

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

(INITIAL)

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| TYPE GEN | <input checked="" type="checkbox"/> | PERSONAL APPEARANCE | <input type="checkbox"/> | RECORD REVIEW |
| COUNSEL | | NAME OF COUNSEL AND OR ORGANIZATION | ADDRESS AND OR ORGANIZATION OF COUNSEL | |
| YES | No | | | |
| | <input checked="" type="checkbox"/> | | | |

| MEMBER SITTING | VOTE OF THE BOARD | | | | |
|-----------------------|--------------------------|------------|-------------|--------------|-------------|
| | HON | GEN | UOHC | OTHER | DENY |
| | X | | | | |
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|---------------|--------------------------------|---------------------|---------------|--|--|
| ISSUES | A93.01 A93.09 | 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 |

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| HEARING DATE | 18 Oct 2005 | CASE NUMBER | FD-2005-00184 |
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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, 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: 9/15/2005 |
| 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 |

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 15 Sept 2005.

The following additional exhibits were submitted at the hearing:

Exhibit # 5: Applicant's Contentions

Exhibit # 6: Baltimore Police Department Test Letter

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The Board grants partial relief. Upgrade of discharge to Honorable is approved. 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 applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's characterization inequitable.

ISSUE: Applicant does not contest his discharge. He states that he would like to continue his military career. He also stated that he felt as though he was not fairly treated as an airman. The records indicated the applicant received five Letters of Reprimand and two Letters of Counseling for various acts of misconduct to include failure to go on three occasions, dereliction of duty on 10 occasions, and for consuming alcohol under the legal age. 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. However, due to the fact that these infractions were indeed very minor and the fact that the applicant was in a joint environment, some of his actions and mannerisms could have been mistaken for dereliction of duty. The Board gives the benefit of the doubt to the applicant and upgrades the discharge to Honorable. The reason and authority for the discharge and the RE Code will not be changed. During the hearing, the applicant brought up three additional issues: He stated that the MTL's handled the biomedical people different than other individuals in different AFSC's; and that they were bias toward all the airman in the bio-medical field; and when paperwork was written on individuals, only half of the truth was written up. These three issues are without merit. There is nothing in the record to indicate such and that this was just the applicant's personal opinion.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

**DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD**

(Former A1C) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Sheppard AFB, TX on 22 Apr 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. BACKGROUND:

a. DOB: 2 Sep 85. Enlmt Age: 18 5/12. Disch Age: 19 7/12. Educ: HS DIPL. AFQT: N/A. A-84, E-70, G-90, M-64. PAFSC: 4A211 - Biomedical Equipment Helper. DAS: 17 May 04.

b. Prior Sv: (1) AFRes 13 Feb 04 - 15 Mar 04 (1 month 3 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 16 Mar 04 for 6 yrs. Svd: 1 Yrs 1 Mo 7 Das, all AMS.

b. Grade Status: A1C - 22 Mar 04

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR/UIF, 23 MAR 05 - Failure to go.
LOR/UIF, 12 JAN 05 - Dereliction of duty on two occasions and failure to go.
LOR/UIF, 09 DEC 04 - Dereliction of duty.
LOR/UIF, 05 OCT 04 - Dereliction of duty on four separate occasions.
LOC/UIF, 09 SEP 04 - Failure to go.
LOC, 01 SEP 04 - Dereliction of duty on two occasions.
LOC, 19 AUG 04 - Dereliction of duty.
LOR/UIF, 23 JUL 04 - Consuming alcohol under the legal age.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM, GWOTSM.

i. Stmt of Sv: TMS: (1) Yrs (2) Mos (10) Das
TAMS: (1) Yrs (1) Mos (7) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 2 May 05

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I would like for an upgrade and change in my re-enlistment code so I may continue my military career. I understand I can't continue with the Air Force but that should not prevent me from serving my country. I am proud to have began serving my country and would like to continue. I had a few minor administrative reprimands but I don't see that as a true reason not to be able to serve.

I feel as though I was not fairly treated as an Airman. I successfully completed basic military training and served over year in the Air Force learning one of the more critical needed jobs for the Air Force. With the time I served and commitment I gave to the Air Force I feel with an upgrade I will be able to join another branch of the military and serve my country. Thank you for your time and consideration in this matter. I look forward to a positive outcome in this matter.

