

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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|---|----|-------------------------------------|--|--|---|-------------------------------------|---------------|-------|------|
| NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL) | | | | | GRADE | | 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 | | | | | VOTE OF THE BOARD | | | | |
| | | | | | HON | GEN | UOTHC | OTHER | DENY |
| | | | | | | | | | X |
| | | | | | | | | | X |
| | | | | | | | | | X |
| | | | | | | | | | X |
| ISSUES A95.00 A01.00 | | 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 10 Mar 2005 | | CASE NUMBER FD-2004-00429 | | | | | | | |
| APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE | | | | | | | | | |
| <p>Case heard at Washington, D.C.</p> <p>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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> | | | | | | | | | |
| | | | | | | | | | |
| INDORSEMENT | | | | | DATE: 3/10/2005 | | | | |
| 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-2004-00429

GENERAL: The applicant appeals for upgrade of discharge to honorable.

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 is 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: The records indicated the applicant received two Article 15s, four Letters of Reprimand, and two Letters of Counseling for misconduct. The misconduct included failure to wear hearing protection, a hit and run accident, a traffic ticket for speeding, dereliction of duty, and a failed room inspection. 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

[REDACTED]
(Former A1C) (HGH SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Elmendorf AFB, TX on 10 Sep 04 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 18 Oct 82. Enlmt Age: 17 7/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-55, E-52, G-37, M-44. PAFSC: 2A353A - TAC Aircraft Maintenance Journeyman. DAS: 19 Oct 01.

b. Prior Sv: (1) AFRes 31 May 00 - 29 Aug 00 (3 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Aug 00 for 6 yrs. Svd: 4 Yrs 0 Mo 12 Das, all AMS.

b. Grade Status: A1C - 14 Jun 04 (Article 15, 14 Jun 04)
SrA - 27 Feb 03
A1C - 27 Oct 00

c. Time Lost: None.

d. Art 15's: (1) 14 Jun 04, Elmendorf AFB, AK - Article 92. You, who knew of your duties, on or about 12 May 04, were derelict in the performance of those duties in that you negligently failed to use Technical Order 1F-15C-2-27JG-40-2 to install a left stab actuator on an aircraft, as it was your duty to do. Reduction to A1C. (No appeal) (No mitigation)

(2) 13 May 03, Elmendorf AFB, AK - Article 92. You, who should known of your duties, on or about 21 Apr 03, were derelict in the performance of those duties in that you willfully failed to remain awake while on duty, as it was your duty to do. Suspended reduction to A1C. Forfeiture of \$300.00 pay per month for two months, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 08 JUL 04 - Dereliction of duty.
LOR, 05 FEB 03 - Failed room inspection.
LOR, 18 DEC 02 - Dereliction of duty.
LOC, 15 NOV 02 - Traffic ticket for speeding.
LOC, 10 NOV 02 - Hit and run accident.
LOR, 04 OCT 01 - Failure to wear hearing protection.

f. CM: None.

g. Record of SV: 30 Aug 00 - 15 Apr 02 Elmendorf AFB 4 (HAF Dir)
16 Apr 02 - 15 Apr 03 Elmendorf AFB 2 (Annual) REF
16 Apr 03 - 15 Apr 04 Elmendorf AFB 3 (Annual)

h. Awards & Decs: AFTR, NDSM, AFEM, AFLSAR.

i. Stmt of Sv: TMS: (4) Yrs (3) Mos (11) Das
TAMS: (4) Yrs (0) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 19 Oct 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

28DEC04/ia

October, 20 2004

To Whom It May Concern:

My name is [REDACTED] I am writing this letter in reference to my discharge. I'm requesting an upgrade from a General discharge to an Honorable discharge, so that I can continue having the personal satisfaction of fixing military planes. My intensions are to join the National Guard. I currently have a General discharge with honorable conditions, given to me due to misconduct.

Since the age of 18, the military's been the greatest thing that's happen to me. Elmendorf Air Force Base was my first assignment. As a new Airman, I had a rough start. Lack of supervision, guidance, and my involvement in avoidable situations, was the result of my untimely discharge.

My parents ensured that I would grow into a hard working man with good morals, goals, a strong belief in God, and to work hard to get what I want out of life. Nobody's perfect, we all make mistakes. But, the whole concept of making a mistake is learning from them. Joining the military wasn't a mistake, my actions in the meantime were. The greatest memories I can recall were on the flight line. It really makes my day to see everybody, enlisted, commissioned, civilian, doing all they can to get our birds into the air.

At work, I always gave 150 percent of my time, effort, and support to those under me and above. Many of nights, I've came home sore, drenched in oil, and tired due to long hours from work. I always manage to sleep with a smile, because of the compassion I have in completing the mission, fighting for freedom, and working on my military aircraft. I don't want these days to end.


