

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

(TIAL)		GRADE AIC				
TYPE GEN	PERSONAL APPEARANCE		X	RECORD REVIEW		
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
ISSUES	A94.53	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	27 Dec 2005	CASE NUMBER	FD-2005-00233			
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: 12/29/2005			
TO: SAE/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-2005-00233

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 received a General Discharge for Misconduct – Minor Disciplinary Infractions

Applicant contends that for one of his instances of misconduct he was called and ordered to duty to attend a class when the date had not been clearly specified, that he had not slept for over 24 hours, and regrettably made comments over the phone that he should not have made, and that he made the mistake of marrying someone pregnant with someone else's child that he had known for only two months, that she was bi-polar and unstable, made threats on his life and frequently called his First Sergeant to make false claims, that incidents she created led to police being called on more than one occasion, and that these incidents affected his work, finances, and health. The Board was sympathetic to the issues submitted by the applicant; however, neither are a matter of inequity or impropriety which would warrant an upgrade. The records indicated the applicant received an Article 15 for failure to go at the time prescribed to his appointed place of duty and for being disrespectful in language to an NCO, a Vacation of Suspended Reduction in Grade for failure to go at the time prescribed to his appointed place of duty, a Letter of Reprimand for lying to his OIC, and two Letters of Counseling, one for failure to go and one for failing to report to work as scheduled. 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 A1C) (HGH SRA)

MISSING MPR

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Elmendorf AFB, AK, on 7 Dec 04 UP AFI 36-3208, para 5-49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 20 Feb 81. Enlmt Age: 18 0/12. Disch Age: 23 9/12. Educ: HS DIPL. AFQT: N/A. A-37, E-55, G-48, M-76. PAFSC: 2T251 - Air Transportation Journeyman. DAS: 1 Jun 01.

b. Prior Sv: (1) AFRes 15 Mar 99 - 12 Oct 99 (6 mos 18 das)(Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 13 Oct 99 for 6 years. Svd: 05 Yrs 01 Mo 25 Das, all AMS.

b. Grade Status: A1C - 09 Jun 04 (Article 15, 3 Sep 04)
SrA - 29 Mar 02
A1C - 29 Nov 99

c. Time Lost: None

d. Art 15's: (1) 3 Sep 04 - Vacation, Elmendorf AFB, AK - Article 86. You, did, on or about 28 Jul 04, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (No appeal) (No mitigation)

(2) 9 Jun 04 - Elmendorf AFB, AK - Article 86. You, did, on or about 5 May 04, without authority, fail to go at the time prescribed to your appointed place of duty. Article 91. You, on or about 5 May 04, were disrespectful in language toward TSgt [REDACTED] a NCO, then known by you to be a NCO, who was then in the execution of his office, by saying to him, "this is bullshit, I am not going to that shit," or words to that effect. Suspended reduction to A1C. Forfeiture of \$500.00 pay per month for 2 months, 30 days extra duty and a Reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 28 JUL 03 - Lying to his OIC.
LOC, 19 MAY 03 - Failed to report to work as scheduled.
LOC, 15 MAY 03 - Failure to go.

EXAMINER'S NOTE: INFORMATION TAKEN FROM NOTIFICATION

LETTER.

f. CM: None.

g. Record of SV: 13 Oct 99 - 15 Apr 01 Little Rock AFB 3 (Initial)
16 Apr 01 - 15 Apr 02 Elmendorf AFB 4 (Annual)
16 Apr 02 - 01 Dec 02 Elmendorf AFB 4 (CRO)
02 Dec 02 - 01 Dec 03 Elmendorf AFB 3 (Annual)

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

i. Stmt of Sv: TMS: (05) Yrs (08) Mos (13) Das
TAMS: (05) Yrs (01) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 08 Jun 05.
(Change Discharge to Honorable)

Issue 1: ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

4AUG05/day



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD 2005-00 233

OCT 6 2004

MEMORANDUM FOR [REDACTED]

FROM: 732 AMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, 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 general. I am recommending a general discharge.

2. My reasons for this action are:

a. On 7 May 03, you failed to attend a scheduled ERGO testing appointment. For your misconduct you received a Letter of Counseling (LOC), dated 15 May 03 (Attachment 1).

b. On 19 May 03, you failed to report to work as scheduled. For your misconduct you received an LOC, dated 19 May 03 (Attachment 2).

c. On 24 Jul 03, you were questioned by Capt [REDACTED] Air Terminal Operations Center Officer-in-Charge, about your Military Star Card account (AAFES/BX charge account). She requested the status of your charge account due to a couple of delinquent notices received by the section. You informed Capt [REDACTED] your account was in good standing. When asked to supply proof of the good standing of the account you were unable. For your dishonesty you received a Letter of Reprimand (LOR), dated 28 Jul 03 (Attachment 3).

d. On 5 May 04, you were disrespectful in language toward TSgt [REDACTED] and failed to go to your appointed place of duty. For your disrespect and failure to go you received an Article 15 punishment, dated 9 Jun 04, consisting of a suspended reduction to airman first class, forfeiture of \$500.00 pay per month for 2 months, 30 days extra duty, and a reprimand. This action established an Unfavorable Information File (UIFI) (Attachment 4 & 6)

e. On 28 Jul 04, you failed to attend a mandatory scheduled appointment. Due to your failure to attend the critical training, a member from a different squadron had to replace you, causing a strain on another squadron of losing a productive person in their unit. For your misconduct, on 3 Sep 04 your suspended reduction to airman first class was vacated (Attachment 5). (CWS)

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.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [redacted] 552-3887, at Bldg 10480, Room 330 on 7 Oct 04 at 0930. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide to the separation authority.

6. 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.

7. You have been scheduled for medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 5595, at 0800 on 15 Oct 04 for your first exam, at which time you will be notified of the time for your second exam. Bring with you the Medical Assessment Letter (DD Form 2697). You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.

8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 0930 on 7 Oct 04. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Room 247 at 1000 on 8 Oct 04. You must be in uniform for all appointments.

9. 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 at your Squadron Orderly Room.

[Redacted Signature]

Colonel, USAF
Commander

Attachments:

1. LOC, 15 May 03
2. LOC, 19 May 03
3. LOR, 28 Jul 03
4. AF Form 3070, 9 Jun 04
5. AF Form 366, 3 Sep 04
6. AF Form 1137