

CHARGE 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				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td style="text-align:center;">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

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

ISSUES	A94.05	INDEX NUMBER	A67.10	EXHIBITS SUBMITTED TO THE BOARD														
				<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align:center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align:center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align:center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align:center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>	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	28 Jul 2005	CASE NUMBER	FD-2005-00073
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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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT	DATE: 8/1/2005
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-2005-00073

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 contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for negligently failing to follow technical orders when performing electrical checks. He also received a Vacation action under the UCMJ for failure to go. In addition, he received five Letters of Reprimand and one Record of Individual Counseling for various acts of misconduct to include being late for duty, violating policy on travel while not on leave, failure to go, financial irresponsibility, dereliction of duty and for missing an appointment. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Seymour-Johnson AFB, NC on 13 May 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: 2 Dec 82. Enlmt Age: 17 11/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-69, E-70, G-53, M-64. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 20 Jul 01.

b. Prior Sv: (1) AFRes 9 Nov 00 - 8 Jan 01 (2 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Jan 01 for 6 yrs. Svd: 2 Yrs 4 Mo 5 Das, all AMS.

b. Grade Status: Amn - 13 Mar 03 (Vacation of Article, 16 Apr 03)
A1C - 23 Feb 01

c. Time Lost: None.

d. Art 15's: (1) 16 Apr 03, Vacation, Seymour-Johnson AFB, NC - Article 86. You did, on or about 4 Apr 03, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. (No appeal) (No mitigation)

(2) 13 Mar 03, Seymour-Johnson AFB, NC - Article 92. You, who knew of your duties, on or about 19 Feb 03, were derelict in the performance of those duties in that you negligently failed to follow Technical Order 11B29-3-60-2 and perform an electrical check on the BRU-46 Ejector rack, as it was your duty to do. Suspended reduction to Airman. Thirty days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 19 MAR 03 - Late for duty.
LOR, 21 FEB 03 - Violation of Commander's policy on travel while not on leave.
LOR, 21 FEB 03 - Failure to go.
RIC, 19 FEB 03 - Financial irresponsibility.
LOR, 08 JAN 03 - Dereliction of duty.
LOR, 17 DEC 02 - Missed appointment.

f. CM: None.

g. Record of SV: 9 Jan 01 - 15 Jul 02 Seymour-Johnson AFB 4 (HAF Dir)

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (6) Mos (5) Das
TAMS: (2) Yrs (4) Mos (5) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 17 Jan 05.

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Congressional Correspondence.

23MAR05/ia

SAF/MRBR
550 C Street West
Suite 40
Randolph Air Force Base, Texas 78150-4742

February 9, 2005

Dear Sir / Ma'am:

I have recently contacted my local congressman on these matters and I was told to contact you and state my case, so to speak. My discharge from the Air Force on May 13 2003, it was stated General (under honorable conditions) for misconduct. If you will please take a moment to read about this, it would be greatly appreciated.

Around the middle of March 2003, a malfunctioning bomb rack of an F-15 came into our shop. It had failed an electrical check. After following the required procedures to troubleshoot the malfunction, I ran three consecutive electrical checks (shop policy on electrical malfunctions) and they all passed. After filing out and signing the appropriate forms stating the equipment was operational, one of the shop supervisors asked me to run the check again. This time the equipment passed twice and failed once. Since I was not the first airman to encounter this problem, I removed my name from the forms thinking that it was the appropriated thing to do. I would absolutely not let a broken piece of equipment on our aircraft. Thinking I took the appropriate actions to keep our mission as successful as possible, the shop supervisor had a different notion. He was under the impression I removed my name from the forms to "cover my tracks." This was absolutely not the case. From that point on, my discharge from the Air Force began.

All of the training I have retrieved in my technical schooling and BMT is still fresh in my memory. I am still quite familiar with the ranking system and the necessary requirements to make it through training. I firmly believe that the two and a half years experience I have, can and will help fellow soldiers; especially in basic training. With this prior knowledge of weapons systems, ammunition, and electronic repair, I believe I can assist in any task related to my previous training.

