

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE AMN	AFCN/CCAN
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No	NAME OF COUNSEL AND OR ORGANIZATION	
	X		

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

ISSUES	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 15 Dec 2005	CASE NUMBER FD-2005-00210	
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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.

SIGNATURE OF BOARD PRESIDENT

INDORSEMENT		DATE: 12/15/2005
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	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00210

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 states that he wants an upgrade in order to get his GI Bill benefits. The records indicated the applicant received two Letters of Reprimand with Unfavorable Information Files, two Records of Individual Counseling, and three Memorandums for Record for misconduct, including being late for work on numerous occasions, failing to do assigned details and failing his dorm room checks. 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. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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 Mountain Home AFB, ID on 18 Jun 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 12 Nov 73. Enlmt Age: 18 1/12. Disch Age: 29 7/12. Educ: HS DIPL. AFQT: N/A. A-58, E-54, G-48, M-73. PAFSC: 47231B - Apprentice Specialist Vehicle Mechanic Firetrucks. DAS: 22 Mar 93.

b. Prior Sv: (1) AFRes 9 Jan 92 - 17 Sep 92 (8 months 9 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 18 Sep 92 for 4 yrs. Svd: 0 Yrs 9 Mo 1 Das, all AMS.

b. Grade Status: Amn - 18 Mar 93

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR/UIF, 25 MAY 93 - Failure to complete assigned duties.
LOR/UIF, 20 MAY 93 - Failure to go.
RIC, 19 MAY 93 - Late for work.
DD 1408, 07 MAY 93 - Traffic ticket for no right light/lens, no driver's side mirror, no proof of registration nor insurance.
MFR, 08 APR 93 - Failed dorm room spot check.
MFR, 06 APR 93 - Failed to do assigned detail.
MFR, 6 & 8 APR 93 - Late for work.
RIC, 25 MAR 93 - Late for work.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (5) Mos (10) Das
TAMS: (0) Yrs (9) Mos (1) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 26 Apr 05.

(Change Discharge to Honorable)

Issue 1: I am seeking this upgrade so that I may be eligible for my G.I. Bill moneys (sic) for education, that I may be entitled to.

ATCH

None.

29JUN05/ia

FROM: 366 TRNS/CC

7 JUN 93

SUBJ: Notification Letter

TO: Amn Lawrence D. Wolff, [REDACTED]

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. AFR 39-10, paragraph 5-46, authorizes this action. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

2. I'm taking this action because of your misconduct consisting solely of minor disciplinary infractions. Specifically:

a. On or about 19 May 1993, you failed to report to your duty section at the required time (Atch 1).

b. On or about 18 May 1993, you failed to complete an assigned dormitory detail (Atch 2).

c. On 19 May 1993, you failed to report to your duty section at the required time (Atch 3).

d. On 7 May 1993, you drove a motor vehicle without proof of registration and insurance (Atch 4).

e. On 8 April 1993, you failed a dormitory room spot check (Atch 5).

f. On 1 April 1993, you failed to do an assigned detail (Atch 6).

g. On 6 April 1993 and 8 April 1993, you failed to report to your duty section at the required time (Atch 7).

h. On 25 March 1993, you failed to report to your duty section at the required time (Atch 8).

3. The Area Defense Counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] Building 512, on 7 JUN 93, at 1400 hours. You must ensure that a copy of your discharge package is provided to your counsel for his review. 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 11 June 1993 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. Your failure to consult counsel or to submit statements in your behalf, will constitute a waiver of your right to do so.

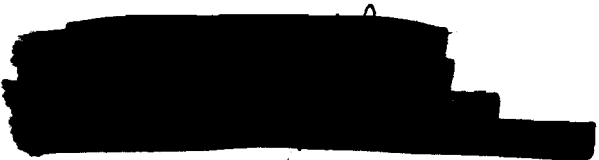
6. You must report to the USAF Hospital, Mt Home AFB, Examination Section, immediately for blood tests and at 0900, on 10 JUNE 1993 you have been scheduled for a medical examination. You must be in uniform. If you wear glasses, wear them and also bring your shot records with you.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act as explained in AFR 39-10 (Atch 6). A copy of AFR 39-10 is available for your use in the unit orderly room.

8. You will surrender your ID card to me immediately.

9. This letter authorizes you to proceed to the Security Police, Pass and Registration Section, Bldg 512, no later than 11 JUNE 1993 where you will turn in your Mt Home AFB vehicle sticker and your USAF vehicle decal after which you will be issued a temporary permit and a temporary ID card good for 90 days. If your discharge action is still pending at the end of 90 days, another temporary ID card and temporary vehicle decal will be issued until the case is finalized.

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



8 Atchs

1. UIF w/LOR, dtd 25 May 93
2. UIF w/LOR, dtd 28 May 93
3. LOC, dtd 19 May 93
4. DD Form 1408, dtd 7 May 93
5. MFR, dtd 8 Apr 93
6. MFR, dtd 6 Apr 93
7. MFR, dtd 6 & 8 Apr 93
8. LOC, dtd 25 Mar 93