

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE				
		AB				
TYPE GEN	NON-PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
<b>MEMBER SITTING</b>		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES	A93.01 A29.03	INDEX NUMBER	A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
				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	25 Jan 2006	CASE NUMBER	FD-2004-00199			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Applicant was offered a personal appearance and was scheduled to participate in a video-teleconference DRB on 25 January 2006 between St. Augustine FL and Andrews AFB. The applicant failed to appear and did not attempt to reschedule or explain his absence. His case was then reviewed as a records review case.</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>						
<b>INDORSEMENT</b>			<b>DATE: 1/25/2006</b>			
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-2004-00199**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable or to change the reason and authority for the discharge to entry level separation, and to change the reenlistment code.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) and was scheduled to appear before the DRB via a video-teleconference but he did not keep the appointment or call to reschedule. His case was then processed as a records review DRB.

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

**FINDINGS:** Upgrade of discharge and change of reason and authority for discharge, and change of reenlistment code are denied.

The Board finds that the evidence of record does not substantiate an inequity or impropriety that would justify a change of discharge.

**ISSUE:**

Issue 1. Applicant contends that "he was not mature and deserves another chance." The DRB noted the applicant was almost 19 years of age when the discharge took place. However, there is no evidence he was unusually immature or did not know right from wrong. The Board opined that the vast majority of first-term members properly adhere to the Air Force's standards of conduct and that the applicant presented no justification for his repetitive misconduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to his misconduct.

Issue 2. Applicant requests that the reason (minor disciplinary infractions) for his discharge be changed to "Entry Level Separation" because he was only two months past the six month cut-off to receive an entry level separation. There is no indication in the file that the unit commander abused his discretion in determining when to separate the respondent. The Board concluded the reason for the discharge received by the applicant was 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 AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Sheppard AFB, TX on 19 Aug 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 12 Sep 84. Enlmt Age: 17 11/12. Disch Age: 18 11/12. Educ: HS DIPL. AFQT: N/A. A-74, E-70, G-78, M-65. PAFSC: 3E012 - Electric Power Production Helper. DAS: 31 Mar 03.

b. Prior Sv: (1) AFRes 10 Sep 02 - 16 Dec 02 (3 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Dec 02 for 4 yrs. Svd: 0 Yrs 8 Mo 3 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 11 Feb 03, Lackland AFB, TX - Article 128. You, did, on or about 2 Jan 03 unlawfully choke and restrain AB about the neck and body with a pillowcase. Forfeiture of \$532.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 08 JUL 03 - Failure to obey an order or regulation.  
LOR, 26 JUN 03 - Failure to go and lying.  
LOR, 10 JUN 03 - Failure to maintain proper military dress and appearance standards.  
LOR, 03 JUN 03 - Phase I failure and late for morning formation.  
LOR, 13 MAY 03 - Failure to obey an order and failure to maintain two AETC Forms 341 in possession.  
LOC, 13 MAY 03 - Wearing civilian clothes off base while in Phase II.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (0) Yrs (11) Mos (10) Das

TAMS: (0) Yrs (8) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 May 04.  
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 149.

20JUL04/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.  
 ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES  
 The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you that pertain to Block 8 prior to completion. Issues will be incorporated by specific reference below. Carefully read the instructions on. If you need more space, submit additional issues on an attachment.

I believe my discharge should be amended to a Entry Level Separation due to the fact that all things used for my separation were during training and I never entered active Air Force. I unjustly received an Article 15 for a small matter that was blown beyond its proportions (a joke that I was not involved in) was turned into an attempted murder trial. I do not write this to make excuses however I believe my characterization is unjust as well as the fact that I am denied forever a chance to reenlist. My main purpose of this letter is to ask for a chance to reenlist in the military I was just turning 18 and had not experienced the world for what it is I was not mature enough and I believe I should be allowed another chance. There is nothing out here for me I see no future. Every day is a struggle just to make it to the next day. I made a mistake. I didn't want to follow the rules. I ~~was~~ understand this now and I ask for a chance to prove myself.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION  
 I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)  
 2004/05/27

b. SIGNATURE  


UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See <a href="http://arba.army.pentagon.mil">http://arba.army.pentagon.mil</a> )	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001

If I am unable to have my discharge changed to Entry Level ~~due~~  
due to the fact I was 2 months over the 180 days (however I was still in training)  
I would like to have my discharge upgraded to an honorable or have  
my Reenlistment code changed so I can Reenlist in the military. I want  
to serve my country and I am sincerely sorry for my mistakes.  
If not the Air Force then another component of the Armed Forces but to  
be told I can NEVER reenlist in any component of the Armed Forces I feel  
is extremely harsh for a discharge due to minor infractions. I thank  
you for your time and consideration.

