

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

(INITIAL)

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	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES	A94.05	INDEX NUMBER	A67.90	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	21 Oct 2005	CASE NUMBER	FD-2005-00156		

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.

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INDORSEMENT		DATE: 10/21/2005
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

CASE NUMBER

FD-2005-00156

GENERAL: The applicant appeals for upgrade of discharge to honorable to change the reason and authority for the discharge, and to 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 contends discharge was inequitable because it was too harsh. The records indicated the applicant received six Letters of Reprimand for misconduct. The misconduct included underage drinking, allowing underage airmen to consume alcohol in his dorm room, insubordination, making a false statement, failure to file a travel voucher, fraudulently collecting combat pay, assault, destruction of government property, resisting arrest, failure to go and dereliction of duty. 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 SrA) (HGH SrA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Mountain Home AFB, ID on 1 Apr 04 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. BACKGROUND:

a. DOB: 13 Nov 80. Enlmt Age: 19 7/12. Disch Age: 23 4/12. Educ: HS DIPL. AFQT: N/A. A-61, E-57, G-55, M-56. PAFSC: 2A353A - F-15 Tactical Aircraft Maintenance Journeyman. DAS: 27 Apr 01.

b. Prior Sv: (1) AFRes 24 Jun 00 - 25 Jul 00 (1 month 1 day)(Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 26 Jul 00 for 6 yrs. Svd: 3 Yrs 8 Mo 7 Das, all AMS.

b. Grade Status: SrA - 13 Jun 03
A1C - 08 Sep 00

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 12 FEB 04 - Failure to go and dereliction of duty.
LOR, 23 DEC 03 - Assault, destruction of government property, and resisting arrest.
LOR, 24 JAN 03 - Failure to file travel voucher and collecting deployment financial benefits falsely.
LOR, 27 SEP 02 - DUI.
LOR, 17 JAN 02 - Allowing underage Airmen to consume alcohol in his dorm room. Insubordinate to the Security Police Superintendent, and making a false statement.
LOR, 26 SEP 01 - Consuming alcohol under age 21.

f. CM: None.

g. Record of SV: 26 Jul 00 - 25 Mar 02 Mountain Home AFB 2 (Initial)REF
26 Mar 02 - 21 Mar 03 Mountain Home AFB 3 (CRO)REF
22 Mar 03 - 27 Nov 03 Mountain Home AFB 3 (CRO)

h. Awards & Decs: AFTR, NDSM, AFOUA W/1 DEV.

i. Stmt of Sv: TMS: (3) Yrs (9) Mos (9) Das
TAMS: (3) Yrs (8) Mos (7) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 Apr 05.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I am asking for an upgrade because I would like to reenter the Air Force. I feel I was discharged at a critical moment. I was expecting a child and needed to remain in the Air Force. Instead, I was discharged without receiving an Article 15, reduction in rank, or being placed on probation. My desire is to be in the Air Force as it was when I was discharged. Issues and reasons of my discharge are unclear to me.

Issue 2: I feel my treatment was not equal upon the decision of my discharge. Many airmen (sic) have done worse than I have, and were allowed to remain in the Air Force even though their desire was to be discharged. I still desire to be in the Air Force and ask that my request be considered serious.

ATCH

None.

9JUN05/ia



DEPARTMENT OF THE AIR FORCE
366TH EQUIPMENT MAINTENANCE SQUADRON (ACC)
MOUNTAIN HOME AIR FORCE BASE, IDAHO

PD 2005-00156

MEMORANDUM FOR SRA [REDACTED]

MAR 16 2004

FROM: 366 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, specifically, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service can be characterized as honorable, general, or under other than honorable conditions (UOTHC). I am recommending your service be characterized as general.

2. My reasons for this action are:

a. Between, on, or about 17 Sep 03 and 02 Feb 04, you were derelict in the performance by failing to take the necessary steps to facilitate your PCS to Kadena AB, Japan. As a result, you received a Letter of Reprimand (LOR), dated 12 Feb 04. (Atch 1).

b. On or about 06 Nov 03, you attempted to get into room 138 of dorm 2422 which led to being charged with assault, destruction of government property, and resisting arrest. As a result, you received an LOR, dated 23 Dec 03. (Atch 2)

c. Between summer 02 and on or about Dec 02, you were derelict in the performance of your duties by failing to file your travel voucher from your deployment. You were collecting unauthorized deployment financial benefits. As a result, you received a LOR, dated 24 Jan 03. (Atch 3).

d. In Nov 01, you received a DUI. You did not inform anyone in your chain of command as it was your duty to do so. As a result, you received a LOR, dated 27 Sep 02. (Atch 4).

e. On or about 11 Jan 02, you allowed two airmen under 21 drink in your room. Also, you were insubordinate to arresting officers and SMSgt [REDACTED]. As a result, you received a LOR, dated 17 Jan 02. (Atch 5).

f. On or about 08 Sep 01, you drank alcohol while under the age of 21. As a result, you received a LOR, dated 26 Sep 01. (Atch 6).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court Martial Jurisdiction will decide whether you will be discharged or retained in the Air Force. If you are discharged, he will also determine how your service will be characterized. If 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.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I made an appointment for you to consult with the Area Defense Counsel on 18 March 2004 at 0930 hours in building 512. The telephone number is 828-2675. You may consult civilian counsel at your own expense.

FD2005-00156

DEPARTMENT OF THE AIR FORCE
366TH EQUIPMENT MAINTENANCE SQUADRON (ACC)
MOUNTAIN HOME AIR FORCE BASE, IDAHO

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays of the date of this memorandum unless you request and receive an extension for good cause shown. I will forward them to the separation authority.
6. If you fail to consult counsel or to submit statements on 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 Physical Examination Section at the hospital on Mountain Home AFB. Your scheduled medical examination is on 17 MARCH 2004 at 0830 hours. You must be in uniform. If you wear glasses, wear them to the scheduled 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 at the Area Defense Counsel's office or your squadron orderly room.
9. You will surrender your ID card to me immediately. Proceed with a copy of this letter to the Military Personnel Flight (MPF), Customer Service, Building 512, Mountain Home AFB no later than 19 MARCH (1500) 2004 where you will be issued a temporary ID card valid for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.
10. A copy of this letter also authorizes you to proceed to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than (1500) 19 MARCH 2004 where you will turn in your Mountain Home AFB vehicle sticker and your DoD vehicle decal. They will issue a temporary permit good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle permit will be issued to you until the case is finalized.
11. Finally, proceed with a copy of this letter to the Traffic Management Office (TMO), in Building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.


Commander, USAF

- 6 Attachments:
1. LOR, dated 12 Feb 04
 2. LOR, dated 23 Dec 03
 3. LOR, dated 24 Jan 03
 4. LOR, dated 27 Sep 02
 5. LOR, dated 17 Jan 02
 6. LOR, dated 26 Sep 01