

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

(INITIAL)

GRADE

A1C

TYPE GEN	X	PERSONAL APPEARANCE	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 A93.01	INDEX NUMBER A67.90
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EXHIBITS SUBMITTED TO THE BOARD

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| 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 10 Jan 2006	CASE NUMBER FD-2005-00127
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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, 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.

INDORSEMENT

DATE: 1/10/2006

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-2005-00127

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right. This was the second time applicant was offered a personal appearance. Applicant has lost his right to have a personal appearance before the DRB.

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

FINDINGS: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are 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 was young and immature at the time. The records indicated the applicant received an Article 15 for being absent from his unit for 4 days. In addition, he received two Letters of Reprimand and one Letter of Counseling for various misconduct to include disobeying a lawful order, violating training curfew and loss of military bearing and responsibilities. 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Lackland AFB TX on 23 Feb 04 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline. Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 28 Oct 84. Enlmt Age: 18 0/12. Disch Age: 19 3/12. Educ: HS DIPL. AFQT: N/A. A-57, E-57, G-52, M-44. PAFSC: 3P011 - Security Forces Apprentice. DAS: 28 Jul 03.

b. Prior Sv: (1) AFRes 16 Nov 02 - 9 Jun 03 (06 mos 25 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 10 Jun 03 for 6 years. Svd: 00 Yrs 08 Mo 14 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 30 Sep 03, Lackland AFB, TX - Article 86. You, did, on or about 26 Aug 03, without authority, absent yourself from your unit, and did remain so absent until on or about 29 Aug 03. Forfeiture of \$316.00 pay. (No appeal) (No mitigation)

e. Additional: LOR, 28 JAN 04 - ~~Disobeyed a lawful Order, by being out of uniform during training as required.~~
LOR, 27 JAN 04 - Violation of training curfew, by being out of the squadron, after hours.
LOC, 22 AUG 03 - Loss of military bearing and the responsibilities required of airman leaders. Removed as student leader and phased back 5 days in training.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (02) Mos (18) Das
TAMS: (00) Yrs (08) Mos (14) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 21 Mar 05.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge.)

Issue 1: I am not contesting the litany of problems that eventually lead to my being discharged from the U.S. Air force. I was wrong. My period of military service unfortunately coincided with a period of profound immaturity and reckless behavior. I should not have missed training. I allowed my "so called friends" influence my decision making process. I should have done what I knew was expected of me and preformed my training and duties as required. Since my release I have matured. I feel I am better suited for military service. I made a gave error of judgment and desire to correct my behavior and my service to my country. Currently, my country is in need of good airmen. I desire to return to the Air Force and serve with pride. I now know better. I am not so easily influenced. I will do the right thing. I ask for a chance to serve my country - again. I need to correct my discharge in order to re-enter the United States Air Force. Thank you.

ATCH

1. DD Form 214.
2. AF Form 899, PCS Orders.

20JUN05/day



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

12 FEB 2004

MEMORANDUM FOR

FROM: 343 TRS/DOM

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct; specifically, Conduct Prejudicial to Good Order and Discipline. The basis for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as either Under Honorable Conditions (General) or Under Other Than Honorable Conditions. I am recommending your service be characterized as Under Honorable Conditions (General).
2. My reasons for this action are:
 - a. On 20 Aug 03, you were counseled, by your Military Training Leader on your loss of military bearing and the responsibilities required of airman leaders. On 21 Aug 03, you blatantly disregarded an order given by your Military Training Leader. As a result, you received a Letter of Counseling dated 22 Aug 03.
 - b. On 26 Aug 03, you did absent yourself from your unit, to wit: the 343rd Training Squadron, and did remain absent until on or about 29 Aug 03. As a result, you received an Article 15 dated 30 Sep 03, and your punishment was forfeiture of \$316.00 pay. Subsequently, an Unfavorable Information File (UIF) was established.
 - c. On 25 Jan 04, you violated the Air Education and Training Command Phase Program by being out of the 343rd Training Squadron after curfew. As a result, you received a Letter of Reprimand dated 27 Jan 04.
 - d. On 27 Jan 04, you violated the Air Education and Training Command Phase Program by wearing civilian clothes while in phase I. As a result, you received a Letter of Reprimand dated 28 Jan 04.
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 higher authority will decide whether you will be discharged or retained in the Air Force. 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.

4. You have the right to consult counsel. If you wish to consult military counsel, an appointment will be made upon your request and the date, time and place will be provided. 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 by (allow 3 workdays) 17 Feb 04 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
6. If you fail to consult counsel or to submit statement in your own behalf, 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 Bldg 6612, Room 502, Monday – Friday between 1300-1500 hours with your medical, immunization, and dental records for the examination.
8. 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 in the Unit Personnel Office.
9. Execute the attached acknowledgment and return it to me immediately.

Commander, Military Training Flight

Attachments:

1. Letter of Counseling, dated 22 Aug 03
 2. AF Form 3070, dated 30 Sep 03
 3. AF Form 1137, Unfavorable Information File Summary
 4. Letter of Reprimand, dated 27 Jan 04
 5. Letter of Reprimand, dated 28 Jan 04
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