

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

(INITIAL)

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

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES	A93.09	INDEX NUMBER	A67.10 A49.00	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	20 Jul 2005	CASE NUMBER	FD-2005-00003
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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: 7/21/2005**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00003

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 of the situation he was going through at the time, which was "an extremely difficult and painful divorce and a questionable pregnancy." The records indicated the applicant received five Letters of Reprimand and two Records of Individual Counseling for financial irresponsibility, ignoring guidelines of dress and appearance, failure to pay his rent on time, failure to clear off-base quarters, failure to maintain his dorm room to meet standard of cleanliness, failure to go and for being AWOL. In addition, he failed his CDC end-of-course exam twice and received two referral EPRs. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Aviano AB, Italy on 19 Apr 03 UP AFI 36-3208, para 5.26.3 and 5.49 (Failure to Progress in On-The-Job-Training and Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 Aug 82. Enlmt Age: 18 6/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-77, E-58, G-62, M-67. PAFSC: 2A333B - Tactical Aircraft Maintenance Apprentice. DAS: 9 Jan 02.

b. Prior Sv: (1) AFRes 27 Feb 01 - 9 Apr 01 (1 month 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 10 Apr 01 for 6 yrs. Svd: 2 Yrs 0 Mo 10 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: (Examiner's Note: The following documents are missing from file)

EOC, 03 FEB 03 - Failed CDC End of Course Exam.

LOR, 27 JAN 03 - Absent without leave for 3 days.

LOR, 30 DEC 02 - Failure to go.

LOR, 05 DEC 02 - Failure to go pay rent and failure to clear off-base quarters.

EPR, 31 NOV 02 - Displaying unacceptable on and off duty and ability to supervise/lead was ineffective.

RIC, UNDATED - Failure to maintain dorm room to meet standard of cleanliness.

LOR, 21 NOV 02 - Failure to pay rent and failure to clear off-base quarters.

LOR, 15 NOV 02 - Ignored guidelines of dress and appearance.

EOC, 31 OCT 02 - Failed CDC End of Course Exam.

RIC, 12 SEP 02 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 10 Apr 01 - 15 Oct 02 Lackland AFB 2 (Initial)REF
16 Oct 02 - 25 Mar 03 Aviano AB 2 (Annual)REF

h. Awards & Decs: AFTR, NDSM, NATO MEDAL.

i. Stmt of Sv: TMS: (2) Yrs (1) Mos (24) Das
TAMS: (2) Yrs (0) Mos (10) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 Dec 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Character Statement.

22FEB05/ia

FD2005-00003

December 29, 2004

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX. 78150-4742

Dear Members of the Review Board

I am writing to request a review of my General/ Under Honorable Conditions discharge from the United States Air Force, which occurred on the 19th of April, 2003. I believe there is sufficient information to support such a review, as well as a reclassification of the discharge it self.

I feel that a great many people in my chain of command either misunderstood or where misinformed. I feel that their "distance" from myself and my situation gave them the wrong picture, the wrong idea, of me. My situation, at the time, included dealing with an extremely difficult and painful divorce and a questionable pregnancy. As I am sure you can imagine I was under extreme stress. Despite my errors, I never received any complaints with the work I did, or the quality of it.

I have included this letter as my response to item 6, issues, of D.D. form 293. If you require any additional information, or have any question regarding this matter, please contact me at the address at the top of this letter, or call me at [REDACTED]

Thank you for your consideration and your time.

Sincerely,

[REDACTED]

FD 2005-00003



DEPARTMENT OF THE AIR FORCE
31ST FIGHTER WING (USAFE)

31 March 2003

MEMORANDUM FOR AIRMAN FIRST CLASS [REDACTED]

FROM: 31 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for failure to progress in on-the-job training and minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.26.3 and 5.49 respectively. If my recommendation is approved, your service will be characterized as under honorable conditions (general).

2. My reasons for this action are as follows:

a. On 31 October 2002, you failed to earn a passing score on your end-of-course Career Development Course (CDC) examination. You scored 53 points, 12 points below the minimum passing score of 65 points;

b. On 3 February 2003, you again failed to earn a passing score on your end-of-course CDC examination. You scored 64 points, 1 point below the minimum passing score of 65 points;

c. On 28 December 2002, you left work for three days without permission and without coordinating any time off with your chain of command. For this offense, you received a Letter of Reprimand (LOR) on 27 January 2003;

d. On 20 December 2002, you failed to report for supervised study as scheduled. Instead, you reported 30 minutes late. For this offense, you received an LOR on 30 December 2002;

e. By 27 November 2002, you had again failed to pay rent for the month of November and had failed to clear your off-base quarters, which you had been ordered to clear by 25 November 2002. For these offenses, you received an LOR on 5 December 2002. This LOR was placed in an Unfavorable Information File (UIF);

f. From 10 April 2001 to 15 October 2002, you displayed unacceptable conduct on/off duty and your ability to supervise/lead was ineffective. For these deficiencies in duty, you received a referral Enlisted Performance Report (EPR) on 31 November 2002;

g. On 6 December 2002, you failed to maintain your dorm room to meet the standards of cleanliness and a hot plate was confiscated from your dorm room. For these offenses, you received a Record of Individual Counseling (ROIC);

"Return With Honor"

h. By 18 November 2002, you had failed to pay rent for the month of November and out-process your off-base quarters as you were ordered to do on 7 October 2002. For this offense, you received an LOR on 21 November 2002;

i. On 14 November 2002, you ignored guidelines of dress and appearance. For this offense, you received an LOR on 15 November 2002;

j. From 24 August 2002 to 11 September 2002, you failed to pay an Italian rental car company for the rental of a vehicle. For this offense, you received an ROIC on 12 September 2002.

3. I have attached copies of the documents that will be forwarded to the separation authority. 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, the characterization of your service. For discharge under AFI 36-3208, paragraph 5.26.3, failure to progress in on-the-job training, and paragraph 5.49, minor disciplinary infractions, either honorable or under honorable conditions (general) discharge characterizations of service are authorized. I am recommending that you receive an under honorable conditions (general) discharge. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably will be denied enlistment in any component of the armed forces. In addition, 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. [REDACTED] Area Defense Counsel (ADC), on 31 March 2003, at 1400 hours. You may consult civilian counsel at your own expense.


5. You have the right to submit statements in your own behalf. Any statements that you want the separation authority to consider must reach me by 0800 hours on 3 April 2003, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. You will report for a medical examination. You are to report to the Family Practice Clinic on 31 March 2003, at 1730 hours. You will need to report 15 minutes prior to your appointments and pick up your medical records.

7. 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.

8. Any personal information that 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 unit orderly room as well as in the Area Defense Counsel's office.

9. Execute the attached acknowledgment and return it to me immediately.


Lt Col, USAF
Commander, 31st AMXS

Attachments:

1. Supporting Documentation
 - a. End of Course Exam Results
 - b. AF Form 623A, OJT Training Records, 3 Pages
 - c. LOR, 27 January 2003 w/atch
 - d. LOR, 30 December 2002
 - e. LOR, 5 December 2002, w/atch
 - f. Referral EPR attached as Item 3
 - g. ROIC, 5 December 2002
 - h. LOR, 21 November 2002
 - i. LOR, 15 November 2002
 - j. ROIC, 12 September 2002
2. Member's Acknowledgement of Receipt of Notification Memorandum
3. Enlisted Performance Report
4. Member's Response