

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

INITIAL)

<b>TYPE</b>	<b>GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>YES</b></td> <td style="width:50%;"><b>No</b></td> </tr> <tr> <td></td> <td align="center"><b>X</b></td> </tr> </table>	<b>YES</b>	<b>No</b>		<b>X</b>		
<b>YES</b>	<b>No</b>					
	<b>X</b>					

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b>	A94.05	7.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
			<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align:center;"><b>1</b></td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align:center;"><b>2</b></td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align:center;"><b>3</b></td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align:center;"><b>4</b></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>	<b>1</b>	ORDER APPOINTING THE BOARD	<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	<b>3</b>	LETTER OF NOTIFICATION	<b>4</b>	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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<b>HEARING DATE</b>	<b>CASE NUMBER</b>
28 Jul 2005	FD-2005-00076

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: 8/3/2005**

<b>TO:</b>	<b>FROM:</b>
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2005-00076

**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.

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 two Article 15s, one for using his government credit card for personal purchases, and the other for willfully failing to refrain from operating a motor vehicle while his driver's license was under suspension. He also received a Vacation action under the UCMJ for willfully failing to maintain his dormitory room within the prescribed standards. Finally, he received a Letter of Reprimand for failure to go. The applicant states that he had no problems in the service until the First Sergeant was replaced and he states that he was kicked out for not keeping his quarters clean. These issues are without merit. The applicant received an overall "1" on his EPR and he was discharged for the various misconduct as stated above. 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 Travis AFB, CA on 01 Jun 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Oct 82. Enlmt Age: 19 8/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-83, E-84, G-88, M-96. PAFSC: 2A531H - Aerospace Maintenance Apprentice. DAS: 21 Nov 02.

b. Prior Sv: (1) AFRes 20 Jun 02 - 25 Jun 02 (5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Jun 02 for 6 yrs. Svd: 1 Yrs 11 Mo 7 Das, all AMS.

b. Grade Status: AMN - 28 Oct 03 (Vacation of Article 15, 24 Feb 04)  
A1C - 30 Aug 02

c. Time Lost: None.

d. Art 15's: (1) 24 Feb 04, Vacation, Travis AFB, CA - Article 92. You, who knew or should have known of your duties, on or about 31 Dec 03, were derelict in the performance of those duties in that you willfully failed to maintain your dormitory room within the prescribed standards as outlined in Travis Air Force Instruction 32-304, paragraph 2.3, as it was your duty to do. Reduction to Airman. (No appeal) (No mitigation)

(2) 11 Feb 04, Travis AFB, CA - Article 92. You, who knew or should have known of your duties, on or about 1 Jan 04, were derelict in the performance of those duties, in that you willfully failed to refrain from operating a motor vehicle while your driver's license was under suspension, as it was your duty to do. Suspended reduction to AB. Restriction for 45 days, 45 days extra duty, and a reprimand. (No appeal) (No mitigation)

(3) 28 Oct 03, Travis AFB, CA - Article 92. You, who knew of your duties, within the State of California, on or about 14 Jul 03, were derelict in the performance of those duties in that you willfully failed to refrain from using your government credit card for personal

purchases, as it was your duty to do. Suspended reduction to Amn. Fourteen days restriction, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 28 APR 04 - Failure to go.
- f. CM: None.
- g. Record of SV: 26 Jun 02 - 26 Feb 04 Travis AFB 1 (Initial)REF
- h. Awards & Decs: AFOUA, AFTR, NDSM.
- i. Stmt of Sv: TMS: (1) Yrs (11) Mos (13) Das  
TAMS: (1) Yrs (11) Mos (7) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Feb 05.  
(Change Discharge to Honorable)

Issue 1: For two years, I had no problem in the service or with my 1<sup>st</sup> Sgt. When he was replaced by 1<sup>st</sup> [REDACTED] there was a personality conflict between us and he was unreceptive.

Issue 2: I was discharged for not keeping my quarters clean. At that time I was having severe medical problems that were being treated by the Air Force. I would like this reviewed and request that my discharge show an Honorable Discharge. Thank you.

**ATCH**  
None.

29MAR05/ia



DEPARTMENT OF THE AIR FORCE  
660TH AIRCRAFT MAINTENANCE SQUADRON  
TRAVIS AFB, CALIFORNIA 94535

FD 2005-00076

13 MAY 2004

MEMORANDUM FOR AMN [REDACTED]

FROM: 660 AMXS

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. On or about 14 Jul 03, within the state of California, you were derelict in the performance of your duties in that you willfully failed to refrain from using your Government Travel Card (GTC) for personal purchases, in violation of Article 92, UCMJ. For this misconduct, you received an Article 15, dated 28 Oct 03. Punishment consisted of suspended reduction to the grade of airman, restriction to the limits of Travis Air Force Base, California, for 14 days, 14 days extra duty and a reprimand (Tab 1, Atch 1).

b. On or about 31 Dec 03, at Travis Air Force Base, California, you were derelict in the performance of your duties in that you willfully failed to maintain your dormitory room within prescribed standards as outlined in the Travis Air Force Base Instruction 32-304, paragraph 2.3, in violation of Article 92, UCMJ. As a result, the suspended reduction to the grade of airman imposed under the Article 15, dated 28 Oct 03, was vacated on 24 Feb 04 (Tab 1, Atch 2).

c. On 28 Apr 04, you failed to report for duty at the appointed time. For this misconduct, you received an Letter of Reprimand (LOR), dated 28 Apr 04 (Tab 1, Atch 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).

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 Captain [REDACTED] at 540 Airlift Drive, Bldg 381, on 13 MAY 04, at 0830 hours. 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 19 MAY 04 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 DAVID GRANT MEDICAL CENTER, 101 Bodin Circle on 18 MAY 04, at 1530 hours for the examination. Report to Force Health Management 1 hour prior to appointment.
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 at Unit Orderly Room.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]  
Maj, USAF  
Commander

Attachments:

1. AF Form 3070, 28 Oct 03
2. AF Form 366, 24 Feb 04
3. LOR, 28 Apr 04