

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

(INITIAL)

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 A93.09	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 21 Jul 2005	CASE NUMBER FD-2005-00025
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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.

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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-2005-00025

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

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, change of reason and authority for discharge, and change of reenlistment code are 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 does not contest his discharge. He states that he wants to re-join the Air Force in the Reserves and that his actions during his military career have affected his job performance. The records indicated the applicant received two Article 15s, a Vacation action under the UMCJ, five Letters of Reprimand and two Letters of Counseling for various acts of misconduct to include being late for duty, dereliction of duty, failure to obey orders, failure to go, and for being disrespectful in language towards a noncommissioned officer. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Moody AFB, GA on 10 Nov 04 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: 3 Jun 82. Enlmt Age: 18 3/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-55, E-50, G-30, M-28. PAFSC: 3S051 - Personnel Journeyman. DAS: 17 Jul 03.

b. Prior Sv: (1) AFRes 20 Sep 00 - 24 Jan 01 (4 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 25 Jan 01 for 6 yrs. Svd: 3 Yrs 9 Mo 17 Das, all AMS.

b. Grade Status: Amn - 01 Oct 04 (Article 15, 1 Oct 04)
A1C - 14 May 03
Amn - 14 May 02 (Vacation of Article 15, 8 Aug 02)

c. Time Lost: None.

d. Art 15's: (1) 1 Oct 04, Moody AFB, GA - Article 92. You, having knowledge of a lawful order issued by SMSgt [REDACTED], to wit: Pack and mail out the Unit Personnel Record Group files by 5 Sep 04, or words to that effect, an order which it was your duty to obey, did, at Moody AFB, GA, between on or about 5 Sep 04 and 7 Sep 04, fail to obey the same by wrongfully not mailing out the Unit Personnel Record Group files. You, who knew of your duties, between on or about 2 Sep 04 and on or about 13 Sep 04, were derelict in the performance of those duties in that you by culpable inefficiency failed to stage old retirement and separation orders, as it was your duty to do. Reduction to Airman, and 14 days extra duty. (No appeal) (No mitigation)

(2) 8 Aug 02, Vacation, Osan AB, Korea - Article 92. You, who knew of your duties, on or about 16 Jul 02 were derelict in the performance of those duties in that you willfully failed to update 54 individuals DEROS', as it was your duty to do. You, who knew of your duties, on or about 25 Jul 02 were derelict in the performance of

those duties in that you willfully refrained from purchasing an item other than water from the NCO club, as it was your duty to do. Reduction to Airman. (No appeal) (No mitigation)

- (3) 14 May 02, Osan AB, Korea - Article 91. You, on or about 13 Apr 02, were disrespectful in language towards [REDACTED] a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of her office, by sending an electronic message to her stating, "Hey, turn that shit down now!!!!," or words to that effect. Suspended reduction to Airman. Restriction to Osan AB, Republic of Korea for 30 days. Restriction from both the Challenger and Mustang Enlisted Clubs on Osan AB, Republic of Korea for 30 days. (No appeal) (No mitigation)

- e. Additional: LOC, 27 AUG 04 - Failure to go.
 LOR, 19 JUL 04 - Failure to obey two lawful orders.
 LOC, 07 JAN 04 - Late for duty.
 LOR, 13 NOV 03 - Late for duty.
 LOR, 16 OCT 03 - Failure to obey orders.
 LOR, 03 SEP 02 - Dereliction of duty.
 LOR, 12 APR 02 - Late for duty.

f. CM: None.

- g. Record of SV: 25 Jan 01 - 12 Jan 03 Moody AFB 3 (Initial)REF
 13 Jan 03 - 13 May 03 Moody AFB 5 (Cmdr Dir)
 14 May 03 - 13 May 04 Moody AFB 2 (Annual)REF

h. Awards & Decs: AFTR, NDSM, AFOSSTR, AFOUA W/1 OLC, KDM.

