

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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

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

<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>	<b>ORDER APPOINTING THE BOARD</b>
				<b>2</b>	<b>APPLICATION FOR REVIEW OF DISCHARGE</b>
				<b>3</b>	<b>LETTER OF NOTIFICATION</b>
				<b>4</b>	<b>BRIEF OF PERSONNEL FILE</b>
					<b>COUNSEL'S RELEASE TO THE BOARD</b>
					<b>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</b>
					<b>TAPE RECORDING OF PERSONAL APPEARANCE</b>

<b>HEARING DATE</b>	<b>CASE NUMBER</b>
<b>04 Oct 2005</b>	<b>FD-2005-00140</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.

<b>ENDORSEMENT</b>	<b>DATE: 10/4/2005</b>
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<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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00140**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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 and change of reason and authority for discharge 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 failure to go, a Letter of Reprimand for driving a vehicle to aid another airman in evading apprehension, and a Record of Individual Counseling for showing disrespect to an NCO. In addition, he had an AF Form 341 pulled for wearing a tongue ring. 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 Sheppard AFB, TX on 07 Mar 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

**2. BACKGROUND:**

a. DOB: 13 Feb 85. Enlmt Age: 18 5/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-61, E-73, G-46, M-34. PAFSC: 2A312 - Avionics Systems Helper. DAS: 11 Jun 04.

b. Prior Sv: (1) AFRes 8 Aug 03 - 16 Feb 04 (6 months 9 days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enlisted as A1C 17 Feb 04 for 4 yrs. Svd: 1 Yrs 0 Mo 21 Das, all AMS.

b. Grade Status: Amn - 12 Jan 05 (Article 15, 12 Jan 05)

c. Time Lost: None.

d. Art 15's: (1) 12 Jan 05, Sheppard AFB, TX - Article 86. You, did, on or about 10 Dec 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: mandatory squadron formation. Reduced to Amn. Suspended Forfeiture of \$692.00 pay and Reprimand. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 08 DEC 04 - Driving a vehicle to aid another Airman in evading apprehension.  
RIC, 19 NOV 04 - Disrespect to an NCO.  
AF FORM 341, 30 JUN 04 - Wearing a tongue ring in the mouth.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (6) Mos (28) Das  
TAMS: (1) Yrs (0) Mos (21) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Mar 05.  
(Change Discharge to Honorable and Change the Reason and Authority for

Discharge)

Issue 1: I consider my discharge and the narrative reason for it to be severe for the infractions that I committed because in the 13 months that I was in the service my record shows that I accomplished and exceeded the standards and rules that I was given.

**ATCH**

None.

13MAY05/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD 2005-00140

FEB 15 2005

MEMORANDUM FOR AMN [REDACTED] 365 TRS

FROM: 365 TRS/CC

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 did, at or near Sheppard AFB, TX, on or about 10 Dec 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: mandatory squadron formation. For this misconduct, you received Article 15 Punishment on 12 Jan 05.

b. You, who knew or should have known of your duties at or near Sheppard AFB, TX on or about 27 Nov 04, were derelict in the performance of those duties in that you failed to refrain from driving a vehicle to aid another Airman in evading apprehension by Security Forces and Nightingale Patrols, as it was your duty to do. For this misconduct, you received a Letter of Reprimand (LOR), on 8 Dec 04, and an Unfavorable Information File (UIF) was established on 15 Dec 04.

c. You, who knew or should have known of your duties at or near Sheppard AFB, TX, on or about 19 Nov 04, were derelict in the performance of those duties in that you failed to refrain from slapping and horseplaying with another Airman in the breakroom of the schoolhouse, as it was your duty to do. For this misconduct, and subparagraph "d" below, you received an AF Form 174, Record of Individual Counseling on 19 Nov 04.

d. You, who knew or should have known of your duties at or near Sheppard AFB, TX, on or about 19 Nov 04, were derelict in the performance of those duties in that you failed to refrain from showing disrespect towards TSgt [REDACTED] before he requested an AETC Form 341 from you, as it was your duty to do.

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 and will probably be denied enlistment in any component of the armed forces.

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 ADC, extension 6-2186, the ADC, at building 1638 on 16 Feb 05 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 18 Feb 05, 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. 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 365 TRS Commander's Support Staff.

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

[Redacted signature block]  
Commander

Attachments: (listed on next page)

Attachments:

- 1. AF Form 3070, 12 Jan 05
- 2. Article 15 Response - A1C [Redacted] 7 Jan 05
- 3. Response to Article 15, 6 Jan 05, w/4 attachments
- 4. AF Form 1168, A1C [Redacted], 17 Dec 04
- 5. AF Form 1168, SSgt [Redacted], 16 Dec 04
- 6. MFR, MSgt [Redacted], 8 Dec 04
- 7. Squadron Wingman Policy (Airmen Helping Airmen), 12 Nov 04
- 8. LOR, 8 Dec 04
- 9. AF Form 1058, 15 Dec 04
- 10. Response to LOR, undated
- 11. AF Form 174, 19 Nov 04
- 12. Response to AF Form 174, undated
- 13. 365 TRS Remedial Military Training Evaluation, 10 Dec 04
- 14. AETC Form 125A, 7 Feb 05

FD 2005-00140

15. Student Training Report, 04045
16. Student Training Report, 04137
17. Lackland Form 205, 5 Apr 04
18. Airman's Receipt to Notification Memorandum 