

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE AB	AFSN/SSAN _____
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 2px;">YES</td> <td style="width:50%; padding: 2px;">No</td> </tr> <tr> <td style="text-align: center; padding: 2px;">X</td> <td style="padding: 2px;"></td> </tr> </table>	YES	No	X			
YES	No					
X						

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X+*
					X+*
					X+*
					X+*
					X+*

ISSUES A94.53	INDEX NUMBER A67.50 A67.90	EXHIBITS SUBMITTED TO THE BOARD <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>	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
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HEARING DATE 10 Mar 2006	CASE NUMBER FD-2005-00177	
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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, 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.

+ RE CODE

* REASON & AUTHORITY

SIGNATURE OF RECORDER _____	SIGNATURE OF BOARD PRESIDENT _____
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INDORSEMENT

DATE: 3/27/2006

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00177

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

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, change of reason and authority for discharge, and change of reenlistment code are denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The applicant submitted no issues and realized his actions while in the military were unacceptable and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant had received two Article 15's, one for physically controlling a vehicle while drunk and the second Article 15 for failure to go at the time prescribed to appointed place of duty. Applicant also received six Letters of Reprimand (failure to go; swapped post without authority; sleeping on duty; violation of doctor's orders; disobeying a lawful order; and violation of AETC Phase Program). He also received a Letter of Counseling for sleeping on duty and a Letter of Admonishment for making a false official statement. The Board concluded the misconduct was a significant departure from conduct expected of all military members.

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 A1C)

MISSING MILITARY PERSONNEL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Langley AFB, VA on 23 Dec 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: 20 Nov 83. Enlmt Age: 18 7/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-43, E-45, G-38, M-19. PAFSC: 3P031 - Security Forces Apprentice. DAS: 22 Aug 03.

b. Prior Sv: (1) AFRes 3 Jul 02 - 20 Jan 03 (6 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Jan 03 for 4 yrs. Svd: 01 Yrs 11 Mo 03 Das, all AMS.

b. Grade Status: AB - 8 Oct 04 (Article 15, 8 Oct 04)
AMN - 7 Sep 04 (Article 15, 7 Sep 04)
A1C - 7 Mar 03

c. Time Lost: None.

d. Art 15's: (1) 8 Oct 04, RAF Lakenheath, UK - Article 111. You did, on or about 4 Sep 04, on Plymouth Road, near Building 908, physically control a vehicle, to wit: a passenger car, while drunk. Reduction to AB. Suspended forfeiture of \$250.00 pay per month for 2 months. Fourteen days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 7 Sep 04, RAF Lakenheath, UK - Article 86. You did, on or about 28 Jul 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Guardmount Hut, Building 1096. Reduction to Airman, forfeiture of \$250.00 pay per month for two months, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: (Examiner's Note): The following additional derogatory items are listed on the Notification Memorandum, but missing from the file).

LOR, 19 JUL 04 - Failure to go and failure to obey an

order.

LOR, 12 JUN 04 - Swapped posts without authority.
LOR, 26 SEP 03 - Sleeping on duty.
LOC, 26 SEP 03 - Sleeping on duty.
LOA, 26 SEP 03 - Making a false official statement.
LOR, 10 JUL 03 - Violation of AETC Phase Program.
LOR, 25 JUN 03 - Violation of doctor's orders.
LOR, 29 APR 03 - Willfully disobeyed a lawful order.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (02) Yrs (05) Mos (21) Das
TAMS: (01) Yrs (11) Mos (03) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 23 Apr 05.

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

Issue 1: I would just like to say that my actions while I was a part of the military were unexceptable. I have turned the tides and learned from my mistakes. If I could serve again and do it different, then I would. If it was possible I would love another opportunity to serve for my country. I would like to be a Chief like my Dad was before he retired. My eyes have really open since I have gotten out and I have made an 180 turn around. Please understand that I have changed and would love another chance at life. I appreciate your time and your decision the right one. Thanks.

