

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL)				GRADE AMN					
TYPE GEN	X	PERSONAL APPEARANCE		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					
									X
ISSUES A93.01 A93.08 A67.10		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 24 Jan 2006		CASE NUMBER FD-2005-00146							

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 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: 1/26/2006	
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-2005-00146

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

The applicant appeared and testified before the Discharge Review Board (DRB), via videoconference from the Florida State Armory at St. Augustine, Florida, on 24 Jan 2006 with the DRB deliberation held at Andrews AFB, Maryland.

Additional Exhibits and Documents: None

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

FINDINGS: Upgrade of 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.

ISSUES: Applicant contends that he was young and immature at the time he committed the offenses that resulted in his discharge. Additionally, he believes that due to reduced manning and an expectation to maintain the operations tempo within his unit, he did not receive the proper training to perform his job. The applicant also cited his desire to receive G.I. Bill benefits as an additional justification for upgrade. The Board was sympathetic to the impact the loss of these benefits may have upon the applicant, but did not find this to be a matter of inequity or impropriety which would warrant an upgrade. The records indicated the applicant received an Article 15 for recurrent unofficial use of his government travel card (GTC), four Letters of Reprimand (for reckless driving, disobeying a direct order to return to duty, failure in the performance of duties, failure to pay government travel card bill), one Letter of Counseling for failure to return tools in timely manner and failure to account for all tools, and two Records of Individual Counseling for late arrivals to work. The Board considered that minimal manning in the applicant's shop at the time of his failure to properly install a fuel control valve may have resulted from reduced manning, his level of training, or a lack of available supervisory personnel. However, the Board found no such mitigating factors in the applicant's repeated failure to account for tools utilized in the performance of his daily duties. While acknowledging that the applicant's spouse may have contributed significantly to the misuse of his government travel card, the Board did not find this to be a mitigating factor in the applicant's subsequent continued inappropriate use of the card following the discovery of his wife's misuse. Additionally, although the applicant alleged that he only misused the card during a brief period of time, the record reflects, to the contrary, evidence of misuse spanning several months (between on or about 8 December 2001 and on or about 22 November 2002). The DRB acknowledged the applicant's previous favorable enlisted performance report covering a period between 28 June 2000 and 18 March 2002. However, the majority of the Board believed that the totality of the applicant's record did not outweigh the overarching negative aspects of his military service. The Board concluded that the applicant's collective infractions were a significant departure from conduct expected of all military members and that the characterization of his discharge was appropriate.

CONCLUSIONS: The Discharge Review Board concluded that the discharge was consistent with the procedural and substantive requirements of the discharge regulation, that it was within the discretion of the discharge authority, and that the applicant received full administrative due process.

In view of the foregoing findings the Board found 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 AMN) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Pope AFB, NC on 4 Mar 03 UP AFI 36-3208, para 5-49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 23 May 82. Enlmt Age: 17 8/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-61, E-49, G-32, M-42. PAFSC: 2A651A - Aerospace Propulsion, Jet Engines Journeyman. DAS: 05 Feb 01.

b. Prior Sv: (1) AFRes 12 Feb 00 - 17 Jul 00 (5 mos 6 das)(Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 18 Jul 00 for 6 years. Svd: 02 Yrs 07 Mo 17 Das, all AMS.

b. Grade Status: Amn - 16 Dec 02 (Article 15, 16 Dec 02)
A1C - 01 Sep 00

c. Time Lost: None.

d. Art 15's: (1) 16 Dec 02, Pope AFB, NC - Article 92. You, who knew or should have known of your duties, within the continental United States, on divers occasions between on or about 8 Dec 01 and on or about 22 Nov 02, were derelict in the performance of those duties in that you willfully failed to use your government travel card for official government purposes only, as it was your duty to do. Reduction to Amn. Twenty-one days extra duty and Reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 15 JAN 03 - Derelict in the performance of his duties.
LOR, 01 NOV 02 - Failure to go and disobeying a direct order.
LOC, 21 OCT 02 - Failed to return tools in a timely manner and failing to account for all tools.
LOR, 25 MAR 02 - Failure to pay government travel card account, which was past due.
LOR, 14 SEP 01 - Reckless driving and speeding.
RIC, 27 MAR 01 - Late for Work.
FIC, 16 MAR 01 - Late for work.

f. CM: None.

g. Record of SV: 28 Jun 00 - 18 Mar 02 Pope AFB 4 (Initial)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (03) Yrs (00) Mos (22) Das
TAMS: (02) Yrs (07) Mos (17) Das

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

Issue 1: My name is [] Two years ago I was discharged out of the Air Force. Two years ago I was young and immature and not ready for the responsibility of the armed forces. At this time I understand (sic) the vitality of the mistakes in my past and I'm trying to correct them. The most important thing I want to do is go to school. I want to major in criminal justice and become a police officer one day. I just can't afford to go to school. I would like to use the Montgomery GI Bill but I can't do (sic) to my discharge. I know the armed forces are busy these days so I would really be grateful if you take my case up for consideration of review.

