

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

(INITIAL)

<b>TYPE GEN</b>		<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>			
	<b>X</b>			

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

<b>ISSUES</b> <b>A94.05</b>	<b>INDEX NUMBER</b> <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
		<b>1</b>	ORDER APPOINTING THE BOARD			
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE			
		<b>3</b>	LETTER OF NOTIFICATION			
		<b>4</b>	BRIEF OF PERSONNEL FILE			
			COUNSEL'S RELEASE TO THE BOARD			
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
			TAPE RECORDING OF PERSONAL APPEARANCE			
<b>HEARING DATE</b> <b>20 Jul 2005</b>	<b>CASE NUMBER</b> <b>FD-2004-00504</b>					

**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.

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<b>INDORSEMENT</b>		<b>DATE: 7/21/2005</b>
<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	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00504**

**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 it was too harsh. The records indicated the applicant received five Letters of Reprimand and two Letters of Counseling for various misconduct to include dereliction of duty, substandard performance, financial irresponsibility, being late for work and failure to obey an order. 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

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Dyess AFB, TX on 21 Nov 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Nov 74. Enlmt Age: 19 0/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A. A-31, E-49, G-33, M-64. PAFSC: 2A651B - Turboprop and Turboshaft Propulsion Specialist. DAS: 12 Aug 94.

b. Prior Sv: (1) AFRes 18 Dec 93 - 16 Mar 94 (2 months 27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Mar 94 for 4 yrs. Svd: 3 Yrs 8 Mo 5 Das, all AMS.

b. Grade Status: SrA - 17 May 97  
 A1C - 17 Jul 95  
 Amn - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 07 NOV 97 - Failure to obey an order.  
 LOR, 05 NOV 97 - Financial irresponsibility.  
 LOR, 08 OCT 97 - Dereliction of duty.  
 LOR, 13 NOV 96 - Financial irresponsibility.  
 RIC, 04 OCT 96 - Late for work and substandard performance.  
 LOR, 07 OCT 96 - Financial irresponsibility.  
 RIC, 01 OCT 96 - Dereliction of duty and substandard performance.

f. CM: None.

g. Record of SV: 17 Mar 94 - 16 Nov 95 Dyess AFB 4 (Initial)  
 17 Nov 95 - 16 Nov 96 Dyess AFB 2 (Annual) REF  
 17 Nov 96 - 11 May 97 Dyess AFB 4 (Cmdr Dir)

h. Awards & Decs: AFTR, NDSM, AFGCM.

i. Stmt of Sv: TMS: (3) Yrs (11) Mos (4) Das  
 TAMS: (3) Yrs (8) Mos (5) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Dec 04.  
(Change Discharge to Honorable)

Issue 1: I believe my discharge should be upgraded due to Reason for Discharge, an Auto Accident. I was involved in an Auto Accident with a woman in a small pickup, after the accident, we exchanged insurance information and drove away. Later I called my insurance Agent to handle the claim and I was told that I had been cancelled 3 month's (sic) prior to the accident. The next day I went to my supervisor [REDACTED] and said I needed to see the first sgt (sic). He told me that the first sgt (sic) wanted to see me anyway, about the car accident. When I arrived at the first sgt's (sic) office, she asked me if I had insurance on my car. When I tryed (sic) to explain my situation she snapped at me "Yes or no" so I told her no. She told me she had talked to the commancer and he recomended (sic) I be discharged from the military. She would not explain nothing to me and the woman outprocessing me told me I had made the military look bad to the civilian world. I was also told by the first sgt (sic) that the husband of the woman in the accident was a retired Lt Colonel and that I should be ashamed.

ATCH  
None.

17FEB05/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 317TH AIRLIFT GROUP (AMC)  
110 2ND AVENUE, SUITE 108  
DYESS AIR FORCE BASE TEXAS 79607-1720

FD 2004-00504

MEMORANDUM FOR SRA [REDACTED]

17 Nov 97

FROM: 317 MXS/CC

SUBJECT: Letter of Notification

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, dated 14 Oct 94. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General (Under Honorable Conditions).

2. My reasons for this action are:

a. You did, on 2 Nov 97, fail to obey a lawful general regulation in that you operated a vehicle without proper insurance, as evidenced by LOR, dated 7 Nov 97.

b. You were, on 22 Sep 97, derelict in the performance of your duty in failed to satisfactorily perform an APU and a #2 engine inspection on aircraft 2065, as it was your duty to do, as evidenced by LOR, dated 8 Oct 97

c. You were, on 1 Aug 97, derelict in the performance of your duties in you left FOD on #4 engine of an aircraft, as evidenced by LOR, dated 8 Oct 97.

d. You did, on 12 Jun to on or about 23 Jul 97, dishonorably fail to pay a just debt to various businesses in Abilene, TX, as evidenced by LOR, dated 5 Nov 97

e. You did, on or about 14 Oct 96, write a check to the Dyess Air Force Base Exchange, and thereafter dishonorably failed to maintain sufficient funds in your bank account to cover said check on presentment for payment, as evidenced by LOR, acknowledged 13 Nov 96.

f. You did, on 4 Oct 96, without authority, fail to go at the time prescribed to your appointed place of duty, as evidenced by AF Form 174, dated 4 Oct 96.

g. You were, on 28 Sep 96, derelict in the performance of your duty in you failed to satisfactorily follow procedure while installing an O-ring on a #3 engine, as evidenced by AF Form 174, dated 1 Oct 96.

h. You did, on 12 Sep 96, write a check to the Dyess Air Force Base Commissary and thereafter fail to maintain sufficient funds in your bank account to cover said check on presentment for payment, as evidenced by LOR, dated 7 Oct 96.

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.

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, on 19 Nov 97 at 1000 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 21 Nov 97, 0800 hours, 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 to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.
6. You have been scheduled for a medical examination on 18 Nov 97, at 0900 hours, at the 7th Medical Group Hospital, Physical Exams Section.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFPD 36-32 and AFI 36-3208 is available for your use in the orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]  
[REDACTED] Maj, USA  
Commander, 317 MXS

Attachments:

1. Airman's Receipt of Letter of Notification
2. LOR, dated 7 Nov 9
3. LOR, dated 8 Oct 97
4. LOR, dated 5 Nov 97
5. LOR, acknowledged 13 Nov 96
6. AF Form 1058, dated 15 Nov 96
7. AF Form 174, dated 4 Oct 96
8. Dishonored Check Notification ltr
9. Denial of the Air Force Good Conduct Medal