

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD																																							
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE A1C		AFSN/SSAN																																
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NAME OF COUNSEL AND OR ORGANIZATION					ADDRESS AND OR ORGANIZATION OF COUNSEL																																		
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ISSUES		A94.06			INDEX NUMBER		A67.10																																
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					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE																																		
					TAPE RECORDING OF PERSONAL APPEARANCE																																		
HEARING DATE		01 Dec 2005			CASE NUMBER		FD-2005-00266																																
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, 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>																																							
SIGNATURE OF RECORDED					SIGNATURE OF BOARD PRESIDENT																																		
TO:					FROM:																																		
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742					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-2005-00266

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 01 Dec 2005.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Character reference letters (2)

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The discharge is upgraded to honorable.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received numerous disciplinary actions over a prolonged period of time for minor infractions but performance of duty was satisfactory and the applicant was retained and deployed with his unit. The DRB noted that the documented incidents of misconduct while deployed that triggered the discharge were of a trivial nature and concluded that the punishments for these incidents were unusually harsh and resulted in discharge under two months prior to the expiration of the applicant's term of service. The DRB also considered the mitigating facts and circumstances regarding incidents of tardiness and financial difficulties as evidenced in the record as well as in testimony and, by majority vote, concluded that the discharge was too harsh in light of the positive aspects of his service. However, the Board concluded that the reason for discharge should not be changed because his misconduct caused his commanders to lose confidence in his ability to meet standards of performance and it properly describes the basis for discharge.

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. However the Board concludes that the totality of the evidence of the record and that during testimony indicates the character of discharge was too harsh and in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge.

The applicant's characterization should be changed to Honorable under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Moody AFB, GA, on 20 Jul 04 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 27 Jan 82. Enlmt Age: 18 5/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-76, E-67, G-76, M-78. PAFSC: 2A552 - Helicopter Maintenance Journeyman. DAS: 16 Apr 01.

b. Prior Sv: (1) AFRes 24 Jul 00 - 12 Sep 00 (1 mo 19 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 13 Sep 00 for 4 years. Svd: 03 Yrs 10 Mo 08 Das, all AMS.

b. Grade Status: A1C - 5 Jun 03 (Vacation of Article 15, 11 Sep 03)
SrA - 13 Jan 03

c. Time Lost: None.

d. Art 15's: (1) 11 Sep 03, Vacation, Moody AFB, GA - Article 92. You, who knew of your duties, on or about 28 Aug 03, were derelict in the performance of those duties in that you willfully failed to not sleep while on duty, as it was your duty to do. Reduction to A1C. (No appeal) (No mitigation)

(2) 5 Jun 03, Moody AFB, GA - Article 86. You, did, on divers occasions between on or about 20 May 03 and on or about 23 May 03, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended Reduction to A1C. Restriction to base for 14 days and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 04 JUN 04 - Failed to use proper hygiene.
LOC, 25 APR 04 - Failure to obey a lawful order and lack of attention to detail.
LOR, 06 FEB 04 - Failure to go at the time prescribed.
LOR, 21 JAN 04 - Failure to pay just debts.
LOR/UIF, 15 MAY 03 - Disrespect for authority and disobeying a direct order.
LOR/UIF, 21 APR 03 - Continually late reporting to work, over the past few months.

over the past few months.

LOR, 24 MAR 03 - Failure to go at the time prescribed.

LOC, 18 MAR 03 - Failure to go.

LOR, 16 JAN 03 - Civilian arrest for Deposit Fraud.

LOR, 06 JUN 02 - Failure to Account for tools at end of shift.

f. CM: None.

g. Record of SV: 13 Sep 00 - 12 May 02 Moody AFB 5 (Initial)
 13 May 02 - 12 May 03 Moody AFB 2 (Annual)REF
 13 May 03 - 12 May 04 Moody AFB 1 (Annual)REF

h. Awards & Decs: AFTR, NDSM, AFEM, AFOUA W/1 OLC, GWTEM, AFESR W/1 OLC.

i. Stmt of Sv: TMS: (03) Yrs (11) Mos (27) Das
 TAMS: (03) Yrs (10) Mos (08) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 31 Jan 05.
 (Change Discharge to Honorable)

Issue 1: I was informed by ADC at Moody AFB that I would receive (sic) my MGIB upon receipt (sic) of a General Discharge. The VA Dept has informed me this was incorrect. Had I known that I would have requested a honorable discharge from my Wing Commander.

