - d. You did, at or near Sheppard AFB TX, on or about 3 Sep 01, with intent to deceive, make to [REDACTED] an official statement, to wit: you were in Phase III, which statement was totally false, and was then known by you to be so false.
  - e. You did, at or near Sheppard AFB TX, on or about 7 Aug 01, violate a lawful general instruction, to wit: paragraph 2.1.3, SAFBI 36-2902, dated 15 Oct 97, by wrongfully failing to keep your dormitory room in inspection order at all times. For this misconduct, you received a Letter of Reprimand (LOR) on 7 Aug 01.
  - f. You did, at or near Sheppard AFB TX, on or about 4 Apr 01, attempt to unlawfully enter the dorm room of Airman First Class [REDACTED]. For this misconduct you received an Article 15 on 17 May 01.

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 Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible to reenlist in the Air Force and will be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

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 [REDACTED] Area Defense Counsel, at Bldg 1638, Room 110 on 22 Nov 01 at 1400 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 21 Nov 01 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 were scheduled for a medical examination on 29 Oct 01 at 0630.
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 364 TRS commander's support staff office.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

Squadron Section Commander

Attachments:

1. AF Form 3070, 3 Oct 01
2. Response to Art 15, 25 Sep 01
3. AF Form 1168, [REDACTED], 4 Sep 01
4. AF Form 1168, [REDACTED], 4 Sep 01
5. LOR, 7 Aug 01
6. Response to LOR, [REDACTED], undated
7. AF Form 3070, 17 May 01
8. Response to Art 15, 10 May w/atch
9. AF Form 3545, 01-04-62
10. AF Form 1168, [REDACTED], 4 Apr 01
11. AF Form 1168, [REDACTED], 4 Apr 01
12. AF Form 1168, [REDACTED], 4 Apr 01
13. AF Form 1168, [REDACTED], 4 Apr 01

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**Attachments continued:**

14. Student Training Report, 01011
  15. Memo For Record, 20 Nov 01
  16. Memo For Record, 25 Oct 01
  17. Airman's Receipt of Notification Memorandum
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