

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED] | GRADE AB | AFSN/SSAN [REDACTED] |
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| 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 | UOTHC | OTHER | DENY |
| | | | | | X |
| | | | | | X |
| | | | | | X |
| | | | | | X |
| | | | | | X |

| ISSUES A95.00 | INDEX NUMBER A67.10 | <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 5px; text-align: center;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </tbody> </table> | 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 |
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| HEARING DATE 20 Jul 2005 | CASE NUMBER FD-2005-00018 | |
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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, 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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| 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 | |

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00018

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.

ISSUE: 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. The records indicated the applicant received two Article 15s for incidents of failure to go, making false official statements, and consuming alcoholic beverages while under the legal drinking age of 21. In addition, he received three Letters of Reprimand and three Records of Individual Counseling for various acts of misconduct involving being late for work and lack of good judgment. 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

[REDACTED]

(Former AB) (HGH AB)

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

2. **BACKGROUND:**

a. DOB: 22 Apr 83. Enlmt Age: 17 11/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-57, E-56, G-44, M-47. PAFSC: 2A734 - Survival Equipment Apprentice. DAS: 7 Feb 02.

b. Prior Sv: (1) AFRes 21 Apr 01 - 13 Aug 01 (3 months 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Aug 01 for 6 yrs. Svd: 1 Yrs 6 Mo 27 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 29 Jan 03, Nellis AFB, NV - Article 86. You, did, on or about 15 Jan 03, without authority, fail to go at the time prescribed to your appointed place of duty. You, did, on or about 16 Jan 03, without authority, fail to go at the time prescribed to your appointed place of duty. Article 107. You, did, on or about 15 Jan 03, with intent to deceive, make to [REDACTED] an official statement, to wit: I reported to sick-call at 0630, which statement was totally false, and was then known by you to be so false. You, did, on or about 15 Jan 03, with intent to deceive, make to [REDACTED], an official statement, to wit: I received prescription medication from sick-call, which statement was totally false, and was then known by you to be so false. Thirty days restriction, and 30 days extra duty. (No appeal) (No mitigation)

(2) 11 Jan 02, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 14 Dec 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal drinking age of 21 and from consuming alcoholic beverages in the dormitory, as it was your duty to do. Forfeiture of

\$200.00 pay per month for 2 months (in excess of \$200.00 pay per month for 1 month suspended). Ten days restriction, 10 days extra duty, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 20 NOV 02 - Failure to go.
LOR, 06 SEP 02 - Late for work.
LOR, 17 JUL 02 - Late for work.
RIC, 20 JUN 02 - Lack of good judgement.
RIC, 11 JUN 02 - Late for work.
RIC, 19 MAR 02 - Failure to return to base on time.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (10) Mos (20) Das
TAMS: (1) Yrs (6) Mos (27) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Dec 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

24FEB05/ia



FD 2005-00018

DEPARTMENT OF THE AIR FORCE
57th EQUIPMENT MAINTENANCE SQUADRON (ACC)
NELLIS AIR FORCE BASE, NEVADA

MEMORANDUM FOR [REDACTED]

18 Feb 03

FROM: 57 EMS/CC

SUBJECT: Notification Memorandum - Administrative Discharge AFI 36-3208

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 general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. You, who knew or should have known of your duties at or near Sheppard Air Force Base, Texas, on or about 14 Dec 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal drinking age of 21 and from consuming alcoholic beverages in the dormitory, as it was your duty to do. For your actions, you were punished under Article 15, Uniform Code of Military Justice (UCMJ), consisting of a suspended forfeiture of \$200 pay per month for 2 months, restriction to the limits of Sheppard Air Force Base, Texas for 10 days, 10 days extra duty, a reprimand, and an Unfavorable Information File (UIF) was established;

b. On or about between 16 and 17 Mar 02, you were counseled on properly planning an out of town weekend trip because you had a problem returning on time. For your actions, you received a Record of Individual Counseling (ROIC) on 19 Mar 02;

c. On or about 11 Jun 02, you reported for duty 25 minutes late. For your actions, you received an ROIC on 11 Jun 02;

d. On or about 20 Jun 02, you were counseled for your lack of good judgment. For your actions, you received an ROIC on 20 Jun 02;

e. On or about 17 Jul 02, you reported to duty at 0730 hours and the duty hours are from 0700 to 1600 hours. This was the third time in 2 months that you reported late to duty. For your actions, you received a Letter of Reprimand (LOR) on 17 Jul 02;

f. On or about 3 Sep 02, you failed to report to your assigned place of duty. [REDACTED] went to your dormitory room and you were still sleeping. For your actions, you received an LOR on 6 Sep 02, this action was placed in your existing UIF, and you were placed on the Control Roster;

g. On or about 4 Nov 02, you failed to report to your assigned place of duty. [REDACTED] went to your dormitory room and you were still sleeping. For your actions, you received an LOR on 20 Nov 02 and this action was placed in your existing UIF;

h. You did, at or near Nellis Air Force Base, Nevada, on or about 15 Jan 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 124. For your actions, you were punished under Article 15, UCMJ on 29 Jan 03, consisting of restriction to the limits of Nellis Air Force Base, Nevada, for 30 days, 30 days extra duty, and this action will be placed in your existing UIF;

i. You did, at or near Nellis Air Force Base, Nevada, on or about 16 Jan 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 124. For your actions, you were punished under Article 15, UCMJ on 29 Jan 03, consisting of restriction to the limits of Nellis Air Force Base, Nevada, for 30 days, 30 days extra duty, and this action will be placed in your existing UIF;

j. You did, at or near Nellis Air Force Base, Nevada, on or about 15 Jan 03, with intent to deceive, make to [REDACTED] an official statement, to wit: I reported to sick-call at 0630, which statement was totally false, and was then known by you to be so false. For your actions, you were punished under Article 15, UCMJ on 29 Jan 03, consisting of restriction to the limits of Nellis Air Force Base, Nevada, for 30 days, 30 days extra duty, and this action will be placed in your existing UIF;

k. You did, at or near Nellis Air Force Base, Nevada, on or about 15 Jan 03, with intent to deceive, make to [REDACTED] an official statement, to wit: I received a prescription medication from sick-call, which statement was totally false, and was then known by you to be so false. For your actions, you were punished under Article 15, UCMJ on 29 Jan 03, consisting of restriction to the limits of Nellis Air Force Base, Nevada, for 30 days, 30 days extra duty, and this action will be placed in your existing UIF;

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction or a 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.

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 the Area Defense Counsel at Bldg 625 on 19 Feb 03 at 1300 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. **You have 3 duty days from the date/time served to submit statements in your behalf.** Any statements you want the separation authority to consider must reach me by 21 Feb 03 at 1630 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. In the event the commander exercising Special Court-Martial jurisdiction or a higher authority approves your discharge, separations will out-process you. Your initial separations briefing is scheduled for 19 Feb 03 on 0930 hrs.

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

8. You have been scheduled for a medical examination at the 99th Medical Group on 19 Feb at 0800 hrs.

9. 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 your Unit Orderly Room.

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

 USAF

Commander

Attachments:

1. Article 15, 11 Jan 02
2. ROIC, 19 Mar 02
3. ROIC, 11 Jun 02
4. ROIC, 20 Jun 02
5. LOR, 17 Jul 02
6. LOR, 6 Sep 02
7. LOR, 20 Nov 02
8. Article 15, 29 Jan 03
9. AF Form 1137