

**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>				
			HON	GEN	UOTHC	OTHER	DENY
							X
							X
							X
							X
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>			
A94.53		A67.10 A49.00		<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>CASE NUMBER</b>					
11 Oct 2005		FD-2005-00168					
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>							
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>INDORSEMENT</b>				<b>DATE: 10/11/2005</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-2005-00168

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

**ISSUE:** Applicant contends he is trying to get into law enforcement. The records indicated the applicant received a general discharge for misconduct--minor disciplinary infractions and unsatisfactory performance. His misconduct included five Air Education and Training Command Form 173s for failed block exams and dorm inspection, a Letter of Reprimand for underage drinking and failure to sign out, and a DD Form 1569, civil arrest for burglary of an automobile. The Discharge Review Board (DRB) opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The DRB considered whether applicant should have been discharged under an Entry Level separation during the first 180 days of his military service for unsatisfactory performance--failure to make progress in required training program due to three failed block tests. However, applicant's civil arrest for vehicle burglary was egregious misconduct. 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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Keesler AFB, MS on 10 Mar 97 UP AFI 36-3208, para 5.49 and 5.26.1 (Misconduct - Minor Disciplinary Infractions and Unsatisfactory Performance). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Sep 78. Enlmt Age: 17 4/12. Disch Age: 18 6/12. Educ: HS DIPL. AFQT: N/A. A-85, E-67, G-50, M-80. PAFSC: 2E111 - Satellite & Wideband Communications Equipment Helper. DAS: 9 Sep 96.

b. Prior Sv: (1) AFRes 27 Jan 96 - 23 Jul 96 (5 months 27 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Jul 96 for 4 yrs. Svd: 0 Yrs 7 Mo 17 Das, all AMS.

b. Grade Status: AMN - 24 Jan 97

c. Time Lost: 19 Feb 97 - 19 Feb 97 (1 day).

d. Art 15's: None.

e. Additional: AETC 173, 03 FEB 97 - Failed Block 2.3 test.  
LOR, 28 JAN 97 - Underage drinking and failure to sign out.  
DD 1569, 25 JAN 97 - Civil arrest for burglary of an auto.  
AETC 173, 21 JAN 97 - Failed Block 2.2 test.  
AETC 173, 26 NOV 96 - Failed room inspection.  
AETC 173, 30 OCT 96 - Failed Block 1.3 test.  
AETC 173, 24 OCT 96 - Failure to go.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (1) Mos (13) Das  
TAMS: (0) Yrs (7) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Apr 05.  
(Change Discharge to Honorable)

Trying to get into Law Enforcement.

FD2005-00168

ATCH  
None.

25MAY05/ia

FD 2005-00168



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

25 FEB 1997

MEMORANDUM FOR AB [REDACTED] 338 TRS/MTF

FROM: 338 TRS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions and unsatisfactory duty performance. The authority for this action is AFI 36-3208, Section H, Paragraph 5.49 and Section E, Paragraph 5.26.1. The primary reason for this action is minor disciplinary infractions. If my recommendation is approved, your discharge will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. Misconduct:

1. On 23 Oct 96, you failed to go to your prescribed place of duty in that you missed your weekend detail briefing, for which you were counseled by your military training manager on 24 Oct 96. (Atch 1, Appendix A)

2. On 20 Nov 96, you violated 81 TRWI 90-4 in that you failed your room inspection with 7 demerits total, for which your were counseled by your military training manager on 26 Nov 96. (Atch 1, Appendix C)

3. On or about 25 Jan 97, you violated Mississippi state law in that you wrongfully consumed alcohol while under the legal age of 21 and failed to sign out, for which you were reprimanded by the chief military training manager on 28 Jan 97. (Atch 1, Appendix E)

4. On 25 Jan 97, you were arrested and charged with burglary to an Auto at an off base establishment by the Biloxi Police Department, for which bond was set and a court date is pending. (Atch 1, Appendix F)

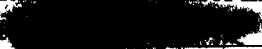
b. Unsatisfactory Performance:

1. On 29 Oct 96, you failed your Block 1.3 test with a score of 66%, for which you were counseled by your instructor on that date and by your instructor supervisor on 30 Oct 96. (Atch 1, Appendix B)

2. On 21 Jan 97, you failed your Block 2.2 test with a score of 60%, for which you were counseled by your instructor supervisor on that date. (Atch 1, Appendix D)

3. On 3 Feb 97, you failed your Block 2.3 test with a score of 57%, for which you were counseled by your instructor on that date and your instructor supervisor on 4 Feb 97. (Atch 1, Appendix G)

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. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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 , at Bldg 0701, room 124, on 28 Feb 97 at 0800 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 28 Feb 97 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 had a medical examination completed on 12 6 FEB 1997.

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 orderly room.

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

 AF  
 ande Primary Training Flight

Attachments:

1. Supporting documents:

- a. AETC Form 173, 24 Oct 96
- b. AETC Form 173, 29 Oct 96
- c. AETC Form 173, 26 Nov 96
- d. AETC Form 173, 21 Jan 97
- e. Letter of Reprimand, 28 Jan 97
- f. DD Form 1569 (Incident/Complaint Report), 28 Jan 97
- g. AETC Form 173, 3 Feb 97
- h. AETC Form 125A, 25 Feb 97

2. Airman's Receipt of Notification Memorandum