

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; height: 15px; width: 100%;"></div>		GRADE AMN	AFSN/SSAN <div style="background-color: black; height: 15px; width: 100%;"></div>																																			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW																																			
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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> <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 20px;"></div>																																						
INDORSEMENT		DATE: 4/27/2005																																				
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-2004-00453

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 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 contends discharge was inequitable because when he received his punishment no one told him he was getting discharged until after he signed the forms saying that he accepted the charges and he wasn't able to take all the appropriate actions that he wanted to. The records indicated the applicant received an Article 15 for wrongfully giving a vehicle pass to another airman, two Letters of Reprimand, three Letters of Counseling, and one Record of Individual Counseling for various minor misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The applicant's issue is without merit. He was properly notified by his commander that he was being recommended for discharge and had the opportunity to respond. 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]
[REDACTED] (Former AB) (HGH AMN)

MISSING MILITARY PERSONNEL RECORD

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Sheppard AFB, TX on 31 Mar 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Dec 83. Enlmt Age: 19 3/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-42, E-43, G-44, M-44. PAFSC: 2A333B - Tactical Aircraft Maintenance Apprentice. DAS: 8 Sep 03.

b. Prior Sv: (1) AFRes 18 Mar 03 - 21 Jul 03 (4 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 22 Jul 03 for 4 yrs. Svd: 0 Yrs 8 Mo 10 Das, all AMS.

b. Grade Status: AB - 27 Feb 04 (Article 15, 27 Feb 04)
Amn - 23 Jan 04

c. Time Lost: None.

d. Art 15's: (1) 27 Feb 04, Sheppard AFB, TX - Article 134. You did, between on or about 1 Jan 04 and on or about 15 Jan 04, wrongfully give to AB [REDACTED] an official vehicle pass in words and figures as follows: AF Form 75, Vehicle Pass, then well knowing the same to be unauthorized. Reduction to AB, and forfeiture of \$596.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 12 FEB 04 - Failed room inspection.
LOC, 20 NOV 03 - Dereliction of duty.
LOC, 13 NOV 03 - Dereliction of duty.
LOC, 13 NOV 03 - Leaving place of duty without authority.
LOR, 27 OCT 03 - Lying to an NCO and failure to complete assigned homework.
RIC, 20 OCT 04 - Failed room inspection.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

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i. Stmt of Sv: TMS: (1) Yrs (0) Mos (14) Das
TAMS: (0) Yrs (8) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Nov 04.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because when I recieved (sic) my punishment no one told me I was getting discharged until after I signed the forms saying that I accept the charges and wasn't able to take all the appropriate actions that I wanted to.

ATCH

None.

2FEB04



FD 2004-00453 FILED 17-01-03
1/10

**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

29 Mar 04

MEMORANDUM FOR 82 TRG/CC

FROM: 82 TRW/JAC

SUBJECT: Legal Review, Recommendation for Discharge – AB [REDACTED]
362 TRS

1. We reviewed this discharge case file and find it legally sufficient to support discharge in accordance with the provisions of AFI 36-3208. We concur with the 362 TRS/CCQ that AB [REDACTED] should be discharged under honorable conditions (general) in accordance with AFI 36-3208, paragraph 5.49 (minor disciplinary infractions) without probation and rehabilitation (P&R).

2. Basis for Action: On 17 Mar 04, the 362 TRS/CCQ notified AB [REDACTED] that she was recommending AB [REDACTED] be discharged from the Air Force due to his misconduct. The preponderance of the evidence in the case file supports the squadron section commander's recommendation. We note one minor administrative error in that the date "12 Nov 03" referenced in subparagraph f on the Notification Memorandum should read 24 Oct 03. This minor typographical error does not operate to affect the legal sufficiency of this package. The specific reasons for discharge are listed below.

a. On 12 Feb 04, the respondent failed to keep his room in inspection order. For this misconduct he received a Letter of Reprimand (LOR) on 12 Feb 04 and an Unfavorable Information File (UIF) was established on 13 Feb 04.

b. On 1 Jan 04 and 15 Jan 04, the respondent used an unauthorized Air Force Form 75, Vehicle Pass. For this misconduct he received Article 15 punishment on 27 Feb 04.

c. On 17 Nov 03, the respondent failed to account for and control his tools. For this misconduct he received a Letter of Counseling (LOC) on 20 Nov 03.

d. On 12 Nov 03, the respondent failed to account for and control his tools. For this misconduct he received a LOC on 13 Nov 03.

e. On 12 Nov 03, the respondent left the hangar floor without authority. For this misconduct he received an LOC on 13 Nov 03.

f. On 24 Oct 03, the respondent lied to an NCO. For this misconduct and subparagraph "g" below, he received an LOR on 27 Oct 03.

[REDACTED]

FD200#00453

g. On 24 Oct 03, the respondent failed to complete assigned homework.

h. On 17 Oct 03, the respondent failed to keep his room in inspection order. For this misconduct he received an AF Form 174, Record of Individual counseling on 20 Oct 04.

3. Additional Information: The respondent is 20 years old, began his present enlistment on 22 Jul 03, and was assigned to his unit on 8 Sep 03. His ASVAB scores are as follows: A - 42, E - 43, G - 44 and M - 44. The respondent is entitled to wear the Air Force Training Ribbon and the National Defense Service Medal. The respondent consulted counsel and submitted statements for your consideration. AB [REDACTED] requests that his Commander's recommendation for discharge be disapproved and that he be given a "second chance" to prove himself.

4. Options: In accordance with AFI 36-3208, your options are to:

a. Direct AB [REDACTED] retention;

b. Suspend an under honorable conditions (general) discharge and grant P&R;

c. Direct an under honorable conditions (general) discharge without P&R; or

d. Recommend an honorable discharge. If you determine an honorable discharge is appropriate, this file must be forwarded to 2 AF/CC because only a General Court-Martial Convening Authority may approve an honorable discharge when the basis for discharge is misconduct (AFI 36-3208, paragraph 5.48.4).

5. Recommendation: Direct an under honorable conditions (general) discharge without P&R.

6. If you have any questions regarding this matter, please contact Capt [REDACTED]

[REDACTED] USAF
Deputy Staff Judge Advocate

Attachment:
Case File

[REDACTED]