

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ██████████
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>YES</b></td> <td style="width:50%;"><b>No</b></td> </tr> <tr> <td align="center"><b>X</b></td> <td></td> </tr> </table>	<b>YES</b>	<b>No</b>	<b>X</b>			
<b>YES</b>	<b>No</b>					
<b>X</b>						

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>

<b>ISSUES</b> A94.53	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
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<b>HEARING DATE</b> 01 Dec 2004	<b>CASE NUMBER</b> FD-2004-00254	
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**APPLICANT'S ISSUE AND THE BOARD'S DECISION, RATIONALE AND BASIS OF THE 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.

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2004-00254

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

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.

**ISSUES:**

Issue 1. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received an Article 15, two Letters of Reprimand, a Letter of Counseling, a verbal counseling, and Letter of Admonishment for misconduct. His infractions included being late to duty twice, failing his dormitory room inspection twice, financial irresponsibility, and failure to go. 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.

Issue 2. The applicant cited his desire to return to military service. The Board was sympathetic to the impact his reenlistment code was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr McConnell AFB, KS on 31 Jan 02 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: 10 May 83. Enlmt Age: 17 6/12. Disch Age: 18 8/12. Educ: HS DIPL. AFQT: N/A. A-65, E-47, G-53, M-56. PAFSC: 2F031 - Fuels Apprentice. DAS: 29 May 01.

b. Prior Sv: (1) AFRes 17 Nov 00 - 29 Jan 01 (2 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as 30 Jan 01 for 6 yrs. Svd: 1 Yrs 0 Mo 2 Das, all AMS.

b. Grade Status: A1C - 16 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 9 Jan 02, McConnell AFB, KS - Article 86. You did, between on or about 6 Dec 01, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Amn. Suspended forfeiture of \$200.00 pay per month for two months. Thirty days restriction and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, UNDATED - Financial irresponsibility.  
LOR, 13 DEC 01 - Failed room inspection.  
LOA, 15 AUG 01 - Failed room inspection.  
LOC, 12 JUN 01 - Late for duty.  
VBC, 01 JUN 01 - Late for appointment.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFOUA, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (2) Mos (15) Das  
TAMS: (1) Yrs (0) Mos (2) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Jun 04.

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

Issue 1: I want to reenlist. My RE Code 2B to a 1B so I could reenlist. I know the form inclosed is not my DD Form 214, but my discharge code is a 2B for misconduct, but I really want to reenlist and the only way to do so is by getting that code changed to a 1B. So please help me by changing it. Thank you.

**ATCH**

1. AF Form 100.

9AUG04/ia



DEPARTMENT OF THE AIR FORCE  
22D SUPPLY SQUADRON (AMC)  
McCONNELL AIR FORCE BASE, KANSAS

FD 2004-00254

25 JAN 02

MEMORANDUM FOR A1C [REDACTED]

FROM: 22 SUPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions, in accordance with AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as either 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, on or about 1 Jun 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: the Health and Wellness Center. For this incident, you were verbally counseled on 1 Jun 01, and you received a Letter of Counseling (LOC), dated 12 Jun 01.

b. You did, on or about 12 Jun 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: the First Term Airman's Center. For this incident, you received a LOC, dated 12 Jun 01.

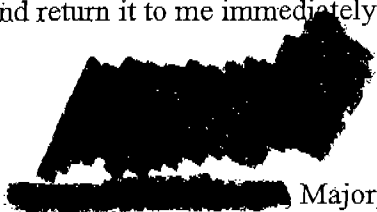
c. You did, on or about 10 Aug 01, fail to maintain your dormitory room within minimum standards. For this incident, you received a Letter of Admonishment (LOA), dated 15 Aug 01.

d. You did, on or about 3 Dec 01, fail to maintain your dormitory room within minimum standards. For this incident, you received a Letter of Reprimand (LOR), dated 13 Dec 01.

e. You did, on or about 7 Dec 01, fail to maintain sufficient funds in your Freedom First Bank account. You had previously been notified, as far back as Sep 01, that you had overdrawn your account, yet you still failed to fulfill your financial obligations. For these incidents, you received a LOR, undated.

f. You did, between on or about 5 Dec 01 and on or about 6 Dec 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 990, 22d Supply Squadron, McConnell AFB, Kansas. You failed to return from your authorized leave on 3 Dec 01 at 2400 hours, first stating that you were having vehicle problems. Your leave was then extended until 4 Dec 01 to give you enough time to return. However, you then made numerous excuses as to why you could not return to McConnell AFB by the time prescribed and remained absent until 6 Dec 01. For this incident, you received nonjudicial punishment (Article 15), dated 9 Jan 02, and an Unfavorable Information File (UIF) was initiated.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. 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. You are ineligible for reenlistment in the Air Force if your discharge is approved.
4. You have the right to consult military counsel. Military legal counsel will be made available to assist you, at no expense to you. I have made an appointment for you to consult with the Area Defense Counsel (ADC) at McConnell AFB, Kansas, on \_\_\_\_\_ 02 at \_\_\_\_\_ L. You can contact the ADC at ext. 4375. You may consult with civilian counsel at your own expense.
5. You have the right to submit matters in your own behalf. Any statements you want the separation authority to consider must reach me by 1 Feb 02 at 0705 L unless you request and receive an extension for good cause shown. Any matters and statements you submit will be forwarded to the separation authority.
6. 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.
7. You have been scheduled for a **mandatory** medical appointment. You are to report to the 22d Medical Squadron, Physical Exams Section, on 25 JAN 02 at 0830 L. Take your medical records with you.
8. If you live in base housing, you must contact the housing office immediately upon receipt of this notification.
9. 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 your squadron orderly room.
10. Execute the attached acknowledgment and return it to me immediately.

  
Major, USAF  
Commander, 22d Supply Squadron

Attachments:

1. Receipt of Notification Memorandum
2. Statement of Understanding
3. Identification Card Retrieval Letter
4. LOC, dated 12 Jun 01
5. LOA, dated 15 Aug 01
6. LOR, dated 13 Dec 01
7. LOR, undated
8. AF Form 3070, dated 9 Jan 02
9. Member's Response, undated