

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE AMN	AFSN/SSAN ████████████████				
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 <div style="border: 1px dashed black; width: 250px; height: 100px; margin-bottom: 5px;"></div>			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 07 Oct 2004		CASE NUMBER FD-2004-00245					
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							
<div style="border: 1px dashed black; width: 700px; height: 40px; margin-bottom: 5px;"></div>							
INDORSEMENT				DATE: 10/12/2004			
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-2004-00245

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 contends discharge was inequitable because it was too harsh and based on one isolated incident. The records indicated the applicant received an Article 15, a Letter of Reprimand, a Letter of Counseling, and a Vacation action under the UCMJ for various acts of misconduct. The applicant's issue about it being based on one isolated incident is without merit as the above acts of misconduct show. 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Barksdale AFB, LA on 7 Oct 02 UP AFI 36-3208, para 5.49 (Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 16 Aug 80. Enlmt Age: 19 4/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-51, E-49, G-62, M-56. PAFSC: 2W131K - Aircraft Armament Systems Apprentice. DAS: 29 Aug 00.

b. Prior Sv: (1) AFRes 22 Dec 99 - 25 Jan 00 (1 month 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Jan 00 for 6 yrs. Svd: 2 Yrs 8 Mo 12 Das, all AMS.

b. Grade Status: Amn - 8 Jul 02 (Vacation of Article 15, 6 Aug 02)
A1C - 17 Mar 00

c. Time Lost: None.

d. Art 15's: (1) 6 Aug 02, Vacation, Barksdale AFB, LA - Article 86. You did, on or about 22 Jul 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. (No appeal) (No mitigation)

(2) 8 Jul 02, Barksdale AFB, LA - Article 121. You did, on or about 7 Jun 02, steal cologne, of a value of about \$28.00, the property of Barksdale AFB Main Exchange. Suspended reduction to Airman. Forfeiture of \$50.00 pay per month for 2 months, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 11 APR 02 - Unauthorized departure from workplace.
RIC, 08 MAR 02 - Failure to go.

f. CM: None.

g. Record of SV: 26 Jan 00 - 25 sep 01 Barksdale AFB 5 (Initial)

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

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (16) Das
TAMS: (2) Yrs (8) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 22 Jun 04.

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

Issue 1: Discharge was inequitable because it was based on one isolated incident in 34 months of service with no adverse action, I wish for an honorable discharge so I can serve once again my country in another branch of the armed forces, but I am not accepted due to the reentry code. I think that been discharged for one incident (shoplifting) was an extreme measure, having met others with worse felony & or crime that were able to continue after corrective measure. In the civilian world I have kept a clean record, work and off work, but my innermost desire is to have a second chance to serve my country once again in another branch unless the Air Force takes me back.

Issue 2: I am sending some letters from fellow airmen that were written during the time after my Article 15, before I was discharged, stating my good conduct and willingness to change the course of my actions, also I have attached the paperwork that lead to my discharge, in which during my punishment of Article 15 states that I failed to show at the appropriate time to work on a specific day, this was the only time I overslept in duty.

ATCH

1. DD Form 214.
2. AF Form 1168, Statement of Suspect/Witness/Complainant.
3. Suspension of AAFES and Commissary Notification.
4. Article 15 Vacation Response.
5. Memorandum For 2 MUNS/CCF.
6. Article 15.
7. Notification Letter.
8. Notification Response.

5AUG04/ia



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

FD 2004-00245

MEMORANDUM FOR [REDACTED]

12 SEP 2002

FROM: 2 MUNS/CC

SUBJECT: Notification Letter – Administrative Discharge

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, para 5.49. If my recommendation is approved, your service may be characterized as under honorable conditions (general).

2. My reason for this action is as follows:

a. On or about 22 Jul 02, you failed to go at the time prescribed to your appointed place of duty, as evidenced by a Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 22 Aug 02 (Tab A);

b. On or about 7 Jun 02, you stole cologne, of a value of about \$28.00, the property of Barksdale Air Force Base Main Exchange, as evidenced by an Article 15, dated 11 Jul 02 (Tab B);

c. On or about 9 Apr 02, you failed to ask your shift supervisor for permission to go home for lunch during a BUSY MUDBUG 02-1 exercise, as evidenced by a Letter of Reprimand (LOR), dated 11 Apr 02 (Tab C);

d. On or about 7 Mar 02, you failed your room inspection conducted by [REDACTED] and on or about 08 Mar 02, you failed to show up at the appropriate time for your reinspection, as evidenced by a Record of Individual Counseling (RIC), dated 8 Mar 02 (Tab D); ...

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. You have the right to consult counsel. 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 2900 at 6 01 29 16 hrs. You may consult civilian counsel at your own expense.
CANNON AFB NM

5. 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.
6. If you fail to consult counsel or fail to submit statements in your behalf, you will waive the right to do so.
7. 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 13 Sept at 0900 hrs.
8. You have been scheduled for a Pre-separation Counseling briefing. You must report to the Family Support Center, Bldg 4713, at 0800 on 12 Sept for the briefing.
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.
10. Execute the attached acknowledgement and return it to me immediately.



Commander, 2 MUNS

Attachments:

1. Acknowledgment/Receipt of Notification of Memorandum
2. Supporting Document (Tab A-D)