- i. Stmt of Sv: TMS: (4) Yrs (1) Mos (22) Das
 TAMS: (3) Yrs (9) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Jan 05.
 (Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: The issue that I'm requesting to change is my General discharge to Honorable. My plans are re-join the Air Force in the Reserves. I want to serve my country proudly. My actions during my military career has affected my job performance.

To wear the Air Force uniform made me feel proud when I knew what my life means and what I am doing for my country. Please reconsider my previous actions and let me relive my life of being an Airman of the Air Force.

FD2005-00025

ATCH
None.

3MAR05/ia



DEPARTMENT OF THE AIR FORCE

347TH MISSION SUPPORT SQUADRON
MOODY AIR FORCE BASE, GEORGIA 31699

FD 2005-60025

MEMORANDUM FOR AMN [REDACTED]

210-104

FROM: CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: 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 an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. Between 5 Sep 04 and 7 Sep 04, you failed to obey a lawful order. For this offense you received a reduction to the grade of Airman, as evidenced by an Article 15, dated 1 Oct 04. (See Atch 1)

b. On 26 Aug 04, you failed to report to your appointed place of duty. For this offense you received a Letter of Counseling (LOC), dated 27 Aug 04. (See Atch 2)

c. On 7 Jul 04, you failed to obey two lawful orders. For these offenses you received a Letter of Reprimand (LOR), dated 19 Jul 04. (See Atch 3)

d. On 6 Dec 03, you failed to report to your appointed place of duty. For this offense you received an LOC, dated 7 Jan 04. (See Atch 4)

e. On 11 Nov 03, you failed to report to your appointed place of duty. For this offense you received an LOR, dated 13 Nov 03. (See Atch 5)

f. On 20 Aug 03, you were out of uniform. For this offense you received an LOR, dated 16 Oct 02. (See Atch 6)

g. On 3 Sep 03, you failed to report to your appointed place of duty. For this offense you received an LOR, dated 3 Sep 03. (See Atch 7)

h. On 16 Jul 02 and on 25 Jul 02, you were derelict in the performance of your duties. For these offenses you received a reduction to the grade of Airman as evidenced by AF Form 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 12 Aug 02. (See Atch 8)

i. On 13 Apr 02, you were disrespectful in language towards a noncommissioned officer. For this offense you received a suspended reduction to the grade of Airman, restriction to Osan Air Base for 30 days, and restriction from the Enlisted Clubs on Osan Air Base for 30 days, as evidenced by an Article 15, dated 14 May 02. (See Atch 9)

j. On 2 Apr 02, you failed to go to your appointed place of duty. For this offense you received an LOR, dated 12 Apr 02, and an Unfavorable Information File was established, as evidenced by AF Form 1058, Unfavorable Information File Action, dated 25 Apr 02. (See Atch 10 and Atch 11)

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 higher authority will decide whether you will be discharged or retained in the United States 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 any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 Captain [REDACTED] at 5107 Austin Ellipse, on 21 Oct 04, at 1500 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 by three duty days from this notification unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements on 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 Public Health on 22 Oct 04, at 0730 hours for the examination with your medical records.

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 at 347 RQW/JA.

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

[REDACTED]
Commander

[REDACTED], USAF

Attachments:

1. AF Form 3070, dated 1 Oct 04 (3 pages)
2. LOC, dated 27 Aug 04 (2 pages)
3. LOR, dated 19 Jul 04 (2 pages)
4. LOC, dated 7 Jan 04 (2 pages)
5. LOR, dated 13 Nov 03 (3 pages)
6. LOR, dated 16 Oct 03 (4 pages)
7. LOR, dated 3 Sep 03 (2 pages)
8. AF Form 366, dated 12 Aug 02 (3 pages)
9. AF Form 3070, dated 14 May 02 (4 pages)
10. AF Form 1058, dated 25 Apr 02 (1 page)
11. LOR, dated 12 Apr 02 (3 pages)
12. Receipt of Notification Memorandum