

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST FIRST MIDDLE INITIAL)		GRADE  AMN	AFSN/SSAN				
TYPE GEN		PERSONAL APPEARANCE	X	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
ISSUES  A94.05		INDEX NUMBER  A49.00		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  04 Jan 2006		CASE NUMBER  FD-2005-00230					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
<p>Case heard at Washington, D.C</p> <p>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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>							
SIGNATURE OF RECORDER		SIGNATURE OF BOARD PRESIDENT					
INDORSEMENT		DATE: 1/4/2006					
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, 3RD FLOOR ANDREWS AFB, MD 20762-7002					

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2005-00230

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

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 is 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 contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for sleeping on duty as a Security Forces Journeyman. He also received a Vacation action under the UCMJ for playing video games while on front gate duty. In addition, he received three Letters of Reprimand, two Letters of Counseling, two Letters of Admonishment, and was placed on the Control Roster for dereliction of duty, failure to go, reporting in an unserviceable uniform, disobeying a lawful order, lying and being late for duty. 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. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

**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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Incirlik AB, Turkey on 18 Jan 02 UP AFI 36-3208, para 5.26 (Unsatisfactory Performance). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 24 Aug 80. Enlmt Age: 17 11/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-50, E-93, G-88, M-81. PAFSC: 3P051 - Security Forces Journeyman. DAS: 24 May 01.

b. Prior Sv: (1) AFRes 11 Aug 98 - 5 Jan 99 (4 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 6 Jan 99 for 6 yrs. Svd: 3 Yrs 0 Mo 13 Das, all AMS.

b. Grade Status: Amn - 26 Oct 01 (Vacation of Article 15, 14 Nov 01)

c. Time Lost: None.

d. Art 15's: (1) 14 Nov 01, Vacation, Incirlik AB, Turkey - Article 92. You, who should have known of your duties, on or about 6 Nov 01, were derelict in the performance of those duties in that you willfully failed to abide by the Special Security Instruction, dated 10 Oct 01, as it was your duty to do, to wit: you played video games when you were to remain vigilant while on front gate duty. Reduction to Airman. (No appeal) (No mitigation)

(2) 26 Oct 01, Incirlik AB, Turkey - Article 113. You, on or about 18 Oct 01, being on post as a sentinel at or near protective aircraft shelter I-8 in the vault storage area, were found sleeping upon your post. Suspended reduction to Airman. Forfeiture of \$584.00 pay, a reprimand, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 02 OCT 01 - Dereliction of duty.  
LOC, 07 SEP 01 - Failure to go.  
LOC, 03 SEP 01 - Reporting to a flight formation with an unserviceable uniform.  
LOR/CR, 13 JUL 01 - Disobeying a lawful order.  
LOA, 04 APR 01 - Failure to obey a lawful order.  
LOA, 29 MAR 01 - Late for duty.

LOR, 10 APR 01 - Failure to obey a direct order and lying.

f. CM: None.

g. Record of SV: 06 Jan 99 - 15 Jul 00 Spangdahlem AB 3 (HAF Dir)  
16 Jul 00 - 25 Apr 01 Spangdahlem AB 3 (CRO)

h. Awards & Decs: AFTR, AFSM, NATOM, AFOUA W/1 DEV, AFOSSTR.

i. Stmt of Sv: TMS: (3) Yrs (5) Mos (8) Das  
TAMS: (3) Yrs (0) Mos (13) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Jun 05.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.

13JUL05/ia

To: The Air Force Discharge Review Board

I am requesting a change in my discharge status. I believe that I was made an example of and not given a fair chance for my overall Air Force career to be taken into account. I hope that I can convince you with my own statement and the statements of my employers to change my discharge to honorable. I regret the mistakes I made in the military and would have very much like to have finished my term of service. I had never imagined life outside of the military therefore only have the skills the Air Force has given me. I am currently enrolled in the University of Houston Basic Peace Officer Training Course. I was Security Police in the Air Force and although my chance in the military is over, I would like the chance to serve my local community a Police Officer. I am also trying to improve my standard of living. I have a 13 year old step daughter a 8 year old niece that I recently became a managing conservator of and a 1 year old daughter. I am unable to support my family properly on a security officers salary. I have all the other requirement to become a police officer except an honorable discharge. I hope that you are able to help and I thank you for your valuable time.



