

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

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

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

08 Dec 2005

CASE NUMBER

FD-2005-00070

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.

SIGNATURE OF RECORDER

SIGNATURE OF BOARD PRESIDENT

INDORSEMENT

DATE: 12/20/2005

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

FD-2005-00070

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 "it was one night" where I didn't think about the consequences of my actions and made very irresponsible decisions. The records indicated the applicant received two Article 15s and a Vacation action under the UCMJ for drinking under age, and breaking Phase I by leaving Sheppard on two separate occasions. He also received one Letter of Reprimand and two Letters of Counseling for failure to shave, failure to go, failure to follow a direct order and failure to remain within the limits of Sheppard AFB while in Phase I. These incidents occurred over a four month period and not just one night. 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] F.
(Former AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Sheppard AFB, TX on 24 Feb 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 May 85. Enlmt Age: 17 2/12. Disch Age: 18 9/12. Educ: HS DIPL. AFQT: N/A. A-59, E-70, G-62, M-49. PAFSC: 2A313B - Tactical Aircraft Maintenance Helper. DAS: 29 Sep 03.

b. Prior Sv: (1) AFRes 12 Jul 02 - 11 Aug 03 (1 yr 1 month)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Aug 03 for 6 yrs. Svd: 0 Yrs 6 Mo 13 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 3 Feb 04, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 19 Jan 04, 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, willfully failed to refrain from possessing alcoholic beverages in the dormitory, willfully failed to remain within the limits of Sheppard AFB, Texas while in Phase I, and failed to adhere to call to quarters, as it was your duty to do. Forfeiture of \$400.00. (No appeal) (No mitigation)

(2) 29 Jan 04, Vacation, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 19 Jan 04, 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, willfully failed to refrain from possessing alcoholic beverages in the dormitory, willfully failed to remain within the limits of Sheppard AFB, Texas while in Phase I, and failed to adhere to call to quarters, as it was your duty to do. Forfeiture of \$100.00 pay. (No appeal) (No mitigation)

(3) 5 Jan 04, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 28 Nov 03, were derelict in the performance of those duties in that you willfully failed to remain within the limits of Sheppard AFB, Texas while in Phase I and failed to adhere to call to quarters, as it was your duty to do. Forfeiture of \$100.00 pay per month for 2 months (in excess of \$100.00 suspended). Seven days extra duty. (No appeal) (No mitigation)

- e. Additional: LOC, 01 DEC 03 - Failure to shave before reporting to duty.
LOC, 19 NOV 03 - Failure to go, and failure to follow a direct order.
LOR, 19 NOV 03 - Failure to remain within the limits of Sheppard AFB, TX while in Phase I.
AETC 125A, 21 Jan 04 - Technical Training Elimination.
AETC 173, 17 DEC 03 - Failed Block V-b test.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR, NDSM.
- i. Stmt of Sv: TMS: (1) Yrs (7) Mos (13) Das
TAMS: (0) Yrs (6) Mos (13) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 21 Jan 05.

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

ISSUES ATTACHED TO BRIEF.

ATCH

- 1. DD Form 214.
- 2. Applicant's Issues.
- 3. DD Form 214 (Member 1 & 4).
- 4. Two Character References.

6JUL05/ia

February 6, 2005

To Whom It May Concern:

On the 24th of February in 2004 I was discharged from the USAF. I was discharged with reasoning of misconduct. During the last week of January in 2004 I was in my last month of my training in Tech-School at Shepard AFB. A fellow airman and I went off base where we met someone at an off base convenience store where my fellow airman and the other gentlemen purchased alcohol. After purchasing the alcohol, we went farther in town and consumed the beverages.

In the early morning hours we returned on base. I went through the front door and passed the CQ unnoticed. I met my fellow airman at a room with two of his friends. My fellow airman then told me how he went through the fire exit with more alcohol and snuck it into the room. I sat down, ate, and while watching television joked with my friends.

I assume we were being loud or that the M.T.L. was doing room checks when he walked into the room. The M.T.L saw all the alcohol that had been consumed and the bottles on the floor. Immediately following we were told to report to his office. In his office he filled out a witness statement regarding the situation. We also had to fill one out for our actions that night. The next morning I was called down to the M.T.L's office and informed that I would be sent to a military holding squadron called Transition Flight. I would be awaiting my Article 15 to be served from my Training Squadron Commander. I then completed my out-processing and waited to be sent home.

Both the airman I was with that night and I received an Article 15 for the following reasons: Phase violation, curfew violation, failing to refrain from consuming

alcoholic beverages while under the legal drinking age of 21, possessing alcoholic beverages on base, and being off base in civilian clothes (which fell under phase violation). I was given a General (under honorable conditions) discharge for misconduct, with a re-entry code of 2B.

..... It was one night where I didn't think about the consequences of my actions and..... made very irresponsible decisions. I have accepted the responsibility for my actions. I deeply regret my actions and sincerely apologize for what I have done. Everyday since my discharge I think about the biggest mistake of my life, getting discharged from the USAF. The military lifestyle was fantastic. I was doing well in my training and loved the experience. One night of irresponsibility took all this away.

I am requesting that my re-entry code be upgraded to a 1 or higher, so I can try to re-enlist in another branch of the military. I want to successfully serve my country again. I will do whatever it takes to prove I am a good person. Currently I am working two jobs to support my fiancé and a child that will arrive in March of 2005. I want to give them the best life that I can, and I deeply feel the military is the only way to do this.

Sincerely,





DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2005-00070

FEB 17 2004

MEMORANDUM FOR A1C [REDACTED]

FROM: 362 TRS/CCQ

SUBJECT: Notification Memorandum

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 under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You who knew or should have know of your duties at or near Sheppard AFB TX, on or about 19 Jan 04, 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, willfully failed to refrain from possessing alcoholic beverages in the dormitory, willfully failed to remain within the limits of Sheppard AFB TX while in phase I, and failed to adhere to call to quarters, as it was your duty to do. For this misconduct your suspended Article 15 punishment was vacated on 29 Jan 04 and you received Article 15 punishment on 3 Feb 04.

b. You, who knew or should have know of your duties at or near Sheppard AFB TX, on or about 1 Dec 03, were derelict in the performance of those duties in that you failed to shave before reporting for duty, as it was your duty to do. For this misconduct you received a Letter of Counseling (LOC) on 1 Dec 03.

c. You, who knew or should have know of your duties at or near Sheppard AFB TX, on or about 28 Nov 03, were derelict in the performance of those duties in that you willfully failed to remain within the limits of Sheppard AFB TX while in phase I and failed to adhere to call to quarters, as it was your duty to do. For this misconduct you received Article 15 punishment on 5 Jan 04.

d. You did, at or near Sheppard AFB TX, on or about 13 Nov 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: mandatory study. For this misconduct you received an LOC on 19 Nov 03.

e. You, who knew or should have know of your duties at or near Sheppard AFB TX, on or about 28 Nov 03, were derelict in the performance of those duties in that you willfully failed

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to remain within the limits of Sheppard AFB TX while in phase I, as it was your duty to do. For this misconduct you received a Letter of Reprimand (LOR) on 19 Nov 03.

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. 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. Any special pay, bonus, or education assistance funds may be subject to recoupment.

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 AWP at building 1638 on FEB 18 2004 1000. You may consult civilian counsel at your own expense.


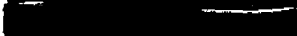
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by FEB 20 2004 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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. You must report to the 82d Medical Group, Bldg 1200, Physical Examinations, at 0900 on 22 Jan 04.

7. 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.

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


 2d Lt, USAF
Squadron Section, Commander

Attachments: (listed on the next page)