

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>				GRADE <div style="text-align: center;">AB</div>		AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>		
TYPE GEN		PERSONAL APPEARANCE				X RECORD REVIEW		
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL		
X								
MEMBER SITTING				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
								X
								X
								X
								X
								X
ISSUES A94.53		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 14 Jun 2005		CASE NUMBER FD-2004-00457						
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>								
SIGNATURE OF RECORDER				SIGNATURE OF BOARD PRESIDENT				
INDORSEMENT				DATE: 6/21/2005				
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				

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	<b>CASE NUMBER</b> <b>FD-2004-00457</b>
<p><b>GENERAL:</b> The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p><b>FINDINGS:</b> Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are denied.</p> <p>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.</p> <p><b>ISSUE:</b> The applicant noted his desire to join the military and serve his country again. While the Board commends the applicant on this aspiration, this is not a matter of equity or propriety with regard to his discharge and does not provide a basis that warrants an upgrade. The records indicated the applicant received two Article 15s, three Letters of Reprimand, and three Letters of Counseling. 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.</p> <p><b>CONCLUSIONS:</b> 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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

[REDACTED]  
[REDACTED]  
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Sheppard AFB, TX on 12 Dec 03 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: 30 Sep 82. Enlmt Age: 19 9/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-48, E-62, G-37, M-44. PAFSC: 2A632 - Aerospace Ground Equipment Apprentice. DAS: 3 Feb 03.

b. Prior Sv: (1) AFRes 28 Jul 02 - 16 Dec 02 (5 months 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Dec 02 for 6 yrs. Svd: 0 Yrs 11 Mo 26 Das, all AMS.

b. Grade Status: AB - 18 Nov 03 (Article 15, 18 Nov 03)  
Amn - 13 Nov 03 (Article 15, 13 Nov 03)  
A1C - 31 Jan 03

c. Time Lost: None.

d. Art 15's: (1) 18 Nov 03, Sheppard AFB, TX - Article 134. You did, at or near Burkburnett, Texas, on or about 26 Sep 03, move out of the property located at [REDACTED] while leaving refuse, waste, and garbage throughout the property, which was conduct of a nature to bring discredit upon the armed forces. Article 92. You, who knew or should have known of your duties, on or about 18 Sep 03, were derelict in the performance of those duties in that you willfully failed to process out from the Military Personnel Flight, as it was your duty to do. Reduction to AB. (No appeal) (No mitigation)

(2) 13 Nov 03, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 11 Oct 03, were derelict in the performance of those duties in that you willfully failed to refrain from providing alcoholic beverages to individuals who were under the legal drinking age of 21, as it was your duty to do. You, who knew or should have known of your duties, on or about 11 Oct 03, were derelict in the performance of those duties in that you willfully failed to wear the appropriate uniform while in Phase I, as it was your

duty to do. Reduction to Airman, and forfeiture of \$99.00 pay. (No appeal) (No mitigation)

- e. Additional: LOR, 14 AUG 03 - Dereliction of duty.  
                   LOR, 14 AUG 03 - Failure to go.  
                   LOC, 17 JUL 03 - Missed mandatory formation.  
                   LOC, 10 JUL 03 - Failure to shave and making a false  
   official statement.  
                   LOR, 27 JUN 03 - Dereliction of duty.  
                   LOC, 14 APR 03 - Failure to obey an order.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (4) Mos (15) Das  
                   TAMS: (0) Yrs (11) Mos (26) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Sep 04.

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

Issue 1: So I may join the military service again and serve my country again.

**ATCH**

None.

18JAN05/ia



FD 2004-00457

DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR [REDACTED]

8 Dec 03

FROM: 361 TRS/CCQ

SUBJECT: Notification Memorandum

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, paragraph 5.49. 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, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 11 Oct 03, were derelict in the performance of those duties in that willfully failed to refrain from providing alcoholic beverages to individuals who were under the legal drinking age of 21, as it was your duty to do. For this misconduct, and subparagraph "b" below, you received Article 15 punishment on 13 Nov 03.
  - b. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 11 Oct 03, were derelict in the performance of those in that you willfully failed to wear the appropriate uniform while in Phase I, as it was your duty to do.
  - c. You did, at or near Burkburnett TX, on or about 26 Sep 03, move out of the property located at [REDACTED] while leaving refuse, waste, and garbage throughout the property, which was conduct of a nature to bring discredit upon the armed forces. For this misconduct, and subparagraph "d" below, you received Article 15 punishment on 18 Nov 03.
  - d. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 18 Sep 03, were derelict in the performance of those duties in that you willfully failed to process out from the Military Personnel Flight, as it was your duty to do.
  - e. You, who knew or should have known of your duties at or near Sheppard AFB TX, on divers occasions between on or about 01 Jul 03 and on or about 31 Jul 03, were derelict in the performance of those duties in that you failed to abide by Phase Program rules, to wit: you resided in an off-base establishment, as it was your duty not to do. For this misconduct you received a Letter of Reprimand (LOR) on 14 Aug 03.

f. You did, at or near Sheppard AFB TX, on or about 21 Jul 03, on or about 23 Jul 03, and on or about 24 Jul 03, without authority, fail to go at the time prescribed to your place of duty to wit: mandatory details. For this misconduct, and subparagraph "g" below, you received an LOR on 14 Aug 03.

g. You did, at or near Sheppard AFB TX, on or about 21 Jul 03, on or about 23 Jul 03, and on or about 24 Jul 03, without authority, fail to go at the time prescribed to your place of duty to wit: Physical Conditioning (PC).

h. You did, at or near Sheppard AFB TX, on or about 21 Jul 03, without authority, fail to go at the time prescribed to your place of duty to wit: mandatory morning formation. For this misconduct you received a Letter of Counseling (LOC) on 24 Jul 03.

i. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 10 Jul 03, were derelict in the performance of those duties in that failed to shave, as it was your duty to do. For this misconduct you received an AETC Form 173, Student Record of Academic/Nonacademic Counseling and Comments, on 10 Jul 03.

j. You did, at or near Sheppard AFB TX, on or about 09 Jun 03, on or about 12 Jun 03, on or about 16 Jun 03, and on or about 19 Jun 03, without authority, fail to go at the time prescribed to your place of duty to wit: mandatory Physical Conditioning (PC) formation. For this misconduct you received an LOR on 27 Jun 03.

k. You, having knowledge of a lawful order issued by [REDACTED] to wit: to make sure your uniform was within standards, an order which was your duty to obey, did, at or near Sheppard AFB TX, on or about 14 Apr 03, fail to obey the same by wrongfully failing to polish your boots. For this misconduct you received an AETC Form 173 on 14 Apr 03.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

3. 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 [REDACTED] Area Defense Counsel, at BLDG 1638, on 9 Dec 03 at 1400 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 10 Dec 03, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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

6. You were scheduled for a medical examination on 5 Dec 03.
7. 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 the 361 TRS student administration office.
8. Execute the attached acknowledgment and return it to me immediately.



Squadron Section Commander

Attachments: (on next page)