

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>	<b>GRADE</b> A1C	<b>AFSN/SSAN</b>
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>	
	<b>X</b>	

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
				X	
					X
					X
					X
				X	

<b>ISSUES</b>	A94.53	<b>INDEX NUMBER</b>	A67.10
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<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
<b>1</b>	ORDER APPOINTING THE BOARD
<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE
<b>3</b>	LETTER OF NOTIFICATION
<b>4</b>	BRIEF OF PERSONNEL FILE
	COUNSEL'S RELEASE TO THE BOARD
	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
	TAPE RECORDING OF PERSONAL APPEARANCE

<b>HEARING DATE</b>	<b>CASE NUMBER</b>
27 Jan 2006	FD-2005-00203

**APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONAL E**

Case heard at Washington, D.C. The applicant was offered a personal appearance before the Discharge Review Board between Andrews AFB, Maryland and St. Augustine FL via video teleconference but failed to exercise this right.

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.

<b>ENDORSEMENT</b>		<b>DATE: 2/10/2006</b>
<b>TO</b>	<b>FROM:</b>	
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-2005-00203**

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but failed to appear for his hearing. The DRB considered the applicant's request for upgrade by records review.

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

**FINDINGS:** Upgrade of discharge is 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 with his application for upgrade of discharge, however the Board considered the issues raised by the applicant in his original response to discharge action including upbringing, motivation to serve, acceptance of responsibility for his conduct and his request for an honorable characterization of service.

The applicant was discharged with an under honorable conditions (general) discharge for minor disciplinary infractions after 7 months and 4 days of service. The applicant successfully completed basic training, however during technical training, the member received 3 AETC Forms 173 (records of counseling for minor infractions while in training), 2 Letters of Counseling and 8 Letters of Reprimand for various infractions including failure to complete homework, late for duty, communicating a threat, insubordination, unprofessional conduct, poor attitude, multiple training phase violations, failure to obey lawful orders, and academic failure. The Board noted the applicant was notified of discharge action one week after completing 6 months of active duty and observed that members discharged prior to 6 months typically receive a characterization of service as "uncharacterized" under provisions for entry level separation. The Board reviewed the evidence of the record showing that the applicant's training supervisors and chain of command expended considerable time and effort over nearly a four month time span in remediation and counseling to help the applicant conform to military and academic standards. The applicant had ample opportunity to correct the recurring misconduct that was a significant departure from conduct expected of all military members and the DRB found no evidence of impropriety or inequity that would warrant an upgrade.

**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 27 Sep 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Sep 85. Enlmt Age: 18 5/12. Disch Age: 19 0/12. Educ: HS DIPL. AFQT: N/A. A-57, E-51, G-36, M-29. PAFSC: 3P011 - Security Forces Helper. DAS: 12 Apr 04.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 24 Feb 04 for 6 yrs. Svd: 0 Yrs 7 Mo 4 Das, all AMS.

b. Grade Status: A1C - 9 Apr 04

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AETC 125A, 16 AUG 04 - Removed from training due to academic failure.

LOR, 13 AUG 04 - Smoking in room.

LOR, 25 JUL 04 - Late for duty.

LOR, 25 JUL 04 - Violation of phase by being in civilian clothing and failing to sign out of the dormitory.

LOR, 16 JUL 04 - Insubordinate behavior.

LOR, 06 JUL 04 - Speeding on base and failure to obey a direct order.

AETC 173, 15 JUN 04 - Unprofessional conduct.

LOR, 08 JUN 04 - Late for duty.

LOR, 06 JUN 04 - Late to accountability and poor attitude.

LOR, 26 MAY 04 - Insubordinate conduct.

LOC, 29 APR 04 - Talking and moving around while at the position of attention.

LOC, 27 APR 04 - Communicating a threat.

AETC 173, 23 APR 04 - Failing to complete homework.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (0) Yrs (7) Mos (4) Das  
TAMS: (0) Yrs (7) Mos (4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 May 05.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**

None.

27JUN05/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD2005-00203

31 AUG 2004

MEMORANDUM FOR AB

FROM: 343 TRS/DOM

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The basis for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your discharge will be described as Honorable, Under Honorable Conditions (General), or Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending your service be characterized as General and you may be ineligible for reenlistment in the Air Force.

2. My reasons for this action are:

a. On 12 Aug 04, you were in your room smoking in violation of your SSIs, when you should have been working in Security Forces Supply. As a result, you received a Letter of Reprimand (LOR), dated 13 Aug 04.

b. On 24 Jul 04, you were late to call for quarters huntment. As a result, you received an LOR dated 25 Jul 04.

c. On 24 Jul 04, you violated phase by being in civilian clothing and failing to sign out of the dormitory. As a result, you received an LOR dated 25 Jul 04.

d. On 15 Jul 04, you refused to go back to your huntment after accountability. You were told three times, became argumentative and called A1C a racist. You also refused to give A1C an AETC Form 341 when requested. As a result, you received an LOR dated 16 Jul 04.

e. On 3 Jul 04, you were caught speeding on Lackland AFB. In addition, you failed to obey a direct order to return the rental car and to report to the military training leader at Camp Bullis, in a taxi, as soon as possible. As a result, you received an LOR dated 6 Jul 04.

f. On 15 Jun 04, you responded with a non-verbal expression (hard exhale) when directed to walk appropriately and quit dragging your feet. When questioned, "what part of pick up your feet did you not understand," you responded with, "none of it." As a result, you were counseled as reflected on the AETC Form 173, dated 15 Jun 04.

g. On or about 7 Jun 04, you were late for physical training. As a result, you received an LOR dated 8 Jun 04.

h. On or about 2 Jun 04, you were late to accountability, and you had an attitude with your ropes. As a result, you received an LOR dated 6 Jun 04.

i. On 26 May 04, you ordered an omelet from the grill after being told by MSgt that you were not to order any grilled items due to time constraint and the number of Airmen that had to eat. As a result, you received an LOR dated 26 May 04.

j. On or about 29 Apr 04, you lacked military bearing while talking and moving around when you were to be at the position of attention. As a result, you received a Letter of Counseling (LOC), dated 29 Apr 04, and a 7 day phase delay.

k. On or about 27 Apr 04, you communicated a threat to another airman. As a result, you received an LOC dated 27 Apr 04, and a 7 day phase delay.

l. On 23 Apr 04, you reported to duty without your homework completed. As a result, you were counseled as reflected on the AETC Form 173, dated 23 Apr 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 a higher authority, will decide whether you will be discharged or retained in the Air Force.

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 retain civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by (3 workdays) 3 Sep 04 unless you request and receive an extension for good cause shown. Your statements will be forwarded to the separation authority and will be made part of your case file that the separation authority will read.

6. If you fail to consult counsel or to submit statements on 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 acknowledgement and return it to me immediately.

, Capt, USAF  
Commander, Military Training Flight

Attachments:

1. AETC Form 125A, dated 16 Aug 04
2. Student Training Report
3. Student Tracking Sheet
4. Letter of Reprimand, dated 13 Aug 04
5. Letter of Reprimand, dated 25 Jul 04
6. Letter of Reprimand, dated 25 Jul 04
7. Letter of Reprimand, dated 16 Jul 04
8. Letter of Reprimand, dated 6 Jul 04
9. AETC Form 173, dated 15 Jun 04
10. Letter of Reprimand, dated 8 Jun04
11. Letter of Reprimand, dated 6 Jun 04
12. Letter of Reprimand, dated 26 May 04
13. Letter of Reprimand, dated 29 Apr 04
14. Letter of Counseling, dated 27 Apr 04
15. AETC Form 173, dated 23 Apr 04