

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

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

ISSUES	A94.05	INDEX NUMBER	A67.10	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	CASE NUMBER
15 Dec 2005	HD-2005-00225

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, 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 RECORDER _____ SIGNATURE OF BOARD SECRETARY _____

INDORSEMENT **DATE: 12/19/2005**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00225

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 contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for assaulting his wife and for damaging a wall in base housing. He also received three Letters of Reprimand and seven Records of Individual Counseling for various acts of misconduct to include failure to return to duty, failure to obey instructions, bringing a weapon (BB Gun) into the work center and placing it to the temple of another airman, late for duty, dereliction of duty, unacceptable duty performance, speeding, violating a no-contact order, and assaulting his wife. 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 AB) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Elmendorf AFB, AK on 19 Feb 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 1 Nov 78. Enlmt Age: 17 5/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-35, E-50, G-62, M-48. PAFSC: 2A651A - Aerospace Propulsion Journeyman. DAS: 13 Mar 97.

b. Prior Sv: (1) AFRes 18 Apr 96 - 30 Jul 96 (3 months 13 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 31 Jul 96 for 4 yrs. Svd: 2 Yrs 6 Mo 19 Das, all AMS.

b. Grade Status: AB - 13 Jan 99 (Article 15, 13 Jan 99)
A1C - 30 Nov 97
Amn - 31 Jan 97

c. Time Lost: None.

d. Art 15's: (1) 13 Jan 99, Elmendorf AFB, AK - Article 128. You did, on or about 7 Dec 98, assault [REDACTED] by grabbing her, pushing her down, and putting a knife to her throat. Article 108. You did, on or about 7 Dec 98, without proper authority, willfully damage by punching a hole in the wall of your on-base housing unit, military property of the United States Government, the amount of said damage being in the sum of about \$117.98. Reduction to AB. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 18 DEC 98 - Speeding, failure to stop at a stop sign, failure to stop for security forces vehicle, and becoming non-compliant and argumentative with patrolman.
RIC, 30 NOV 98 - Traffic ticket for speeding.
LOR/UIF, 22 SEP 98 - Assaulting wife and violation of verbal order of non-contact.
RIC, 02 SEP 98 - Unacceptable duty performance and late for work.
RIC, 24 AUG 98 - Dereliction of duty.
RIC, 24 AUG 98 - Late for duty.

RIC, 13 MAY 98 - Late for work.
LOR, 31 OCT 97 - Bringing a weapon (BBgun/Pistol) into the
work center and placing it to the temple
of another Airman.
RIC, 23 OCT 97 - Failure to obey instructions.
RIC, 12 MAY 97 - Failure to return to duty.

f. CM: None.

g. Record of SV: 31 Jul 96 - 30 Mar 98 Elmendorf AFB 3 (Initial)

h. Awards & Decs: AFTR, AFOSLTR.

i. Stmt of Sv: TMS: (2) Yrs (10) Mos (2) Das
TAMS: (2) Yrs (6) Mos (19) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 Jun 05
(Change Discharge to Honorable)

Issue 1: Because I didn't feel I deserved that type of discharge and it's
not allowing me to advance in my employment.

ATCH
None.

12JUL05/ia

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

JAN 28 1999

MEMORANDUM FOR 3 CRS/LGMPJ (AB [REDACTED])

FROM: 3 CRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct based on minor disciplinary infractions. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 7 Dec 98, you assaulted [REDACTED] at Elmendorf Air Force Base, by grabbing her, pushing her down and putting a knife to her throat. On or about 7 Dec 98 you willfully damaged the military property of the United States by punching a hole in the door of your on-base housing unit, the amount of said damage being in the sum of about \$117.98. For these offenses, you received an Article 15, dated 7 Jan 99, an Unfavorable Information File (UIF) entry, and were reduced to the rank of Airman Basic with a new date of rank of 13 Jan 99.

b. On or about 5 Dec 98, you drove your vehicle in a reckless manner, on Elmendorf AFB, by exceeding the posted speed limit, failing to stop at a stop sign, and failing to stop for a security forces vehicle. For these offenses you received a Letter of Reprimand (LOR), dated 18 Dec 98, and an UIF entry.

c. On or about 29 Aug 98, you assaulted [REDACTED] by pushing her into walls and grabbing her neck. On or about 30 Aug 98, you failed to obey a lawful order given by SMSgt [REDACTED] by returning to your residence and contacting [REDACTED] when you were ordered not to. For these offenses you received a LOR, dated 22 Sep 98, and an UIF entry.

d. On or about 21 Oct 97, you communicated a threat by placing a weapon (BB Gun) against the head of Amn [REDACTED]. On or about 21 Oct 97, you made a false official statement to CMSgt [REDACTED] in that you stated you did not hold a weapon to Amn [REDACTED] head, when you had. For these offenses you received a LOR, dated 31 Oct 97.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you are 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 any special pay, bonus, or education assistance funds may be subject to recoupment.

