

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE A1C	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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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
					X

ISSUES A94.53 A93.01 A94.05	INDEX NUMBER A67.50	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 18 Nov 2004	CASE NUMBER FD-2004-00221	
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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.

[Handwritten Signature]

INDORSEMENT		DATE: 11/18/2004
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	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00221

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

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 and change of reason and authority for discharge 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.

ISSUE:

The records indicated the applicant received two Article 15s, four Letters of Reprimand, and three Letters of Counseling for misconduct. Member's misconduct included speeding, sleeping on duty, dereliction of duty, and failure to go on numerous occasions. 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.

Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, of which two were referrals, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Little Rock AFB, AR on 26 Mar 04 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 2 Nov 80. Enlmt Age: 19 3/12. Disch Age: 23 4/12. Educ: HS DIPL. AFQT: N/A. A-86, E-86, G-88, M-85. PAFSC: 2A651B - Aerospace Propulsion Journeyman. DAS: 14 Dec 00.

b. Prior Sv: (1) AFRes 12 Feb 00 - 6 Jun 00 (3 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Jun 00 for 6 yrs. Svd: 3 Yrs 9 Mo 20 Das, all AMS.

b. Grade Status: A1C - 24 Nov 03 (Article 15, 24 Nov 03)
SrA - 21 Apr 03
A1C - 24 Jul 00

c. Time Lost: None.

d. Art 15's: (1) 24 Nov 03, Little Rock AFB, AR - Article 86. You, did, on or about 22 Oct 03, and on or about 27 Oct 03, and on or about 7 Nov 03, and on or about 10 Nov 03, without authority, fail to go at the times prescribed to your appointed place of duty. Article 92. You, who should have known of your duties, on or about 28 Oct 03, were derelict in the performance of those duties in that you willfully failed to correct discrepancies on engine 4259 when you signed them off as being corrected, as it was your duty to do. Reduction to A1C. (Appeal/Denied) (No mitigation)

(2) 21 Dec 01, Little Rock AFB, AR - Article 86. You, did, on or about 10 Dec 01, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Airman. Thirty days correctional custody, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: (Examiner's Note: The following infractions are listed in the Notification Memorandum, but are missing from file).

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LOR, 17 FEB 04 - Failure to go.

LOR, 08 AUG 03 - Failure to go.
 LOC, 23 JUN 03 - Dereliction of duty.
 LOC, 18 APR 03 - Missed appointment and disrespect to an
 NCO.
 LOR, 18 MAR 03 - Traffic Ticket for speeding.
 LOR, 16 SEP 01 - Failure to go and sleeping on duty.
 LOC, 08 JUL 01 - Failure to go. [REDACTED]

f. CM: None.

g. Record of SV: 7 Feb 00 - 7 Feb 02 Little Rock AFB 3 (Initial)REF
 8 Feb 02 - 7 Feb 03 Little Rock AFB 4 (Annual)
 8 Feb 03 - 7 Feb 04 Little Rock AFB 2 (Annual)REF

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (4) Yrs (1) Mos (14) Das
 TAMS: (3) Yrs (9) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Jun 04
 (Change Discharge to Honorable and Change the Reason and Authority for
 Discharge)

NO ISSUES SUBMITTED.

ATCH
 None.

23JUL04/ia



DEPARTMENT OF THE AIR FORCE

314th MAINTENANCE SQUADRON
LITTLE ROCK AFB, ARKANSAS 72099

FD 2004-00221

MAR 02 2004

MEMORANDUM FOR [REDACTED]

FROM: 314 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge.
2. My reason for this action is:
 - a. On or about 22 June 2001, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received a letter of counseling (LOC), dated 8 July 2001.
 - b. On or about 14 September 2001, you failed to go at the time prescribed to your appointed place of duty. On or about 15 September 2001, you were found asleep while performing door guard duties for building 356. For your actions, you received a letter of reprimand (LOR), dated 16 September 2001. An unfavorable information file (UIF) was established.
 - c. On or about 10 December 2001, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received nonjudicial punishment under Article 15 of the UCMJ on 21 December 2001. This action was also filed in your UIF.
 - d. On or about 17 March 2003, at Little Rock AFB, you received a traffic ticket for speeding. For your actions, you received a LOR, dated 18 March 2003.
 - e. On or about 18 April 2003, you were disrespectful to a NCO. You were questioned by [REDACTED] about your missed appointment for your weight check. During the process, you told [REDACTED] that you were sick of everything happening and that you would rather go to jail than to stay here. For your actions, you received a LOC, dated 18 April 2003.
 - f. Between on or about 5 May 2003 and on or about 16 May 2003, you failed to document critical maintenance actions that occurred during that period of time. For your actions, you received a LOC, dated 23 June 2003.
 - g. On or about 8 August 2003, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received a LOR, dated 8 August 2003.

h. On or about 22 October 2003, on about 27 October 2003, on or about 7 November 2003, and on or about 10 November 2003, you failed to go at the time prescribed to your appointed place of duty. On or about 28 October 2003, you were derelict in the performance of your duties in that you willfully failed to correct discrepancies on engine 4259 and you signed them off as being corrected. For your actions, you received nonjudicial punishment under Article 15 of the UCMJ on 24 November 2003. This action was also filed in your UIF.

i. On or about 10 February 2004, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received a LOR, dated 17 February 2004. In addition, this was filed in your UIF.

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], on 4 March 2004, at 0900 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 5 Mar 04 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 are scheduled for the following appointments. You must first report to the Military Personnel Flight, Separations Section, located at 1255 Vandenberg Blvd, Room 100 on 3 March 2004 at 1400 hours. You must then report to the Medical Clinic, located at 1090 Arnold Dr at 1000 hours on 4 March 2004 for your examination. You must fast 14 hours prior to the examination and may drink only water during that time. You must not smoke 14 hours prior, nor may you consume alcohol 72 hours prior to your examination. If you wear glasses, bring them with you. If you wear contact lenses, bring a container to store them in during your eye 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 at the orderly room.

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

[REDACTED]

Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum w/Recoupment Statement