

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AIC	AFSN/SSAN [REDACTED]		
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
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES		INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD		
A93.09		A67.10	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			
27 Dec 2005		FD-2005-00255			
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 RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT			DATE: 12/27/2005		
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-2005-00255

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 would like to receive his GI Bill benefits. The records indicated the applicant received an Article 15 for fleeing apprehension and for damaging a taxi by kicking it. In addition, he received two Letters of Reprimand and two Letters of Counseling for failure to go, failing his room inspection and for leaving his duty section without being released twice. 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Osan AB, Korea on 09 Sep 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 08 Nov 82. Enlmt Age: 17 10/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-57, E-48, G-48, M-40. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 09 Jun 04.

b. Prior Sv: (1) AFRes 12 Sep 00 - 09 Oct 00 (28 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Oct 00 for 6 yrs. Svd: 03 Yrs 11 Mo 01 Das, all AMS.

b. Grade Status: A1C - 29 Jul 04 (Article 15, 29 Jul 04)
SrA - 10 Jun 03
A1C - 24 Nov 00

c. Time Lost: None.

d. Art 15's: (1) 29 Jul 04, Osan AB, Korea - Article 95. You, did, on or about 3 Jul 04, flee apprehension by running from [REDACTED], a security forces member, a person authorized to apprehend the accused. Article 109. You, did, on or about 3 Jul 04, willfully and wrongfully damage by kicking, a taxi, the amount of said damage being in the sum of about \$200.00, the property of Army and Air Force Exchange Service. Reduction to Airman(2) (reduction below A1C suspended). Restriction to base for 30 days, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 10 JUL 04 - Leaving duty section without being released.
LOC, 07 JUL 04 - Failed room inspection.
LOC, 28 JUN 04 - Leaving duty section without being released.
LOR, 10 JUN 03 - Failure to go.

f. CM: None.

g. Record of SV: 10 Oct 00 - 10 Jun 02 Pope AFB 3 (Initial)REF

11 Jun 02 - 10 Jun 03 Pope AFB 4 (Annual)
11 Jun 03 - 02 Jun 04 Pope AFB 3 (CRO)

h. Awards & Decs: AFOUA W/VALOR & 1 OLC, NDSM, AFTR, KDSM.

i. Stmt of Sv: TMS: (3) Yrs (11) Mos (28) Das
TAMS: (3) Yrs (11) Mos (01) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Jun 05.
(Change Discharge to Honorable)

Issue 1: I am requesting an upgrade in my discharge to an honorable discharge. This would enable me to use my GI Bill benefits for college. I would like to pursue a degree in the Legal field in order to become a productive young adult in our society. Your assistance in this matter will be greatly appreciated.

ATCH

1. DD Form 214.

4AUG05/ia



DEPARTMENT OF THE AIR FORCE

51st Aircraft Maintenance Squadron

UNIT 2026

APO AP 96278-2026

FD 2005-00295

12 AUG 2004

MEMORANDUM FOR A1C [REDACTED], 51 AMXS

FROM: 51 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force based upon Misconduct-Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, then your service will be characterized as Honorable or Under Honorable Conditions (General). I am recommending that you receive an Under Honorable Conditions (General) discharge.

2. My reasons for this discharge action are as follows:

a. You did, at or near Pope AFB, NC, on or about 10 Jun 03, without authority, fail to go at the time prescribed to your appointed place of duty; to wit: the Base Gymnasium. For this misconduct you received a Letter of Reprimand (LOR), dated 10 Jun 03. (Atch 1a)

b. You, who knew of your duties, at or near Osan AB, ROK, on or about 11 Jun 04, were derelict in the performance of your duties in that you willfully failed to follow instructions of your supervisor by leaving a restricted area without proper escort. Furthermore you were derelict in the performance of your duties in that you failed to remain at your appointed duty location until properly relieved of duty. For this misconduct you received a Letter of Counseling, dated 28 Jun 04. (Atch 1b)

c. You, who knew of your duties at or near Osan AB, ROK, on or about 14 Jun 04, were derelict in the performance of those duties in that you willfully failed to maintain your government quarters in the required standards, as it was your duty to do. For this misconduct you received an LOR, dated 7 Jul 04. (Atch 1c)

d. You, who knew of your duties at or near Osan AB, ROK, on or about 8 Jul 04, were derelict in the performance of those duties in that you willfully failed to remain at your place of duty without being released by MSgt Meyer as it was your duty to do. For this misconduct you received an LOR, dated 10 Jul 04. (Atch 1d)

e. You, did, at or near Osan AB, ROK, on or about 3 July 2004, flee apprehension by running from [REDACTED], a security forces member, a person authorized to apprehend the accused. (Atch 1e)

f. You, did, at or near Osan AB, ROK, on or about 3 July 2004, willfully and wrongfully damage by kicking a taxi, the amount of said damage being in the sum of about \$200.00, the

property of Army and Air Force Exchange Service. For the misconduct listed in paragraphs (e) and (f) you received an Article 15, dated 29 Jul 04 and an Unfavorable Information File. (Atch 1e)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction or a 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. 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 is available to assist you. You may consult the Area Defense Counsel (Bldg 937, Rm 101) at 784-6774. You may consult civilian counsel at your own expense.

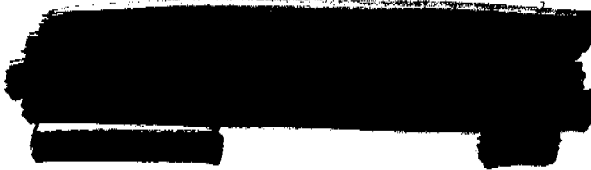
5. You have the right to submit statements in your own behalf. Any statements that you want the separation authority to consider must reach me by 1545 hours on 17 AUG 04 (three duty days) unless you request and receive an extension for good cause. I will forward any such statements to the separation authority.

6. If you fail to consult or submit statements in your own behalf, then your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the hospital at 0845 hours on 17 AUG 04.

8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available at the Orderly Room.

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



Attachments:

1. Supporting documents
 - a. Letter of Reprimand, dated 10 Jun 03
 - b. Letter of Counseling, dated 28 Jun 04
 - c. Letter of Reprimand, dated 7 Jul 04
 - d. Letter of Reprimand, dated 10 Jul 04
 - e. Article 15, dated 29 Jul 04
2. Airman's Acknowledgment.