Please understand though this unfortunate incident occurred, I was given the choice of leaving the military and I did. I ask that you please change the conditions or codes preventing me from re-enlisting. I know I may not come back to the Air Force but I am one hundred percent ready and prepared to join the Army. If all of this hadn't occurred I would have enlisted at the beginning of the ongoing fight in Iraq. It is my dream to join my fellow soldiers over seas. Please understand that the actions in the aforementioned story were that of an immature eighteen year old just entering adulthood and the military at the same time. Now, being twenty-two and in the civilian world, looking at the war, I can think of no better way to serve my country then to join the fight on terrorism whether

it is state-side or in the Middle East. I am ready to make a serious long-term commitment to the military and do whatever I can to re-enlist and become a soldier once again. Thank you for your time.

Sincerely,

[Redacted signature block]

My Army recruiter is:

Staff Sergeant [Redacted]

Telephone: [Redacted]

Fax: [Redacted]

Email: [Redacted]

DEPARTMENT OF THE AIR FORCE
4TH FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

FD2005-00073

MAY 01 2003



MEMORANDUM FOR AMN [REDACTED]

FROM: 4 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. According to Table 1.3 of AFI 36-3208, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action:

a. On 21 November 2002, you failed to report for a scheduled dietary counseling appointment. For this misconduct, you received a Letter of Reprimand, dated 17 December 2002 (Tab 1a).

b. On 7 January 2003, you were derelict in the performance of your duties in that you negligently failed to follow Air Force Technical Data. For this misconduct, you received a Letter of Reprimand, dated 8 January 2003 (Tab 1b).

c. On 14 February 2003, you failed to pay your financial obligations for cell phone service. For this misconduct, you received a Record of Individual Counseling (AF Form 174), dated 19 February 2003 (Tab 1c).


d. On 14 February 2003, you failed to report to the Unit Orderly Room to weigh-in as directed by [REDACTED]. For this misconduct, you received a Letter of Reprimand, dated 21 February 2003 (Tab 1d).

e. Between 14 February 2003 and 18 February 2003, you were derelict in the performance of your duties in that you traveled more than six hours from the local area while not on leave in direct violation of the Commander's Leave Policy and subsequently and you failed to report for duty at 0700 on 18 February 2003. For this misconduct, you received a Letter of Reprimand, dated 21 February 2003 (Tab 1e).

f. On 19 February 2003, you were derelict in the performance of your duties in that you negligently failed to follow Technical Order 11B29-3-60-2 and perform an electrical check on the BRU-46 ejector rack. For this misconduct, you received an Article 15. This is documented by an AF Form 3070, dated 3 March 2003 (Tab 1f).

g. On 19 March 2003, you failed to go to your appointed place of duty at the time prescribed. For this misconduct, you received a Letter of Reprimand, dated 19 March 2003 (Tab 1g).

h. On 4 April 2003, you failed to go to your appointed place of duty at the time prescribed, to wit the 4th Equipment Maintenance Squadron, building 2150. For this misconduct, the suspended punishment you received on 13 March 2003 was vacated. This is documented by an AF Form 366, dated 10 April 2003 with attachment (Tab 1h).

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, 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.
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 , Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 1 May 03 (date) at 1400 hrs (time). You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 6 May 03 (allow three duty days) 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 in your own behalf, your failure will constitute a waiver of your right to do so.
7. You have been scheduled for a mandatory medical examination at the 4th Medical Group, Seymour Johnson AFB. Report to the Sold Team on 2 May 2003 at 0800 hours. Your appointment is with Dr. Chew.
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 the unit orderly room or the Area Defense Counsel office.
9. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 8 May 2003 at 1300 hours. You must report to building 3602 for your TAPs counseling.
10. Execute the attached acknowledgement and return it to me immediately.


 Lt Col, USAF
 Commander, 4 EMS

Attachments:

Supporting Documents

- a. Letter of Reprimand, dated 17 December 2002
- b. Letter of Reprimand, dated 8 January 2003
- c. AF Form 174), dated 19 February 2003
- d. Letter of Reprimand, dated 21 February 2003
- e. Letter of Reprimand, dated 21 February 2003
- f. AF Form 3070, dated 3 March 2003
- g. Letter of Reprimand, dated 19 March 2003
- h. AF Form 366, dated 10 April 2003