

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBER SITTING

VOTE OF THE BOARD

	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES **A93.09**

INDEX NUMBER **A67.50**

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

05 Oct 2005

CASE NUMBER

FD-2005-00151

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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.

INDORSEMENT

DATE: 10/5/2005

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

FD-2005-00151

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 does not contest his discharge. He wants an upgrade due to the fact that he is now a law abiding citizen of good character; is honest and cares for his community; and is a hard worker and loves and supports his family. The records indicated the applicant received an Article 15, five Letters of Reprimand, five Records of Individual Counseling and one Letter of Admonition for various acts of misconduct to include cheating on an assignment during formal training in Airman Leadership School; being late for work on several occasions; dereliction of duty on several occasions; and for failure to follow instructions. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. In addition, the Board reviewed the applicant's medical records and noted that he was evaluated by a Medical Evaluation Board but was subsequently returned to duty. While the applicant was assigned duties outside of his AFSC, the applicant did not contend his medical condition adversely impacted either the quality of his service or his capability to serve. The Board considered this issue independent of the applicant's contentions, concluding his medical condition did not contribute to his misconduct, and finding this issue did not substantiate an inequity or impropriety. 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 A1C) (HGH SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Holloman AFB, NM on 11 Jul 02 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Discreditable Involvement With Military Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Dec 74. Enlmt Age: 18 6/12. Disch Age: 27 6/12. Educ: HS DIPL. AFQT: N/A. A-71, E-53, G-44, M-52. PAFSC: 2A753 - Aircraft Structural Maintenance. DAS: 6 Sep 98.

b. Prior Sv: (1) AFRes 22 Jul 93 - 27 Jan 94 (6 months 9 days) (Inactive).

(2) Enlisted as AB 28 Jan 94 for 4 yrs. Extended 1 Mar 96 for 8 months. Svd: 3 yrs 7 months 5 days, all AMS. A1C - 28 May 95. SrA - 28 Jan 97. EPRs: 3, 4, 5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 3 Sep 97 for 5 yrs. Svd: 4 Yrs 10 Mo 8 Das, all AMS.

b. Grade Status: A1C - 28 Feb 02 (Article 15, 28 Feb 02)

c. Time Lost: None.

d. Art 15's: (1) 28 Feb 02, Holloman AFB, NM - Article 92. You, who knew or should have known of your duties, on or about 5 Feb 02 and 6 Feb 02, were derelict in the performance of those duties in that you negligently failed to properly maintain shelf life items, as it was your duty to do. Reduction to A1C, forfeiture of \$150.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 13 SEP 01 - Late for duty on three separate occasions.

LOR, 20 AUG 01 - Dereliction of duty.

LOA, 05 JUL 01 - Dereliction of duty.

RIC, 20 JUN 01 - Dereliction of duty.

RIC, 30 MAY 01 - Dereliction of duty.

LOR, 07 DEC 00 - Speeding.

LOR, 21 AUG 00 - Speeding.

RIC, 13 OCT 99 - Failure to follow instructions.

RIC, 10 AUG 99 - Late for work.

LOR, 21 MAY 99 - Cheating on an assignment during formal training of Airman Leadership School.

RIC, 11 FEB 99 - Late for work.

f. CM: None.

g. Record of SV: 14 Jul 97 - 13 Jul 98 Yokota AB 4 (Annual)
14 Jul 98 - 13 Jul 99 Holloman AFB 2 (Annual)REF
14 Jul 99 - 13 Jul 00 Holloman AFB 3 (Annual)REF
14 Jul 00 - 13 Jul 01 Holloman AFB 3 (Annual)REF

h. Awards & Decs: AFTR, NCOPMER, AFLSAR W/BOLC, AFOSLTR, NDSM W/BS, AFGCM, AFOUA W/2 BOLCS, AFAM.

i. Stmt of Sv: TMS: (8) Yrs (11) Mos (20) Das
TAMS: (5) Yrs (8) Mos (14) Das

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

Issue 1: Person requesting upgrade and or change of discharge is a law abiding citizen of good character.

Issue 2: Person requesting upgrade and or change of discharge is honest and cares for his community.

Issue 3: Person requesting upgrade and or change of discharge is a hard worker, loves and supports his family.

ATCH

1. Character Reference.
2. Record of Individual Counseling, 3 May 01.
3. Certificate of Recognition.
4. Fifteen Letters of Appreciation.
5. Fifteen Certificates of Appreciation.

23MAY05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 49TH FIGHTER WING (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO

FD 2005-00151

MAY 29 2002

MEMORANDUM FOR A1C [REDACTED]

FROM: 8 FS/CC

SUBJECT: Letter of Notification--Board Hearing

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, discreditable involvement with military authorities. The authority for this action is AFI 36-3208, Section H, paragraph 5.50.1. If my recommendation is approved, your service will be characterized with either as honorable, as under honorable conditions (general) or as under other than honorable conditions (UOTHC) discharge. I am recommending that you receive an under other than honorable conditions (UOTHC) discharge.

