

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
NAME OF COUNSEL AND OR ORGANIZATION			
YES	No		
	X		

MEMBER SITTING	VOICE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES	A93.07 A94.05	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	CASE NUMBER
23 Sep 2005	FD-2005-00128

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: 9/23/2005
TO:	FROM:	
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

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 an Article 15, a Letter of Reprimand, a Letter of Counseling, one Memorandum for Record and fourteen AETC FM 341s, Excellence/Discrepancy Reports for misconduct. The misconduct included failure to attend mandatory formations, failed dorm room inspection, security violations, failure to comply with dress and appearance standards, lying to superiors, substandard behavior, consistent pattern of being dishonest, failure to go on divers occasions, and remained out past curfew on divers occasions. The Board concluded 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 Keesler AFB, MS on 23 Dec 03 UP AFI 36-3208, para 5-49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Mar 78. Enlmt Age: 24 4/12. Disch Age: 25 9/12. Educ: HS DIPL. AFQT: N/A. A-94, E-92, G-90, M-85. PAFSC: 9T000 - Basic Enlisted Airman. DAS: 31 Mar 03.

b. Prior Sv: (1) AFRes 13 Aug 02 - 20 Nov 02 (3 mos 8 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AMN 21 Nov 02 for 6 yrs. Svd: 01 Yrs 01 Mo 03 Das, of which AMS is 01 Yrs 01 Mo 01 Das (ex. 2 Das lost time).

b. Grade Status: Amn - 01 Dec 03 (Article 15, 1 Dec 03)
A1C - 21 Nov 02

c. Time Lost: 6 Nov 03 - 8 Nov 03 (2 Days).

d. Art 15's: (1) 1 Dec 03, Keesler AFB, MS - Article 86. You, did, on divers occasions between on or about 9 Oct 03 and 14 Oct 03, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, who knew or should have known of your duties, on divers occasions between on or about 18 Oct 03 and 26 Oct 03, were derelict in the performance of those duties in that you willfully failed to remain in your dormitory after curfew, as required by AETC Instruction 36-2216, as it was your duty to do. Reduced to Amn. Forfeiture of \$250.00 pay. (No appeal) (No mitigation)

e. Additional: LOR, 01 DEC 03 - On or about 5-8, 17, 24 Nov 03 displayed substandard behavior and consistent pattern of being dishonest.

MFR, 14 OCT 03 - Failure to attend mandatory formations, failure to comply with Dress and Appearance standards and lying to superiors.

LOR, 07 AUG 03 - Security Violation.

AETC FM 341, 5 AUG 03 - Failed dorm room inspection.

AETC FM 341, 16 APR 03 - Failure to attend mandatory formations.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (04) Mos (09) Das
TAMS: (01) Yrs (01) Mos (01) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Feb 05.
(Change Discharge to Honorable.)

Issue 1: During my enlistment my father died and I was having difficulty dealing with his death.

Issue 2: During the last few months of my enlistment I was having problems with my marriage (sic) thus also enduring a bitter divorce.

ATCH
None.

12MAY05/DAY



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR AMN [REDACTED]

FROM: 338 TRS/TRM

DEC 19 2003

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authorities for this action are AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.49. If my recommendation is approved, your discharge will be described as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 1 Dec 03, you received nonjudicial punishment for failure to go to your appointed place of duty and for failure to remain in your dormitory after curfew, as noted on AF Form 3070, dated 1 Dec 03. (Atch 1, Appendix A w/atchs)

b. On 1 Dec 03, you received a Letter of Reprimand for the following infractions:

i. You deliberately misled your physician after being given one week of convalescent leave and you then informed him that this was not sufficient because all NPS convalescent leave had to be in increment of 2 weeks, for training purposes. In addition, you were never briefed this information, hence making it up. (Atch 1, Appendix B w/atch)

ii. On 6 Nov 03, you disobeyed an order, given by your flight commander, to return to Keesler by 1500 hours on 6 Nov 03 in which you remained absent without leave from 6 – 8 Nov 03. (Atch 1, Appendix B w/atch)

iii. You drove your vehicle off Keesler AFB while in Phase 1 when you knew you were prohibited from operating a vehicle while in Phase 1. (Atch 1, Appendix B w/atch)

iv. While still in Phase 1, you convinced another airman to drive you off base by advising her that your flight commander had granted you Phase 4, this was another attempt to deceive. (Atch 1, Appendix B w/atch)

c. On 5 Aug 03, you failed your room inspection, as noted on AETC Form 341, dated 5 Aug 03. (Atch 1, Appendix C w/atch)

d. On 16 Apr 03, you were a no-show to a detail briefing, as noted on AETC Form 341, dated 16 Apr 03. (Atch 1, Appendix D)

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 will decide whether you are to 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. Any special pay, bonuses, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult ADC at Bldg 0701, Room 243, on N/A at N/A 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 on 24 Dec NLT 1630 hours 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 medical examination. You must report to the Student Triangle Clinic on 19 Dec, 2003 at 1300 hours for the examination.

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 by accessing the world wide web at the following website: <http://www.e-publishing.af.mil/pubfiles/af/36/afi36-3208/afi36-3208.pdf> or your unit orderly room.

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


SAF
Commander, Military Training Flight

Attachments:

1. Supporting Documents
 - a. AF Form 3070, dated 1 Dec 03, w/atchs
 - b. Letter of Reprimand, dated 1 Dec 03 w/atchs
 - c. AETC Form 341, dated 5 Aug 03 w/atch
 - d. AETC Form 341, dated 16 Apr 03
2. Airman's Receipt of Notification Memorandum
3. Airman's Statement

ATCH 1