

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE A1C		AFSN/SSAN ██████████	
TYPE GEN	PERSONAL APPEARANCE			RECORD REVIEW	
X					
NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No				
	X				
MEMBER SITTING					
			HON	GEN	UOHC
					OTHER
					DENY
					X
					X
					X
					X
					X
ISSUES A94.53		INDEX NUMBER A67.10		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 22 Oct 2004		CASE NUMBER FD-2004-00214			

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-2004-00214

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

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) on October 22, 2004, via Video-Teleconference 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, change of reason and authority for discharge, and change of reenlistment code are 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

ISSUE:

Applicant contends he would like to reenlist in the Air Force and make it a career, that he was raised in a very disciplined and structured family and hung out with the wrong people while he was in the Air Force, and that he is wiser and more mature now and would like the opportunity to show his family, the Air Force, and himself that a person can grow up and change. The records indicated the applicant received three Article 15s, four Letters of Reprimand, and two Records of Individual Counseling for misconduct that included failure to go, repeatedly being late for duty and mandatory appointments, dereliction of duty, a speeding ticket, and two referral Enlisted Performance Reports . 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, reason and authority for 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 A1C) (HGH A1C)

MISSING DISCHARGE DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Barksdale AFB, LA on 26 Feb 01 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: 6 Sep 79. Enlmt Age: 18 4/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-72, E-60, G-70, M-55. PAFSC: 2A551K - Aerospace Maintenance Journeyman. DAS: 7 Aug 98.

b. Prior Sv: (1) AFRes 29 Jan 98 - 24 Mar 98 (1 month 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Mar 98 for 4 yrs. Svd: 2 Yrs 11 Mo 3 Das, all AMS.

b. Grade Status: A1C - 25 Jul 99
Amn - 25 Sep 98

c. Time Lost: None.

d. Art 15's: (1) 8 Feb 01, Barksdale AFB, LA - Article 86. You did, on or about 19 Dec 00, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Amn, and a reprimand. (No appeal) (No mitigation)

(2) 5 Apr 00, Barksdale AFB, LA - Article 92. You, who knew of your duties, on divers occasions between on or about 1 Feb 00 and on or about 3 Mar 00, were derelict in the performance of those duties in that you willfully failed to follow proper aircraft washing safety precautions, as it was your duty to do. Thirty days correctional custody, 7 days restriction, and a reprimand. (No appeal) (No mitigation)

(3) 15 Nov 99, Barksdale AFB, LA - Article 86. You did, on or about 26 Oct 99, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Amn, and 20 days extra duty. (No appeal) (No mitigation)

e. Additional: (Examiner's Note: The following infractions are listed on

the Notification Letter, but are missing from the file).

LOR, 11 JAN 00 - Failure to show up for morning roll call.
 LOR, UNDATED - Late for duty.
 LOR, 27 JUL 99 - Late for duty.
 RIC, 16 OCT 98 - Speeding ticket.
 LOR, 14 OCT 98 - Late for appointment.
 RIC, 10 OCT 98 - Late for work.

f. CM: None.

g. Record of SV: 25 Mar 98 - 24 Nov 99 Barksdale AFB 3 (Initial)REF
 25 Nov 99 - 24 Nov 00 Barksdale AFB 2 (Annual)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (29) Das
 TAMS: (2) Yrs (11) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Jun 04.
 (Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 149.
3. Enlisted Performance Report.
4. Performance Feedback Worksheet.
5. Enlisted Performance Report.

21JUL04/ia

June 6, 2004

I am writing this letter in hopes of reenlisting into the U.S. Air Force. My name is [REDACTED]. I enlisted in the Air Force right out of high school at the age of 18. I was discharged early at the age of 21. I recently tried to reenlist and was told by the recruiter that my discharge was a general. I respectfully ask that my discharge be changed to an honorable. My recruiter told me to acquire these forms and respectfully submit them to you in hopes of trying to go back in the U.S. Air Force. I come from a very good family. I've never been away from home by myself and unsupervised. I was taught to be honest, respectful and trustworthy. I never had a problem in basic training. I received the AIR FORCE TRAINING RIBBON in basic training. My career field upon graduation from basic was a B1-B2-B52 AEROSPACE MAINTENANCE APPRENTICE. While stationed at Barksdale Air Force Base, La., SECOND MAINTENANCE QUADRON, MAINTENANCE FLIGHT, I acquired my JOURNEYMEN and was an AIRMEN 1ST CLASS. I also received the AIR FORCE OUTSTANDING UNIT AWARD. When I arrived at Barksdale Air Force Base, I lived on base for 2 years. I then moved off base and shared an apartment with a roommate in the military police. First of all, growing up in my mother and fathers' home, it was a very disciplined and structured, NO drinking, NO partying. In high school I played sports, my grades were good. While in high school, I also entered into a trade school, in which I graduated as a medical assistant. My ASVAB scores were above normal. I have no criminal records.