2. My reasons for this action are as follows:

a. You, did, at or near Holloman Air Force Base, New Mexico, on or about 11 February 1999, without authority, fail to go at the time prescribed to your appointed place of duty. For your misconduct, you received a Letter of Counseling on 11 February 1999. (Atch 1)

b. You, did, at or near Holloman Air Force Base, New Mexico, on or about 11 May 1999, cheat on your assignment during at Airman Leadership School. For your misconduct, you received a Letter of Reprimand on 21 May 1999. (Atch 2)

c. You, did, at or near Holloman Air Force Base, New Mexico, on or about 9 August 1999, without authority, fail to go at the time prescribed to your appointed place of duty. For your misconduct, you received a Letter of Counseling on 10 August 1999. (Atch 3)

d. You were, at or near Holloman Air Force Base, New Mexico, on or about 8 October 1999, derelict in your duties, in that you failed to follow instructions from SSg [REDACTED]. You were instructed to go out to aircraft 787 to work on the left and right inboard torque beams, and also the right upper platty area per T.O. 3-3. You failed to do this. For your misconduct, you received a Letter of Counseling on 13 October 1999. (Atch 4)

e. You, did, at or near Holloman Air Force Base, New Mexico, on or about 19 July 2000, unlawfully drive 35 mph in a 25 mph speed zone. For your misconduct, you received a Letter of Reprimand on 21 August 2000. (Atch 5)

f. You, did, at or near Holloman Air Force Base, New Mexico, on or about 5 December 2000, unlawfully drive 38 mph in a 30 mph speed zone. For your misconduct, you received a Letter of Reprimand on 7 December 2000. (Atch 6)

g. You were, at or near Holloman Air Force Base, New Mexico, on or about 29 May 2001, derelict in the performance of your duties. You were assigned to escort approximately 20 contractors and left your assigned duty to talk with your friends. For your misconduct, you received a Letter of Counseling on 30 May 2001. (Atch 7)

h. You were, at or near Holloman Air Force Base, New Mexico, on divers occasions during the month of June 2001, derelict in your duties in that you failed to meet T.O. specifications. On 1 June 2001, your improper lay-up on a DLIR panel resulted in verbal counseling. On 11 June 2001, you failed to properly install material on a doghouse panel - this resulted in a Letter of Counseling dated 11 June 2001. (Atch 8). On 26 June 2001, two failed QVIs on left and right T-Ducts, did not meet T.O. specifications. For your misconduct, you received a Letter of Admonishment on 5 July 2001. (Atch 9)

i. You were, at or near Holloman Air Force Base, New Mexico, on or about 1 August 2001, derelict in your duties in that you failed to perform maintenance according to technical data. You reported to TSgt [REDACTED] that your assessment sheet aircraft 82-0787 had 14.5 RAM hours and implied that it was only a few hours. The aircraft had in fact, closer to 35 hours. You failed to perform maintenance according to technical data despite proper training and counseling. Two days later, you left your duty location to take lunch without permission. For your misconduct, you received a Letter of Reprimand on 20 August 2001. (Atch 10)

j. You, did, at or near Holloman Air Force, New Mexico, on divers occasions between 8 August 2001 and on or about 12 September 2001, without authority, fail to go at the time prescribed to your appointed place of duty. For your misconduct, you received a Letter of Reprimand with a corresponding UIF action on 13 September 2001. (Atch 11)

k. You, who knew or should have known of your duties at or near Holloman Air Force Base, New Mexico, on or about 5 February 2002 and 6 February 2002, were derelict in the performance of those duties in that you negligently failed to properly maintain shelf life items, as it was your duty to do so. For your misconduct, you received nonjudicial punishment with a corresponding UIF action on 28 February 2002. (Atch 12)

3. This action could result in your separation with an under other than honorable conditions (UOTHC) discharge. I am recommending that you receive an under other than honorable conditions (UOTHC) discharge. The commander exercising Special Court-Martial jurisdiction or a higher authority will make the final decision in this matter. 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 and any special pay, bonus, or education assistance funds may be subjected to recoupment.

You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements on your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have arranged an appointment for you to consult [REDACTED] Area Defense Counsel, Building 222, Holloman AFB, phone 3473/3474, at 1000 hours on 30 May 2002. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

5. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

6. You have been scheduled for a medical examination. You must report to Family Practice Clinic, Bldg 15, at 0800 hrs on 30 May 2002 for the examination.

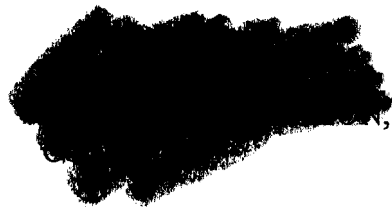
7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the office of the Area Defense Counsel.

8. If you request a board hearing and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

9. The discharge board or the discharge authority will make the findings and recommendations required under 10 U.S.C. 2005(g).

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10. You must execute the attached acknowledgment and return it to me immediately. The acknowledgment does not admit or deny any of the allegations against you, nor does it mean that you agree with the discharge action. It is simply an acknowledgment that you have received this Letter of Notification.



, Lt Col, USAF

Attachments:

1. Letter of Counseling, 11 February 1999
2. Letter of Reprimand, 21 May 1999
3. Letter of Counseling, 10 August 1999
4. Letter of Counseling, 13 October 1999
5. Letter of Reprimand, 21 August 2000
6. Letter of Reprimand, 7 December 2000
7. Letter of Counseling, 30 May 2001
8. Letter of Counseling, 20 June 2001
9. Letter of Admonishment, 5 July 2001
10. Letter of Reprimand, 20 August 2001
11. Letter of Reprimand w/UIF, 13 September 2001
12. Article 15 w/UIF, 28 February 2002