

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE A1C	AFSN/SSAN						
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">COUNSEL</td> <td style="width: 90%;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td>YES</td> <td>No</td> </tr> <tr> <td></td> <td>X</td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES	No		X	ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION								
YES	No								
	X								
MEMBER SITTING		VOTE OF THE BOARD							
		HON	GEN	UOTHC	OTHER	DENY			
						X			
						X			
						X			
						X			
ISSUES A93.09	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 04 May 2005	CASE NUMBER FD-2004-00259								

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

Names and votes will be made available to the applicant at the applicant's request.

INDORSEMENT

DATE: 5/4/2005

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-2004-00259

GENERAL: The applicant appeals for upgrade of discharge to honorable and 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: Applicant does not contest his discharge. He states that he did not like the path he was on and made some serious mistakes. Applicant also states that he was not performing in the job that he signed up for. The records indicated the applicant received five Letters of Reprimand, three Letters of Counseling, and one Record of Individual Counseling for various misconduct including being late for duty, dereliction of duty, missing appointments, financial irresponsibility, showing up for work unshaven and failure to obey an order. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. Although the applicant may have been performing in a job other than what he signed up for, he still knew right from wrong regardless of what job he was doing. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr F.E. Warren AFB, WY on 28 Feb 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 26 Feb 81. Enlmt Age: 19 4/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-74, E-74, G-66, M-59. PAFSC: 2M032 - Missile and Space Systems Maintenance Apprentice. DAS: 15 Apr 01.

b. Prior Sv: (1) AFRes 14 Jul 00 - 10 Oct 00 (2 months 27 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Oct 00 for 4 yrs. Svd: 2 Yrs 4 Mo 18 Das, all AMS.

b. Grade Status: A1C - 11 Feb 02
Amn - Unknown.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: Traffic Ticket, 29 MAR 02 - Driving with an expired registration.

LOC, 23 OCT 02 - Failure to obey an order.

LOR, 21 OCT 02 - Financial irresponsibility.

LOR, 26 SEP 02 - Financial irresponsibility.

LOC, 03 JUL 02 - Showing up for work unshaven.

LOR, 06 MAY 02 - Financial irresponsibility.

LOR, 07 MAR 02 - Missed appointment.

LOR, 16 NOV 01 - Dereliction of duty.

RIC, 02 NOV 01 - Late for duty.

LOC, 23 AUG 01 - Late for duty.

f. CM: None.

g. Record of SV: 11 Oct 00 12 Jun 02 F.E. Warren AFB 4 (Initial)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (7) Mos (15) Das
TAMS: (2) Yrs (4) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Aug 04.
(Change Discharge to Honorable, and Change the Reason and Authority for Discharge)


ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Copy of Discharge Documents with Multiple Attachments.

17DEC04/ia

In the military I found that I did not like what path I was on therefore made serious mistakes, and although I was one of the best Airman on the job I lacked the discipline to conduct myself properly. This was partly because of the unsatisfying work that I was doing and the fact I was not allowed to do the job that I initially signed up for. I know now that my actions then may have seemed logical to me were not at all the correct way of going about the situation. Not caring about paying my bills or following orders just completing the job I was assigned to the best of my ability knowing that someone's life is affected by how well I do my job gave me the motivation to strive to do the best possible work. I know that many of my superiors gave me chances because of how hard I worked and how well I did my job, but I just did not like what I was doing and knew that I was not going to advance and be trained further because of how well I trained and motivated people where I was at. Knowing that not one single Airman wished to be where I was but found themselves liking the job they were doing because of the importance I showed them we had in the participation of ICBM maintenance. Although in actuality it was I that wished not to be there and told my superiors many times I wanted to do the actual job that I signed up for in the military and they told me I was better serving the military where I currently at. I became frustrated and depressed but would never let this affect my work. I knew that we do things not because we wanted to but because of what we need to or what we are needed to do I just found it difficult to be where I was for over a year knowing I would never progress with the rest of my peers even though I graduated at the top of my class. I hope this helps to better understand the feelings and mentality I had while I was in the military.





DEPARTMENT OF THE AIR FORCE
90TH SPACE WING (AFSPC)

FEB 07 2003

MEMORANDUM FOR [REDACTED]

FROM: 90 MOS/EE [REDACTED]

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for dishonorable minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. The primary basis of the discharge is minor disciplinary infractions. 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, at or near Francis E. Warren Air Force Base, Wyoming, on or about 21 Aug 01, did fail to go to your appointed place of duty at the scheduled time. For this misconduct you received a Letter of Counseling (LOC), dated 23 Aug 01.

b. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 1 Nov 01, did fail to go to your appointed place of duty at the scheduled time. For this misconduct you received a Record of Individual Counseling (RIC), dated 2 Nov 01, which also noted that you had been continually late to work for your shift.

c. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 12 Nov 01, did fail to go to your appointed place of duty at the scheduled time. For this misconduct you received a Letter of Reprimand (LOR), dated 16 Nov 01.

d. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 15 Feb 02, did fail to go to a mandatory annual physical health assessment. This was the fourth occurrence in four months. For this misconduct you received an LOR, dated 7 Mar 02.

e. You failed to pay a just and legal debt of \$47.78 to Air Force Federal Credit Union for four months despite their repeated attempts to collect the debt from you. For this failure you received an LOR, dated 6 May 02.

f. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 3 Jul 02, did report to work unshaven. For this misconduct you received an LOC, dated 3 Jul 02.

g. As of 25 Sep 02, you failed to pay the Check Rite collection service \$511.00 to cover dishonored checks dating as far back as Jan 02. For this failure you received an LOR, dated 26 Sep 02.

h. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 8 Oct 02, did fail to go to your appointed place of duty at the scheduled time, to wit: Personal Financial Management counseling. For this misconduct you received an LOR, dated 21 Oct 02, an Unfavorable Information File (UIF) was created, and you were placed on the Control Roster.

i. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 15 Oct 02, did disobey a direct order, to wit: failed to attend a scheduled Self-Aid Buddy Care class. For this misconduct you received an LOC, dated 23 Oct 02.

j. On or about 18 Dec 02, [REDACTED], notified your first sergeant, [REDACTED], of a discussion he had with you and Sheila, a Military Star Account representative (via telephone), about your delinquent account. This discussion brought to light that you made only one voluntary payment, on 15 Dec 02, during the entire year and that your pay was garnished three times in 2002 (Jan, Apr, and Sep), for non-payment of your account.

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. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. 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 with an attorney at the Area Defense Counsel's Office at Building 292, extension 3248, on 7 FEB 03 at 1630 hrs. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays after receipt of the notification memorandum, that date being 12 FEB 03, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.

6. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to Family Practice at 1030 hours, on 10 Feb 03 for the examination.
8. 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 Command Support Staff office.
9. Execute the attached acknowledgment and return it to me immediately.



USAF
Commander, 90th Maintenance
Operations Squadron

Attachments:

1. LOC, dated 23 Aug 01
2. RIC, dated 2 Nov 01
3. LOR, dated 16 Nov 01
4. LOR, dated 7 Mar 02
5. LOR, dated 6 May 02
6. LOC, dated 3 Jul 02
7. LOR, dated 26 Sep 02
8. LOR, dated 21 Oct 02
9. LOC, dated 23 Oct 02
10. Other derogatory data not listed in the Notification Memorandum: Armed Forces Traffic Ticket, dated 29 Mar 02