

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE AIC	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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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*+
					X*+

ISSUES A94.11 A94.05	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>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 28 Jul 2006	CASE NUMBER FD-2005-00256	
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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.

*Reason and Authority
 +Reenlistment Code

SIGNATURE OF RECORDED	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT		DATE: 7/31/2006
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-2005-00256

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

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:

Issue. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 and four Letters of Reprimand for misconduct. In reverse order of occurrence, the applicant received four Letters of Reprimand for missing dental appointments, being late for work and driving under the influence of alcohol. The Article 15 was for being on post as a sentinel and found sleeping on duty. He was reduced to airman first class and suspended forfeiture of pay. 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.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Minot AFB, ND on 26 Jan 05 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: 01 Apr 79. Enlmt Age: 20 0/12. Disch Age: 25 9/12. Educ: HS DIPL. AFQT: N/A. A-68, E-42, G-70, M-30. PAFSC: 3P051 - Security Forces Journeyman. DAS: 23 Sep 99.

b. Prior Sv: (1) AFRes 21 Apr 99 - 27 Apr 99 (7 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 28 Apr 99 for 6 yrs. Svd: 05 Yrs 08 Mo 29 Das, all AMS.

b. Grade Status: A1C - 14 Dec 04 (Article 15, 14 Dec 04)
SrA - 18 Oct 01
A1C - 11 Jun 99

c. Time Lost: None.

d. Art 15's: (1) 14 Dec 04, Minot AFB, ND - Article 113. You, on or about 26 Nov 04, being on post as a sentinel on the east side of the RAPCON were found sleeping upon your post. Reduction to A1C. Suspended forfeiture of \$200.00 pay per month for 2 months. Thirty days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 11 NOV 04 - Missed dental appointment.
LOR/UIF/CR, 10 NOV 04 - Driving under the influence of alcohol.
LOR, 05 OCT 04 - Late for work.
LOR, 29 SEP 04 - Missed dental appointment.

f. CM: None.

g. Record of SV: 28 Apr 99 - 30 Dec 00 Minot AFB 5 (Initial)
31 Dec 00 - 30 Dec 01 Minot AFB 5 (Annual)
31 Dec 01 - 30 Dec 02 Minot AFB 5 (Annual)
31 Dec 02 - 15 Oct 03 Minot AFB 3 (CRO)

h. Awards & Decs: AFAM, AFTR, NDSM, AFLSAR, AFEM W/GOLD BOARDER.

i. Stmt of Sv: TMS: (05) Yrs (09) Mos (26) Das
TAMS: (05) Yrs (08) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 28 Jun 05.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Service Medal Award Verification.
4. Memorandum For Minot District Court.
5. Article 15 With Response.
6. Congressional Correspondence.
7. Department of the Army Deployment Orders.
8. Narrative Summary (Clinical Resume).

24OCT05/ia

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved OMB No. 0704-0004 Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one) ARMY MARINE CORPS NAVY AIR FORCE COAST GUARD

b. NAME (Last, First, Middle Initial) c. GRADE/RANK AT DISCHARGE d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) 5. BOARD ACTION REQUESTED (X one)

HONORABLE GENERAL/UNDER HONORABLE CONDITIONS UNDER OTHER THAN HONORABLE CONDITIONS BAD CONDUCT (Special court-martial only) UNCHARACTERIZED OTHER (Explain) CHANGE TO HONORABLE CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) CHANGE NARRATIVE REASON FOR SEPARATION TO:

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 5th SECURITY FORCE MINHAP AFB D.D.

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) THE PUNISHMENT WAS DISPROPORTIONATE TO THE OFFENSE COMMITTED. HE ALREADY REDUCE MY RANK FROM E-4 TO E-3 AND GAVE ME 30 DAYS EXTRA PAY.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)

(1) DD Form 214 1/26/95 (2) AF Form 104 1/26/95 (3) MEMORANDUM FOR MINHAP DISTRICT COURT 11/4/04

9. TYPE OF REVIEW REQUESTED (X one)

X CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD. I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA. I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10. a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS b. TELEPHONE NUMBER (Include Area Code) c. E-MAIL d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

12. a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE b. TELEPHONE NUMBER (Include Area Code) c. E-MAIL d. FAX NUMBER (Include Area Code)

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.) CASE NUMBER (Do not write in this space.) PD 2005-00256

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above) b. DATE SIGNED - REQUIRED (YYYYMMDD) 2005/06/28