ATCH

1. Character Reference.

21OCT05/ia



DEPARTMENT OF THE AIR FORCE
48th FIGHTER WING (USAF)

22 NOV 2004

MEMORANDUM FOR AB [REDACTED] 48 SFS

FROM: 48 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct. The authority for this action is AFD 36-32 and AFI 36-3208, Chapter 5, Section 5H, paragraph 5.50.2, Conduct Prejudicial to Good Order and Discipline. 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 as follows:
 - a. At or near RAF Lakenheath, United Kingdom, on or about 4 Sep 04, you did, on Plymouth Road, near Building 908, physically control a vehicle, to wit: a passenger car, while drunk. For this you received Nonjudicial Punishment (NJP), dated 8 Oct 04;
 - b. At or near RAF Lakenheath, United Kingdom, on or about 28 Jul 04, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Guardmount Hut, Building 1096. For this you received NJP, dated 7 Sep 04;
 - c. At or near RAF Lakenheath, United Kingdom, on or about 19 Jul 04, you were dismissed from a pre-deployment briefing and were told by MSgt Robert Hitchcock to report to your flight. You did not follow his direction and were absent from duty without authority. For this you received a Letter of Reprimand (LOR), dated 19 Jul 04;
 - d. At or near RAF Lakenheath, United Kingdom, on or about 12 Jun 04, you did, without authority, swap posts which you were told not to do. For this you received an LOR, dated 12 Jun 04;
 - e. At or near RAF Lakenheath, United Kingdom, on or about 25 Sep 03, you were asleep while on duty. For this you received an LOR, dated 26 Sep 03;
 - f. At or near RAF Lakenheath, United Kingdom, on or about 15 Sep 03 to on or about 25 Sep 03, you were asleep while on duty. For this you received a Letter of Counseling (LOC), dated 26 Sep 03;

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g. At or near RAF Lakenheath, United Kingdom, on or about 23 Sep 03, you gave a false official statement, that you were at the emergency room and were not feeling well and that the Emergency Room turned you away, when in fact, this was not the case and the Emergency Room can not turn patients away. For this you received a Letter of Admonishment (LOA), dated 26 Sep 03;

h. At or near Lackland AFB, Texas, on or about 9 Jul 03, you violated AETC Phase Program in which you wore civilian clothes during Phase One of your Security Forces Technical Training. For this you received an LOR, dated 10 Jul 03;

i. At or near Lackland AFB, Texas, on or about 24 Jun 03, you violated your waiver against doctor's orders to be on dorm rest by leaving base to go to dinner. For this you received an LOR, dated 25 Jun 03; and

j. At or near Lackland AFB, Texas, on or about 28 Apr 03, you willfully disobeyed a lawful order by being out of your assigned room after accountability. For this you received an LOR, dated 29 Apr 03.

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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

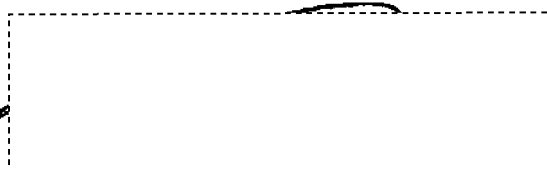
4. You have the right to consult counsel. Military legal counsel, Captain [redacted] Bldg. 977, DSN 226-3608, has been obtained to assist you. An appointment has been scheduled for you to consult them at 1000hrs 24 Nov 04. You may consult civilian counsel at your own expense.

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 29 Nov 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 statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You are ordered to report to the Separations section, MPF, Tuesday 23 Nov TODAY at 0830. You will be escorted by a member of your unit, SGT [redacted]. Please report to your escort's office 20 minutes before your scheduled appointment at Separations. If you are unable to make the scheduled appointment, you must contact the First Sergeant immediately.

8. You must schedule an appointment with your Primary Care Manager immediately, who will provide you with a DD Form 2697, Assessment of Health Care. You should then report to the Physical Exams Section at the 48th Medical Group during walk-in hours, with your DD Form 2697. Walk-in hours for Physical Exams are 0900-1400, Monday thru Friday. If you wear eyeglasses, you must bring them with you. If you are unable to make any of your scheduled appointments, you must contact the First Sergeant immediately.
9. The Privacy Act Statement covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in your unit orderly room.
10. The separation authority will make the findings and recommendation required under 10 U.S.C 2005 (g).
11. Execute the attached acknowledgement and return it to me immediately.



Commander

Attachments:

1. Nonjudicial Punishment, dated 8 Oct 04, with Attachment
2. Nonjudicial Punishment, dated 7 Sep 04, with Attachment
3. Letter of Reprimand, dated 19 Jul 04
4. Letter of Reprimand, dated 12 Jun 04
5. Letter of Reprimand, dated 26 Sep 03
6. Letter of Counseling, dated 26 Sep 03
7. Letter of Admonishment, dated 26 Sep 03
8. Letter of Reprimand, dated 10 Jul 03
9. Letter of Reprimand, dated 25 Jun 03
10. Letter of Reprimand, dated 29 Apr 03