At Elmendorf, all of those whose despised me, desipse me for my character, not my capabilities. I've always gained respect from my co-workers, and superiors on job related issues. My rough beginning as a new Airman wasn't my downfall, lack of supervision, and guidance has enabled to break every wall put in front of me, and to disassemble every obstacle placed in my path.

Being discharged from the military has shown a revelation to me that if you take anything for granted, it can and will be taken away form you. I was a Crew Chief in the Armed Forces, and that's taken away from me. This whole situation has a huge impact in life, not a negative impact, but a positive one. I've now been able to improve and rehabilitate myself. Someone with no ambition and passion for the military wouldn't put their innermost thoughts and believes, into a letter such as this. I now mentor my fellow comrades who are Airman, and warn them of the consequences of their actions. I now look at my discharge as way to help those I come across in the same situation as I was in.

If I'm able to join the National Guard, I can have a second chance to be part of the team. The National Guard needs troops who are cutting edge, workaholic, men who honor their

work and give their all to see the mission is complete. I feel I am one of them. I am now currently working on commercial airplanes. It's wonderful, but, I'm missing one thing that sends shivers up my spine, my inspiration for waking in the morning, and what's allowed me to become a man, the military. As a child I've played with G.I. Joes, watched Air Force related movies, and did a couple years of ROTC in high school. I am very anxious and excited to start a chapter in my life, and continue my military career.

In closing, I'm not writing this letter for anyone to feel pity on me, I just everyone to know, I'm passionate for the military, a hard and dedicated worker, and get involved as much as possible when it comes to getting the mission complete. Please don't let my previous actions be the determining factor in the upgrade of discharge. I hope that you'll in your heart to see I have great intensions and I will fulfill as soon as possible. Thank you for your time and consideration in reading my request.





DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD 2004-00429

JUL 26 2004

MEMORANDUM FOR [REDACTED]

FROM: 3 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically, 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 honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On 1 Oct 01, you failed to wear hearing protection while performing intake duty guard duties. For your misconduct you received a Letter of Reprimand (LOR), dated 4 Oct 01 (Attachment 1).

b. On 21 Sep 02, you left the scene of an accident without notifying the proper authorities. For your failure to notify the authorities you received a Letter of Counseling (LOC), dated 10 Nov 02 (Attachment 2).

c. On 23 Oct 02, you were clocked by Security Forces driving in excess of the posted speed limit. For your inability to adhere to the posted speed limit you received an LOC, dated 15 Nov 02 (Attachment 3).

d. On 15 Nov 02, while performing an aircraft wash, you failed to have the proper technical order displayed, to ensure the aircraft is washed in compliance with the technical order. For your misconduct you received an LOR, dated 18 Dec 02 (Attachment 4).

e. On 21 Jan 03, you failed a room inspection. For your failure to keep your dormitory room in inspection order you received an LOR, dated 5 Feb 03 (Attachment 5).

f. On or about 21 Apr 03, you fell asleep while on duty. For your dereliction you received an Article 15 punishment, dated 13 May 03, consisting of a suspended reduction to the grade of airman first class, forfeiture of \$300.00 pay for 2 months, and 14 days extra duty. This action was placed in your Unfavorable Information File (UIF) (Attachment 6 & 9).

g. On or about 12 May 04, you installed a left stab actuator on an aircraft. You failed to use the technical order 1F-15C-2-27JG-40-2, to ensure the proper installation of the actuator. For your disregard of the safety of your fellow Airmen you received an Article 15 punishment, dated

14 Jun 04, consisting of a reduction to the rank of airman first class. This action was placed in your UIF (Attachment 7 & 9).

h. On 8 Jul 04, you failed to have the proper technical order open while supervising hot refueling operations. For your misconduct you received an LOR, dated 8 Jul 04. This action was filed in your UIF (Attachment 8 & 9).

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 are 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 legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt Sabatino, 552-3887, at Bldg 10480, Room 330 on 26 Jul 04 at 1030. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide 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 medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 5595, at 28 Jul 04 on 1030 for your first exam, at which time you will be notified of the time for your second exam. Bring a copy of the Medical Assessment Letter (DD Form 2697). You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. You are to bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.

8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 1300 on 27 Jul 04. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Room 247 at 1000 on 28 Jul 04. You must be in uniform for all appointments.

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 at your Squadron Orderly Room.



Attachments:

1. LOR, 4 Oct 01
2. LOC, 10 Nov 02
3. LOC, 15 Nov 02
4. LOR, 18 Dec 02
5. LOR, 5 Feb 03
6. AF Form 3070 with evidence, 13 May 03
7. AF Form 3070 with evidence, 14 Jun 04
8. LOR, 8 Jul 04
9. AF Form 1137