

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

TYPE GEN		PERSONAL APPEARANCE	X			
		RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
		X				
						X
						X
						X
ISSUES A93.19 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				
HEARING DATE 11 Oct 2005		CASE NUMBER FD-2005-00185				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard at Washington, D.C.</p> <p>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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>						
INDORSEMENT				DATE: 10/11/2005		
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

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 his discharge will cause problems in future employment. The records indicated the applicant received a general discharge for misconduct--minor disciplinary infractions. His misconduct included an Article 15 for dereliction of duty by underage drinking and frequenting a local motel while in technical training school, three Letters of Reprimand for failure to go two occasions, late for duty and not properly wearing his field jacket, and one Record of Individual Counseling for failure to go. The 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 separated with an Entry Level separation during the first 180 days of his military service. However, since his discharge took effect on 29 Mar 05, by law, the DRB cannot change a discharge to an Entry Level Separation. 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

[REDACTED]
(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Sheppard AFB, TX on 29 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: 26 Oct 86. Enlmt Age: 17 3/12. Disch Age: 18 5/12. Educ: HS DIPL. AFQT: N/A. A-52, E-67, G-44, M-52. PAFSC: 2A313A - Tactical Aircraft Maintenance Helper. DAS: 27 Sep 04.

b. Prior Sv: (1) AFRes 20 Feb 04 - 9 Aug 04 (5 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Aug 04 for 4 yrs. Svd: 0 Yrs 7 Mo 20 Das, all AMS.

b. Grade Status: AB - 25 Feb 05 (Article 15, 25 Feb 05)
Amn - 10 Feb 05

c. Time Lost: None.

d. Art 15's: (1) 25 Feb 05, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties at or near Wichita Falls, Texas, on or about 6 Feb 05, 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 and willfully failed to refrain from frequenting a local hotel, as it was your duty to do. Reduction to AB, and forfeiture of \$617.00 pay per month for 2 months.
(No appeal) (No mitigation)

e. Additional: LOR, 04 FEB 05 - Failure to go.
LOR, 02 FEB 05 - Late for duty and did not properly wear field jacket.
RIC, 28 JAN 05 - Failure to go.
LOR, 24 JAN 05 - Failure to go.
RIC, 06 JAN 05 - Failure to go.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM, GLOBAL WAR ON TERRORISM SERVICE MEDAL.

i. Stmt of Sv: TMS: (1) Yrs (1) Mos (10) Das
TAMS: (0) Yrs (7) Mos (20) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 Mar 05.

(Change Discharge to Honorable and Change the Reason and Authority for Discharge)

Issue 1: I would like to avoid a problem being employed because of my discharge. After I put time and money into a degree I would like to better my chances in getting a job. If narrative reason for separation cannot be changed to none or n/a, I would like to request it to be changed to something more minor than "misconduct." Thank you.

ATCH

None.

15JUN05/ia

FD 2005-00185



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR AB [REDACTED], 362 TRS

MAR 22 2005

FROM: 362 TRS/CCQ

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 AFD 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, who knew or should have known of your duties at or near Wichita Falls, Texas, on or about 6 Feb 05, 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 and willfully failed to refrain from frequenting a local hotel, as it was your duty to do. For this misconduct, you received Article 15 punishment on 25 Feb 05.

b. You did, at or near Sheppard AFB TX, on or about 3 Feb 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Academic Enrichment. For this misconduct, you received a Letter of Reprimand (LOR), on 4 Feb 05.

c. You did, at or near Sheppard AFB TX, on or about 2 Feb 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: duty at 0700. For this misconduct, you received an LOR on 2 Feb 05.

d. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 20 Jan 05, were derelict in the performance of those duties in that you failed to pickup your orders, as it was your duty to do. For this misconduct, you received an AF Form 174, Record of Individual Counseling, on 28 Jan 05.

e. You did, at or near Sheppard AFB TX, between on or about 10 Jan 05 and 20 Jan 05, on divers occasions, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Physical Readiness Training. For this misconduct, you received an LOR on 24 Jan 05.

f. You did, at or near Sheppard AFB TX, on or about 5 Jan 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: formation. For this misconduct, you received an AF Form 174, on 6 Jan 05.

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 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 Major [REDACTED] at building 1638 on 22 Mar 05 at 11:30. 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 25 Mar 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 were scheduled for a physical examination on 8 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 [REDACTED] Comm [REDACTED]

(Attachments listed on next page)

Attachments:

1. AF Form 3070, 25 Feb 05
2. Response to Article 15, 22 Feb 05
3. AF Form 1168, AB [REDACTED], 7 Feb 05
4. AF Form 1168, Amn [REDACTED], 7 Feb 05
5. AF Form 1168, AB [REDACTED], 7 Feb 05
6. AF Form 1168, AB [REDACTED], 7 Feb 05
7. LOR, 4 Feb 05
8. Response to LOR, Undated
9. LOR, 2 Feb 05
10. AF Form 174, 28 Jan 05
11. LOR, 24 Jan 05
12. AF Form 174, 6 Jan 05
13. AETC Form 125A, 9 Mar 05
14. Student Training Report, 05009
15. AETC Form 173, 28 Jan 05
16. Remedial Military Training Assignment, 18 Jan 05
17. Remedial Military Training Assessment, 22 Jan 05
18. Memorandum, AB [REDACTED], Undated
19. LAFB Form 205, 27 Sep 04
20. Receipt of Notification Memorandum [REDACTED]

cc:

82 MSS/DPMARS
362 TRS/CSS (File)
Individual