ATCH

None.

17May05/day



DEPARTMENT OF THE AIR FORCE
23D FIGHTER GROUP (ACC)
POPE AIR FORCE BASE, NORTH CAROLINA 28308

10 FEB 03

MEMORANDUM FOR AMN

, 23 AMXS

FROM: 23 AMXS/CC
286 Fortress Street
Pope AFB, NC 28308

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. You understand that approval of this recommendation for your discharge could result in you receiving an under other than honorable conditions discharge (UOTHCD), if the convening authority determines such characterization is warranted and directs initiation of a discharge board. I am recommending that your service be characterized as general discharge under honorable conditions.

2. My reasons for this action are:

a. On or about 5 Jan 03, you were derelict in the performance of your duties to wit: you improperly installed a fuel control valve and failed to account for tools used in the installation, as documented by a Letter of Reprimand (LOR), dated 15 Jan 03.

b. On or about 8 Dec 01 and on or about 22 Nov 02, you were derelict in the performance of your duties in that you willfully failed to use your Government Travel Card for official government purposes only, as it was your duty to do so, as documented by an AF Form 3070, Record of Nonjudicial Punishment, dated 16 Dec 02.

c. On or about 31 Oct 02, after being treated at the Pope Clinic you failed to return to duty after Lt Whitehorn instructed you two times to return to your unit, as documented by an LOR, dated 1 Nov 02.

d. On or about 8 Oct 02, you signed out the engine change kit from CTK and failed to return the kit until 21 Oct 02. In the interim, you lost the #2 apex tool assigned to that box, as documented by a Letter of Counseling (LOC), dated 21 Oct 02.

e. On or about 4 Feb 02, you were informed that your Government Travel Card was approximately \$349.71 past due, as documented by an LOR, dated 25 Mar 02.

f. On or about 31 Aug 01, an investigation disclosed that you did operate a motor vehicle in a reckless manner to wit: you were detected by Security Forces driving 43 MPH in a 30 MPH speed zone, as documented by an LOR, dated 14 Sep 01.

g. On or about 27 Mar 01, you arrived late to work, as documented by an AF Form 174, Record of Individual Counseling, dated 27 Mar 01.

h. On 12 Mar 01, 13 Mar 01, and 16 Mar 01, you arrived late to work, as documented by an AF Form 174, Record of Individual Counseling, dated 16 Mar 01.

4. The 43d Airlift Wing Commander, who exercises Special Court Martial (SPCM) jurisdiction or a higher authority, will decide whether you will be discharged or retained in the Air Force. Copies of the documents to be forwarded to the Separation Authority in support of this recommendation are attached. 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.

5. **You have the right to consult counsel. Military legal counsel has been obtained to assist you. Contact SSgt (extension 4-2362) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult the Area Defense Counsel.** Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

6. You have the right to submit a statement in your own behalf. Any statements you want the Separation Authority to consider must reach me by 13 FEB 03 at 1500 hours unless you request and receive an extension for good cause shown. I will any submitted statements to the separation authority.

7. If you fail to consult counsel or to submit statements in your own behalf in three days, your failure will constitute a waiver of your right to do so.

8. **You have been scheduled for a physical examination with Dr. Report to Family Practice Clinic in the Pope Clinic on 11 Feb 03 at 1000 hours. In addition, report to Physical Exams/Lab ASAP for HIV screening.**

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 the orderly room.

Commander

Lt Col, USAF

Attachments:

1. LOR, dated 15 Jan 03
2. AF Form 3070, dated 16 Dec 02/Written Presentation, dated 16 Dec 02/AF Form 1168, dated 21 Nov 02
3. LOR, dated 1 Nov 02
4. LOC, dated 21 Oct 02
5. LOR, dated 25 Mar 02
6. LOR, dated 14 Sep 01/DD Form 1408
7. AF Form 174, dated 27 Mar 01
8. AF Form 174, dated 16 Mar 01