My problem was not on the job performing my duties. My commander and my first sargeant was happy with my job perfomance. My problem was hanging out with the wrong people,going to bars, drinking and showing up for work late and being counseled. I have no excuse for my actions to the U.S. Air Force, my commander, my sargeant, or my fellow soldiers or family. I no longer drink or hang out with the wrong people. I should have listened to my father and hung around with more positive and motivated people. I had my chances,my commander warned me and told me what was going to happen and that the only reason I stayed in as long as I did was because my job performance was good. He once told me that if he could keep me on the base 24-7 I would be ok.

I never experienced any type of night life while I was at home and growing up. I realize what I've done now that I'm older and wiser. I've been working in construction ever since I've gotten out. I've missed the Air force everyday. I would like to go back in and make a career of it.

I was young, 18 years old and I knew it all, but I knew nothing. I would like the opportunity to show my family, the Air Force, and me that a person can grow up and change. I'm mature, I won't make the same mistake again and would respectfully like an opportunity to appeal my general discharge at your earliest convenience and place.

Thank you for taking the time to read this letter and anticipate hearing a reply.

Sincerly




DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LOUISIANA

9 February 2001

MEMORANDUM FOR [REDACTED]

FROM: 2 MXS/CC

SUBJECT: Notification Letter – Administrative Discharge

1. I am recommending that you be discharged from the United States Air Force for Minor Disciplinary Infractions as conduct prejudicial to good order and discipline. The authority for this action is AFI 36-3208, para 5.49. If my recommendation is approved, your service may be characterized as under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My basis for discharge and the recommended service characterization are as follows:
 - a. On or about 19 Dec 00, you failed to go to your appointed place of duty, as evidenced by an Article 15, dated 06 Feb 01 (ATCH A);
 - b. On or about 11 Dec 99, you failed to show up for morning roll call, as evidenced by a Letter of Reprimand (LOR), dated 11 Jan 00 (ATCH B);
 - c. Between on or about 1 Feb 00 and 3 Mar 00, you willfully failed to obey safety instructions, as evidenced by an Article 15, dated 7 Apr 00 (ATCH C);
 - d. On or about 28 Jul 99, you failed to report for duty on time, as evidenced by an undated LOR (ATCH D);
 - e. On or about 26 Jul 99, you failed to report for duty on time, as evidenced by an LOR, dated 27 Jul 99 (ATCH E);
 - f. On or about 26 Oct 99, you failed to show up for your appointed duties, as evidenced by an Article 15, dated 18 Nov 99 (ATCH F);
 - g. On or about 19 Sep 98, you received a speeding ticket, as evidenced by an RIC, dated 16 Oct 98 (ATCH G);
 - h. On or about 14 Oct 98, you were tardy for a mandatory appointment, as evidenced by an LOR, dated 14 Oct 98 (ATCH H); and
 - i. On or about 30 Sept 98, you failed to show up for work on time, as evidenced by a Record of Individual Counseling (RIC), dated 10 Oct 98 (ATCH I).

3. Copies of the document(s) referenced above have been attached and will be forwarded to the separation authority in support of this recommendation. The commander exercising 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. Military legal counsel [REDACTED] Area Defense Counsel (ADC) for Barksdale AFB, Extension 6-8355, Building 4714 (gym annex building), third floor, has been obtained to assist you. An appointment has been scheduled for you to consult with the ADC on 13 Feb at 1600 hrs. You may consult civilian counsel at your own expense.

5. You have been scheduled for a medical examination. You must report to Flight Medicine with your medical records for the appointment. Your appointment is on _____ at _____ hrs.

6. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me within three (3) duty days, unless you request and receive an extension for good cause. I will send any statements that you provide to the separation authority.

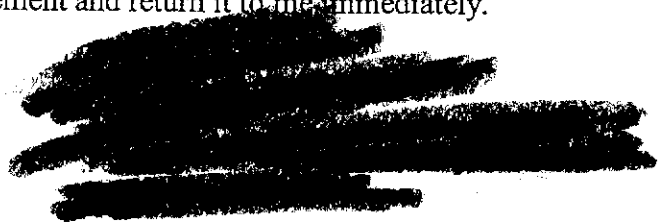
7. You have been scheduled for a Pre-separation Counseling briefing. You must report to the Family Support Center, Bldg 4713, at _____ on _____ for the briefing.

8. If you fail to consult counsel or fail to submit statements in your behalf, you will waive the right to do so.

9. Any personal information that you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 35-3208, the AFI governing this case, is available for your use in your unit Orderly Room.

PD 2004 00279

10. Execute the attached acknowledgement and return it to me immediately.



Attachment(s):

- A. Article 15, dated 06 Feb 01
- B. LOR, dated, 11 Jan 00
- C. Article 15, dated 7 Apr 00
- D. LOR, undated
- E. LOR, dated 27 Jul 99
- F. Article 15, dated 18 Nov 99
- G. RIC, dated 16 Oct 98
- H. LOR, dated 14 Oct 98
- I. RIC, dated 10 Oct 98