

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE A1C	AFSN/SSAN ██████████
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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
					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 18 May 2005	CASE NUMBER FD-2005-00009	
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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

Case heard at Washington, D.C.

Advise applicant of the decision of the Board 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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INDORSEMENT	DATE: 5/23/2005
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-2005-00009

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

The applicant was scheduled to appear and testify before the Discharge Review Board (DRB), via Video-Teleconference between St. Augustine, FL, and Andrews AFB on 18 May 2005, but failed to appear or notify the DRB.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are 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:

Applicant states he was given an involuntary discharge under honorable conditions and rightly so, for he did not understand fully the responsibilities asked of him to be performed on a day to day basis for the AF as an A1C. He is now asking on behalf of his family, that his discharge RE code be changed to allow him to re-enlist in the military to again be able to provide for his wife and young son. He states he left the AF as a hot-headed young man and hopes to be allowed to re-enter the military as an intelligent, responsible man with a sense of duty for a nation and pride for family. The records indicated that the applicant received one Article 15 for unlawfully striking another airman, one LOR for leaving his place of duty without authority, one LOC for disrespect to an NCO, and another LOR for failing to report to his place of duty. 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 Patrick AFB, FL on 3 Feb 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: 29 Jun 82. Enlmt Age: 17 6/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-65, E-77, G-74, M-54. PAFSC: 3E631 - Operation Management Apprentice. DAS: 24 Jun 02.

b. Prior Sv: (1) AFRes 14 Jan 00 - 21 Aug 00 (7 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 22 Aug 00 for 6 yrs. Svd: 2 Yrs 5 Mo 12 Das, all AMS.

b. Grade Status: A1C - 6 Oct 00

c. Time Lost: None.

d. Art 15's: (1) 29 Nov 01, Scott AFB, IL - Article 128. You, did, on or about 29 Oct 01, unlawfully strike, [REDACTED] in the face with your open hand, shove her into a wall, and choke her neck with your hands. Suspended reduction to Airman. Forfeiture of \$100.00 per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 06 DEC 02 - Failure to go.

LOC, 30 OCT 02 - Disrespect to an NCO.

LOR, 11 SEP 02 - Leaving place of duty without authority.

f. CM: None.

g. Record of SV: 22 Aug 00 - 15 Apr 02 Scott AFB 3 (HAF Dir)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (21) Das

TAMS: (2) Yrs (5) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Dec 04.

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

for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. DD Form 214.

22FEB05/ia

[REDACTED]

To whom it may concern:

My name is [REDACTED] and I was previously enlisted in the United States Air Force from August 21, 2000 until February 3, 2003. I was given an involuntary discharge under honorable conditions and rightly so, for I did not understand fully the responsibilities asked of me to be performed on a day to day basis for the Air Force required as an Airman First Class. But I now have to ask on the behalf of my family, that my discharge enlistment code be change to allow me to re-enlist in the military to again be able to provide for my wife and young son. I left the Air Force as a hot-headed young adult and hope to be allowed to re-enter the military as an intelligent, responsible man with a sense of duty for a nation and pride for family. May I be so bold as to thank you in advance for any assistance you may be able to share in this matter, may God bless you and this great country of opportunity.

With God's grace and goodness,

[REDACTED]



DEPARTMENT OF THE AIR FORCE
52D FIGHTER WING (USAFE)

FD 2005-00009

15 Jan 03

MEMORANDUM FOR [REDACTED]

FROM: 52 CES/CCQ

SUBJECT: Notification Letter

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 for is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).

2. My reasons for this action are:
 - a. On or about 9 Oct 01, you unlawfully struck [REDACTED] in the face with your open hand, shoved her into a wall, and choked her neck with your hands. For this infraction, you received an Article 15 Nonjudicial Punishment dated 29 Nov 01. Your punishment included reduction to the grade of Airman suspended until 28 May 02, forfeiture of \$100.00 per month for 2 months and a reprimand (Atch 1).

 - b. On 9 Sep 02, you left your place of duty around 0750 and never returned back until the following morning. For this infraction, you received a Letter of Reprimand (LOR) dated 11 Sep 02 (Atch 2).

 - c. On 29 Oct 02, you were disrespectful to [REDACTED], your superior noncommissioned officer, by arguing when she gave you specific directions of tasks to be performed, stating you were sick of the games and mumbling words that could not be understood and for losing your military bearing in front of your entire duty section when asked to perform tasks. For this infraction, you received a Letter of Counseling (LOC) dated 30 Oct 02 (Atch 3).

 - d. On 6 Dec 02, you failed to report to your place of duty at the appointed time. For this infraction, you received another LOR dated 6 Dec 02 (Atch 4).

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 will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for re-enlistment 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 counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] at Spangdahlem AB, Germany, [REDACTED], on _____ at _____ hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three duty days, unless you request and receive an extension in writing for good cause shown. I will send them 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 a medical examination. You must report to the 52d Medical Group, FORCE HEALTH MANAGEMENT ELEMENT on _____ at _____ hours. An appointment has also been made at FAMILY PRACTICE on 26AN at 0915 hours.

8. 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 Commander's Support Staff office.

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

[REDACTED SIGNATURE]

Squadron Section Commander

Attachments:

1. AF Form 3070, 29 Nov 01
2. LOR, 11 Sep 02
3. LOC, 30 Oct 02
4. LOR, 6 Dec 02
5. Airman's Receipt of Notification Letter, located at Tab 2