ATCH

1. DD Forms 214 (Member 1 & 4).

22JUN05/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

4 Apr 05

MEMORANDUM FOR A1C [REDACTED]

FROM: 382 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 3 Mar 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: mandatory appointment. For this misconduct, you received a Letter of Reprimand (LOR) on 23 Mar 05 and an entry in your Unfavorable Information File (UIF) on 28 Mar 05.

b. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 11 Jan 05, were derelict in the performance of those duties in that you left your dormitory room unlocked and your cell phone unsecured while no one was in the room, as it was your duty not to do. For this misconduct subparagraphs "c" and "d" below, you received an LOR on 12 Jan 05 and an entry in your UIF on 22 Mar 05.

c. You did, at or near Sheppard AFB TX, on or about 10 Jan 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Physical Readiness Training (PRT) at 1730.

d. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 7 Jan 05, were derelict in the performance of those duties in that you failed to adhere to call to quarters at 2200, while in Phase I, and engaged in horseplay with other Airmen, as it was your duty not to do.

e. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 8 Dec 04, were derelict in the performance of those duties in that you failed to keep your dormitory room locked while you were not in the room, and in inspection order at all times, as it was your duty not to do. For this misconduct, you received an LOR on 9 Dec 04 and an entry in your UIF on 22 Mar 05.

f. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 5 Oct 04, were derelict in the performance of those duties in that you failed to keep your dormitory room in inspection order at all times, as it was your duty to do. For this misconduct and subparagraphs "g" "h" and "i" below, you received an LOR on 5 Oct 04 and an entry in your UIF on 21 Oct 04.

g. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 24 Sep 04, were derelict in the performance of those duties by behaving unprofessionally while performing road guard duties by building 1900, in that you harassed flights, failed to carry a flashlight during the hours of darkness, refused to give AETC Forms 341, Excellence/Discrepancy Report, stood with your hands in your pockets, told Airmen Leaders how to do their job and rolled your eyes to a non-commissioned officer, as it was your duty not to do.

h. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 24 Sep 04, were derelict in the performance of those duties in that you failed to march during duty hours, while in uniform, as it was your duty not to do.

i. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 23 Sep 04, were derelict in the performance of those duties in that you failed to refrain from using improper reporting procedures, when reporting to SSgt [REDACTED] as it was your duty to do.

j. You did, at or near Sheppard AFB TX, on or about 2 Sep 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: mandatory Charge of Quarters (CQ) briefing at 2000 hours. For this misconduct, you received a Letter of Counseling (LOC) on 9 Sep 04.

k. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 1 Sep 04, were derelict in the performance of those duties in that you failed to refrain from using improper reporting procedures, when reporting to SSgt [REDACTED] as it was your duty to do. For this misconduct and subparagraph "l" below, you received an LOC on 1 Sep 04.

l. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 25 Aug 04, were derelict in the performance of those duties in that you failed to keep your room in inspection order at all times and not leave your window unlocked while you are not in the room, as it was your duty to do.

m. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 16 Aug 04, were derelict in the performance of those duties in that you failed to refrain from giving an improperly filled out AETC Form 341 to a military training leader, as it was your duty to do. For this misconduct, you received an LOC on 19 Aug 04.

n. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 10 Jul 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal drinking age of 21, as it was

your duty to do. For this misconduct, you received an LOR on 23 Jul 04 and a UIF was established on 29 Jul 04.

Copies of the documents to be forwarded to the separation authority I 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 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 [REDACTED] at building 1638 on 5 Apr 05 at 0800. 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 7 Apr 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. You have been scheduled for a medical examination. You must report to the 82d Medical Group, Bldg 1200, Physical Examinations, at 1200 on 28 Mar 05.
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 Commander's Support Staff Office.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
Squadron Commander

Attachments:

1. LOR, 23 Mar 05
2. AF Fm 1058, 28 Mar 05
3. MFR, A1C [REDACTED] 28 Mar 05
4. LOR, 12 Jan 05
5. AF Fm 1058, 22 Mar 05
6. LOR, 9 Dec 04
7. Response to LOR/UIF, 8 Feb 05
8. LOR, 5 Oct 04
9. AF Fm 1058, 21 Oct 04