DEPARTMENT OF THE AIR FORCE  
39TH WING (USAFE)

FD 2005-00230

10 DEC 2001

MEMORANDUM FOR AMN

FROM: 39 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending you for discharge from the United States Air Force for Unsatisfactory Performance. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.26. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reason for this action is that your performance has been unsatisfactory.
  - a. On 26 Mar 01, you failed to obey an order to complete a written statement about the loss of your wet weather gear and obtain replacement gear. On 27 Mar 01, you were ordered again, yet failed to complete these same two tasks again, and thereafter lied about your actions. Both of these incidents resulted in a LOR, dated 10 Apr 01, which was placed in a UIF.
  - b. On 27 Mar 01, you reported late for duty (your third such incident), resulting in a LOA, dated 29 Mar 01, which was added to your UIF.
  - c. On 3 Apr 01, you failed to wear your second chance vest, IAW squadron policy, resulting in a LOA, dated 4 Apr 01, which was added to your UIF.
  - d. On 15 Jun 01, you disobeyed a lawful order not to communicate matters about an official investigation, resulting in an LOR, dated 13 Jul 01, which was added to your UIF. In addition, on 19 Jul 01, you were placed on a Control Roster for your continued misconduct.
  - e. On 3 Sep 01, you reported to a flight formation with an unserviceable uniform, and were issued an LOC, dated 3 Sep 01, which was placed in your PIF.
  - f. On 6 Sep 01, you failed to go to a wing level appointment, and were given an LOC, dated 7 Sep 01, which was placed in your PIF.
  - g. On or about 2 Oct 01, you failed to post with all your required gear, and were given an LOR, dated 2 Oct 01, which was placed in your PIF.

- h. On 18 Oct 01, you were sleeping on post as a sentinel, and were issued an Art 15, dated 26 Oct 01, which was added to your UIF. You received a suspended reduction to Airman, forfeiture of \$584.00 pay, a reprimand, and 15 days extra duty.
- i. On 6 Nov 01, you were playing video games while on front gate duty. Your suspended reduction to Airman was vacated in a vacation action, dated 14 Nov 01, which was added to your UIF.
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 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 has been obtained to assist you. I have made an appointment for you to consult with the Area Defense Counsel at Bldg 948 on 10 Dec 01 at 1500. You may consult 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 1000, 17 Dec 01 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 have been scheduled for a medical examination. You must report to 39th Medical Group, Physical Exams at 0900 on 12 Dec 01 for the examination.
8. You have also been scheduled to meet with Separations (6-6418) at N/A on \_\_\_\_\_.
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 Area Defense Counsel's office.
10. Execute the attached acknowledgment and return it to me immediately.

Commander, 39th Security Forces Squadron

Attachments:

1. Documents Supporting Discharge Action
  - a. Letter of Reprimand, dtd 10 Apr 01
  - b. AF Form 1058 Establishing UIF, dtd 10 Apr 01 w/atch

- c. Letter of Admonishment, dtd 29 Mar 01
  - d. Letter of Admonishment, dtd 04 Apr 01
  - e. Letter of Reprimand, dtd 13 Jul 01
  - f. AF Form 1058 Establishing Control Roster, dtd 19 Jul 01
  - g. Letter of Counseling, dtd 3 Sep 01 w/atch
  - h. Letter of Counseling, dtd 7 Sep 01
  - i. Letter of Reprimand, dtd 2 Oct 01 w/atch
  - j. Article 15, dtd 26 Oct 01 w/atch
  - k. Vacation Action, dtd 14 Nov 01 w/atch
- 2. AF Form 3008 Supplement to Enlistment Agreement, dtd 6 Jan 99
  - 3. Receipt of Notification Memo
  - 4. Beyanname Closure Memo