Respectfully Submitted,

P.S.  
I apologize for the sloppiness of my handwriting.  
I hope you find this letter legible. If not  
I will submit a typed letter. My Email  
address is listed on the front.



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

11 8 JUL 2003

MEMORANDUM FOR AB

366 TRS

FROM: 366 TRS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for 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 under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 8 Jul 03, were derelict in the performance of those duties in that you willfully failed to remain on base while in Phase I, as it was your duty to do. For this misconduct and subparagraph "b" below you received a Letter of Reprimand (LOR) on 8 Jul 03.

b. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 8 Jul 03, were derelict in the performance of those duties in that you failed to safeguard your Phase Card, as it was your duty to do.

c. You did, at or near Sheppard AFB TX, on or about 23 Jun 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: physical conditioning. For this misconduct and subparagraph "d" below you received an LOR on 26 Jun 03.

d. You did, at or near Sheppard AFB TX, on or about 23 Jun 03, with intent to deceive, make to SSgt: [redacted] an official statement, to wit: you were not present for physical conditioning because you were at an appointment, which statement was false in that you had no appointment, and was then known by you to be so false.

e. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 10 Jun 03, were derelict in the performance of those duties in that you failed to maintain proper military dress and appearance, as it was your duty to do. For this misconduct you received an LOR on 10 Jun 03.

f. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 3 Jun 03, were derelict in the performance of those duties in that, while in Phase I, you willfully failed to meet curfew by not sleeping in your assigned room, as it was your duty to do. For this misconduct and subparagraph "g" below you received an LOR on 3 Jun 03.

g. You did, at or near Sheppard AFB TX, on or about 3 Jun 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: morning formation.

h. You, having knowledge of a lawful order issued by an NCO, to wit: run during physical conditioning, an order which was your duty to obey, did, at or near Sheppard AFB TX, on or about 12 May 03, fail to obey the same. For this misconduct and subparagraph "i" below you received an LOR on 13 May 03.

i. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 12 May 03, were derelict in the performance of those duties in that you willfully failed to maintain two an AETC Forms 341 in your possession, as it was your duty to do.

j. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 9 May 03, were derelict in the performance of those duties in that, while in Phase II, you willfully failed to refrain from wearing civilian clothes while off base, as it was your duty to do. For this misconduct you received a Letter of Counseling (LOC) on 13 May 03.

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 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 and will probably be denied enlistment in any component of the armed forces.

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 Capt. \_\_\_\_\_, Area Defense Counsel, at Bldg 1638, on 21 Jul 03, at 1500 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 by 23 Jul 03 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 physical examination on 9 Jul 03 at 0700 hours.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available in the 366th Training Squadron, Military Training Flight, Scheduling Office for your use.



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

, Major, USAF  
Squadron Section Commander, 366 TRS

Attachments:

1. LOR, 8 Jul 03
2. LOR, 26 Jun 03
3. LOR, 10 Jun 03
4. LOR, 3 Jun 03
5. AETC Form 341, 3 Jun 03
6. AETC Form 341, 3 Jun 03
7. LOR, 13 May 03
8. LOC, 13 May 03
9. AETC Form 341, 19 Jun 03
10. AETC Form 341, 19 May 03
11. AETC Form 341, 5 May 03
12. AETC Form 341, 28 Apr 03
13. 366 TRS Remedial Military Training Day Memo, 28 Apr 03
14. AETC Form 341, 11 Apr 03
15. 366 TRS Room Inspection, 9 Apr 03
16. AETC Form 341, 8 Apr 03
17. AETC Form 125A, 7 Jul 03
18. Student Training Report, #03018
19. LAFB Form 205, 25 Mar 03
20. Airman's Receipt of Notification Memorandum *Wcl*