Issue 2: Difficulties in finding employment, have had multiple companies turn down applications.

ATCH
 None.

8AUG05/day



DEPARTMENT OF THE AIR FORCE
347TH AIRCRAFT MAINTENANCE SQUADRON (AFSOC)
MOODY AIR FORCE BASE, GEORGIA

1 July 2004

MEMORANDUM FOR A1 [REDACTED]

FROM: 347 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

- a. On or about 6 Jun 02, you failed to account for tools prior to departure at the end of your duty day by not returning a 7/64 inch allen wrench socket which you signed for on an AF Form 1297. For this offense you received a Letter of Reprimand (LOR) on 6 Jun 02 (Atch 1a).
- b. On or about 13 Nov 02, you were arrested by the Lowndes County Sheriff's Department and charged with deposit fraud, where you wrote two insufficient funds checks to Wal Mart. For this offense you received a LOR on 16 Jan 03 (Atch 1b).
- c. On or about 18 Mar 03, you failed to go at the time prescribed to your appointed place of duty at the assigned hour. For this offense you received a LOR on 18 Mar 03 (Atch 1c).
- d. On or about 24 Mar 03, you failed to go at the prescribed appointed time to your place of duty at the assigned hour. For this offense you received a LOR on 24 Mar 03 (Atch 1d).
- e. On or about 9 Apr 03, you failed to go at the prescribed appointed time to your place of duty at the assigned hour. The offense established an Unfavorable Information File (UIF). For this offense you received a LOR on 21 Apr 03 and an UIF was established (Atch 1e).
- f. On or about the week of 4-10 May 03, you conducted yourself in an unfavorable manner as a member of the Air Force. On 6 May, you continued to hammer metal cable wedges without wearing safety glasses after being told to put them on by a Senior Noncommissioned Officer (NCO). On 8 May, you were in the process of assaulting another member of the unit until you saw a Senior NCO. For these offenses you received a LOR on 15 May 03. This was also placed in the UIF (Atch 1f).
- g. You did on divers occasions between on or about 20 May 2003 and on or about 23 May 2003, without authority, fail to go at the time prescribed to your appointed place of duty. For this offense you received Nonjudicial Punishment pursuant to Article 15, UCMJ, on 5 Jun 03. Punishment included a reduction to the grade of Airman First Class (suspended), restriction to the limits of Moody AFB, GA for 14 days and 14 days extra duty (Atch 1g).

- h. On or about 28 Aug 03, you were derelict in the performance of your duties by falling asleep while on duty. For this offense the suspension of demotion to A1C was vacated on 11 Sep 03 (Atch 1h).
- i. On or about 16 Dec 03, it was discovered that you failed to pay a known debt to 1st Franklin Financial Company on a loan you contracted with them on 27 Aug 03. For this offense you received a LOR on 21 Jan 04 (Atch 1i).
- j. On 6 Feb 04, you failed to go to your prescribed appointed place of duty. For this offense you received a LOR on 6 Feb 04 (Atch 1j).
- k. On or about 25 Apr 04, you failed to dispose of unserviceable items after being ordered to do so by a Senior NCO. Because of your disregard for discipline, you received a LOC on 25 Apr 04 (Atch 1k).
- l. On or about 3 Jun 04, you failed to use proper personal hygiene. For this offense you received a LOR on 4 Jun 04 (Atch 1l).

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 United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

- 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 Captain [REDACTED] at 5107 AUSTIN ELLIPSE, on 1 Jul 04 at 1430 hours. 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 within three duty days after receipt of this notification letter 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 have been scheduled for a medical examination. You must report to Moody Air Force Base Hospital, Physical Exams, Building 3296, on 6 July 2004, at 0730 hours for the examination.
- 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 at 347 RQW/JA.

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



Commander, 347 AMXS

Attachments:

1. Supporting Documents
 - a. LOR, dated 6 Jun 02
 - b. LOR, dated 16 Jan 03
 - c. LOR, dated 18 Mar 03
 - d. LOR, dated 24 Mar 03
 - e. LOR, dated 21 Apr 03 with AF Form 1058, UIF Action
 - f. LOR dated 15 May 03 with AF Form 1058, UIF Action
 - g. AF Form 3070, dated 5 Jun 03
 - h. AF Form 366, dated 11 Sep 03
 - i. LOR, dated 21 Jan 04
 - j. LOR, dated 6 Feb 04
 - k. LOC, dated 25 Apr 04
 - l. LOR, dated 4 Jun 04
2. Receipt of Notification Memorandum