

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL)</b>	<b>GRADE</b> AMN	<b>AFSC/CSA/N</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>				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>YES</b></td> <td style="width:50%;"><b>No</b></td> </tr> <tr> <td></td> <td style="text-align:center;"><b>X</b></td> </tr> </table>	<b>YES</b>	<b>No</b>		<b>X</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

<b>ISSUES</b> <b>A93.09</b>	<b>INDEX NUMBER</b> <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
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<b>HEARING DATE</b> <b>04 Jan 2006</b>	<b>CASE NUMBER</b> <b>FD-2005-00251</b>	
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**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 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.

SIGNATURE OF RECORDER \_\_\_\_\_ SIGNATURE OF BOARD PRESIDENT \_\_\_\_\_

**INDORSEMENT**

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2005-00251

**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.

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 would like to reenter the military. The records indicated the applicant received an Article 15 and a Vacation action under the UCMJ for failure to go on divers occasions. In addition, he received three Letters of Reprimand for being continuously late for work and was place on a Control Roster and received an Unfavorable Information File. 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 AMN) (HG1 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr MacDill AFB, FL on 16 Aug 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 27 Jul 81. Enlmt Age: 19 6/12. Disch Age: 23 0/12. Educ: HS DIPL. AFQT: N/A. A-69, E-64, G-48, M-70. PAFSC: 3S031 - Personnel Apprentice. DAS: 15 Mar 02.

b. Prior Sv: (1) AFRes 31 Jan 01 - 11 Jun 01 (4 mos 11 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Jul 01 for 4 years. Svd: 03 Yrs 02 Mo 05 Das, all AMS.

b. Grade Status: Amn - 19 Jun 03 (Vacation, 4 Nov 03)  
A1C - 12 Oct 03  
Amn - 12 Dec 01

c. Time Lost: None.

d. Art 15's: (1) 04 Nov 03, Vacation, MacDill AFB, FL - Article 86. You, did, between on or about 19 Sep 03 and 3 Oct 03 on divers occasions without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. (No appeal) (No mitigation)

(2) 19 Jun 03, MacDill AFB, FL - Article 86. You, did, between on or about 29 May 03 and 3 Jun 03 on divers occasions without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Amn. (No appeal) (No mitigation)

e. Additional: LOR, 14 JUL 04 - Late for work.  
CR, 03 MAY 03 - Continuosly late for work.  
LOR/UIF, 29 APR 03 - Late for work.  
LOR, 7 JAN 02 - Failure to go at the time prescribed.

f. CM: None.

g. Record of SV: 12 Jun 01 - 11 Feb 03 MacDill AFB 2 (Initial)REF

h. Awards & Decs: AFAM, NDSM, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (06) Mos (16) Das  
TAMS: (03) Yrs (02) Mos (05) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Jun 05.

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

Issue 1: I am requesting that the RE code I received (sic) (2B) be changed to a 1 so that I may continue my service in the U.S. military.

Issue 2: Originally, when I was about to separate from the Air Force, I tried to do so by joining the "Blue to Green" program. In that program I would have been release from the Air Force and allowed to continue service in the U.S. Army. I realize that I had made irresponsible mistakes while I was in, but have taken all necessary steps to correct those mistakes. I know it may be asking a lot, but if I was given one last shot at redeeming myself, I would do so 110%. Thank you for taking the time to read and consider my request.

**ATCH**

1. DD Form 149, 20 Jun 05.

26Jul05day



DEPARTMENT OF THE AIR FORCE  
6TH AIR MOBILITY WING (AMC)  
MACDILL AIR FORCE BASE FLORIDA

JUL 19 2004

MEMORANDUM FOR AMN

FROM: 6 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable, Under Honorable Conditions (General) or Under Other Than Honorable Conditions (UOTHC). I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. On or about 9 Jul 04 and on or about 14 Jul 04, you failed to report to your appointed place of duty at the appointed time. These incidents resulted in a Letter of Reprimand (LOR), dated 14 Jul 04 (Tab A).

b. Between on or about 19 Sep 03 and 3 Oct 03 on divers occasions without authority, you failed to go at the time prescribed to your appointed place of duty, to wit: Building 373. These incidents resulted in a Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 4 Nov 03. Your punishment consisted of reduction to the grade of Airman (E-2) (Tab B).

c. Between on or about 29 May 03 and 3 Jun 03 on divers occasions without authority, you failed to go at the time prescribed to your appointed place of duty, to wit: Building 373. These incidents resulted in Nonjudicial Punishment under Article 15, UCMJ, dated 26 Jun 03. Your punishment consisted of a suspended reduction to Airman (E-2). A UIF was established and the document was placed, therein. (Tab C).

d. On or about 16 Apr 03, you failed to report to your appointed place of duty at the appointed time. This incident resulted in a Letter of Reprimand (LOR), dated 29 Apr 03 and placement on the control roster, dated 6 May 03 (Tab D).

e. On or about 3 Jan 03 and 7 Jan 03, you failed to report to your appointed place of duty at the appointed time. This incident resulted in a Letter of Reprimand (LOR), dated 7 Jan 03 (Tab E).

3. 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 **at Hangar 4, Suite 3, on 22 Jul 04 at 0900 hours.** You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 22 Jul 04 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a medical examination. **You must report to the 6th Medical Group Hospital, Patriot Clinic, 8415 Bayshore Blvd on 20 Jul 04 at 1400 hours** for the examination. **You must report to the Patriot Clinic 30 minutes prior to pick up your DD Form 2697.**
7. 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 6 AMW/JA.
8. Execute the attached acknowledgment and return it to me immediately.

Commander, 6th Mission Support Squadron

Attachments:

- A. Receipt of Notification Memorandum
- B. Letter of Reprimand, dated 14 Jul 04
- C. AF Form 366, dated 4 Nov 03
- D. AF Form 3070, dated 19 Jun 03
- E. Letter of Reprimand, dated 29 Apr 03
- F. Letter of Reprimand, dated 7 Jan 03
- G. Counsel Memorandum
- H. Enlisted Performance Reports
- I. Personal Data Rip
- J. Medical Examination Memorandum
- K. Transition Assistance Program Counseling Memorandum
- L. Vehicle Sticker Memorandum
- M. ID Card Retrieval Memorandum
- N. Recoupment Statement