

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

(INITIAL)

<b>TYPE 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 style="text-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>	<b>A94.05</b>	<b>INDEX NUMBER</b>	<b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
				<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
<b>HEARING DATE</b>	<b>26 Jul 2005</b>	<b>CASE NUMBER</b>	<b>FD-2005-00104</b>		

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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<b>INDORSEMENT</b>		<b>DATE: 7/26/2005</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2005-00104

**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 would like to enlist in the Air National Guard. The records indicated the applicant received an Article 15 for being AWOL, failure to go, and for wrongfully entering a hotel while in technical school. He also received a Letter of Reprimand for making a false statement to an NCO. 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. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

**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 18 Jun 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for an Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 21 Jul 82. Enlmt Age: 18 3/12. Disch Age: 18 10/12. Educ: HS DIPL. AFQT: N/A. A-71, E-59, G-68, M-66. PAFSC: 2A313B - Tactical Aircraft Maintenance Helper. DAS: 1 Jan 01.

b. Prior Sv: (1) AFRes 31 Oct 00 - 13 Nov 00 (13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Nov 00 for 6 yrs. Svd: 0 Yrs 7 Mo 5 Das, of which AMS is 7 months 5 days (excludes 5 days lost time).

b. Grade Status: None.

c. Time Lost: 20 Apr 01 thru 22 Apr 01 and 5 May 01 thru 6 May 01 (5 days)

d. Art 15's: (1) 29 May 01, Sheppard AFB, TX - Article 86. You did, on or about 20 Apr 01, without authority, absent yourself from your unit, and did so remain absent until on or about 22 Apr 01. You did, on or about 1 May 01, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You did, at or near Wichita Falls, Texas, on or about 30 Apr 01, violate a lawful general instruction, to wit: paragraph 2.1.8, Sheppard AFBI 36-2902, dated 15 Oct 97, by wrongfully entering a local area hotel. Forfeiture of \$521 pay, 5 days restriction, 5 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 3 MAY 01 - Making a false statement to an NCO.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (0) Yrs (7) Mos (14) Das  
TAMS: (0) Yrs (7) Mos (0) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 2 Mar 05.

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

Issue 1: I would like to change my discharge to honorable, or at least upgrade my reentry code so I may receive an honorable discharge on my own. I am writing because I would like to enlist in the Air National Guard. My reentry code 2B will not allow me to do so. The major factor affecting me would probably be my Article 15 which I received for being "AWOL". I was fresh out of BMT and didn't know that if I missed a room inspection I would be considered AWOL. I am a responsible young man. I always have been, I made a few bad decisions that will affect the rest of my life. I was 18 at the time and am now 22. I work on Vance AFB as a firefighter/EMT, June 10<sup>th</sup> will be my 2 year mark. I have realized how big of a mistake I made and would like to have the opportunity to show the military and my country what kind of person I really am. Thank you for your time.

ATCH  
None.

12APR05/ia



PD 2005-00104

DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

12 JUN 2001

MEMORANDUM FOR AB [REDACTED] 362 TRS

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(s) 5.49. If my recommendation is approved, your service will be characterized as an 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 did, at or near Sheppard AFB TX, on or about 1 May 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Technical Training. For this misconduct and subparagraphs "b" and "c" below, you received an Article 15 on 29 May 01.

b. You did, at or near Sheppard AFB TX, on or about 30 Apr 01, violate a lawful general instruction, to wit: SAFBI36-2902, paragraph 2.1.8, dated 15 Oct 97, by wrongfully entering a local area motel.

c. You did, on or about 20 Apr 01, without authority, absent yourself from your unit, to wit: 362d Training Squadron, located at Sheppard Air Force Base, Texas, and did so remain absent until on or about 22 Apr 01.

d. You did, at or near Sheppard AFB TX, on or about 29 Apr 01, make a false official statement to a noncommissioned officer, [REDACTED] by stating you were not a member of the United States Air Force then known by you to be false. For this misconduct you received a Letter of Reprimand (LOR) on 3 May 01.

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 [redacted] at building 1638 on 13 Jun 01 at 1030. 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 15 Jun 01 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 1500 hrs on 8 Jun.

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.

[redacted]  
[redacted] USAF  
Squadron Section Commander

Attachments:

- 1. AF Form 3070, 29 May 01
- 2. AF Form 1168, [redacted] 1 May 01
- 3. AF Form 1168, [redacted] 1 May 01
- 4. AF Form 1168, [redacted] 23 Apr 01
- 5. AF Form 1168, [redacted] 23 Apr 01
- 6. AF Form 1168, AB [redacted] 19 Apr 01
- 7. AF Form 2098, 23 Apr 01
- 8. AF Form 2098, 23 Apr 01
- 9. AF Form 2098, 7 May 01
- 10. AF Form 2098, 7 May 01
- 11. LOR, 3 May 01
- 12. AF Form 125A, 11 JUN 2001
- 13. Student Training Report, 01083
- 14. LAFB Form 205, 6 Dec 00
- 15. Airman's Receipt of Notification Memorandum [redacted]