14. CONTINUATION OF ITEM 8, ISSUES (If applicable)

HE TOLD ME THAT HE WAS MAD BECAUSE I WROTE TO MY CONGRESSMAN AND HE WAS GOING TO MAKE AN EXAMPLE OUT OF ME AND PUT ME OUT OF THE MIL FORCE AND PLACE A CODE OF 2B WHEN I COULDN'T JOIN ANY BRANCH OF THE MILITARY. I ONLY HAD THREE MONTHS LEFT ON MY ENLISTMENT OF 6 YEARS. ALL I WANT IS TO CONTINUE MY MILITARY LIFE.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

- (4) AF FORM 3070 12/8/04
- (5) MEMORANDUM FOR S SFS/CC 12/13/04
- (6) LETTER TO HOUSE OF REPRESENTATIVE 12/16/04
- (7) APPEAL LETTER 12/14/04
- (8) MEMORANDUM FOR S SFS/CC 1/10/05
- (9) DEPARTMENT OF THE ARMY 342-01 12/8/03 (BROTHER)
- (10) MOTHER & FATHER'S MEDICAL RECORDS 7/04 & 5/05

16. REMARKS (If applicable)

MOTHERS MEDICAL RECORDS THAT PROOF SHE WAS IN THE HOSPITAL AND BROTHERS ORDER TO GO TO IRAQ IN JANUARY 2004 AND NOT RETURNING UNTIL MARCH 2005. FATHERS MEDICAL RECORDS OF A HEART ATTACK BECAUSE WHO IS WORKING TO ME AND MY BROTHER STATION IN IRAQ AND FIGHTING IN FULLAN. ALL THIS PROBLEMS WAS THE STRESS THAT I WAS UNDER AT THE TIME. I WAS A SOLDIER 24 HOURS A DAY FOR 5 1/2 YEARS.

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

<p style="text-align: center;">ARMY</p> <p>Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)</p>	<p style="text-align: center;">NAVY AND MARINE CORPS</p> <p>Naval Council of Personnel Boards 720 Kennon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023</p>
<p style="text-align: center;">AIR FORCE</p> <p>Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p style="text-align: center;">COAST GUARD</p> <p>U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p>



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5TH BOMB WING (ACC)
MINOT AIR FORCE BASE, NORTH DAKOTA

19 Jan 05

MEMORANDUM FOR 5 BW/CC

FROM: 5 BW/JA

SUBJECT: Legal Review - AFI 36-3208, Paragraph 5.49 Discharge, A1C [REDACTED]
[REDACTED], 5 SFS, Minot AFB, ND

1. I have reviewed the administrative discharge action against A1C [REDACTED] and find it legally sufficient to support his general discharge from the Air Force.

2. BASIS FOR THE ACTION: Administrative action against A1C [REDACTED] is based on misconduct pursuant to AFI 36-3208, *Administrative Separation of Airmen*, 28 Mar 03, Chapter 5, Section H, Paragraph 5.49 (Minor Disciplinary Infractions). The pattern of misconduct consists of the following:

a. On 26 Nov 04, A1C [REDACTED] while on post as a sentinel on the east side of the RAPCON was found sleeping upon his post. He was punished under Article 15 of the UCMJ on 14 Dec 04.

b. On 9 Nov 04, A1C [REDACTED] again failed to show for a mandatory class 3 appointment at the dental clinic which he missed just six weeks prior. He received an LOR on 11 Nov 04.

c. On 18 Oct 04, A1C [REDACTED] was arrested by Minot Police for Driving Under the Influence of Alcohol. On 1 Nov 04, he was convicted of this offense by the civilian court, and received a \$325.00 fine. He received a Letter of Reprimand (LOR) on 10 Nov 04. An Unfavorable Information File was established and he was added to a Control Roster.

d. On 5 Oct 04, A1C [REDACTED] was late for duty for the second day in a row. On 4 Oct 04, he was excused because of vehicle problems. A1C [REDACTED] contacted his supervisor on 5 Oct 04, 15 minutes prior to show time for work to inform him he would be late due to vehicle problems. He received an LOR on 5 Oct 04.

e. On 29 Sep 04, A1C [REDACTED] again failed to show for a mandatory class 3 appointment at the dental clinic. He received an LOR dated 29 Sep 04. (Atch 1)

3. MATTERS SUBMITTED BY THE RESPONDENT: On 7 Dec 04, A1C [REDACTED] was given the opportunity to consult with Capt [REDACTED], Area Defense Counsel at Minot Air Force Base, ND. He choose to submit a statement for your consideration. (Atch 3)

4. DISCUSSION: The four questions you must address in this matter are as follows:

a. BASIS FOR DISCHARGE: In deciding whether A1C [redacted] is to be discharged, you must first determine if there is a basis for discharge. By definition, minor disciplinary infractions involve failures to comply with nonpunitive regulations or minor offenses under the UCMJ which result in counseling, letters of reprimand, or Article 15s. In determining whether there is a basis for discharge, you may only consider the misconduct described in paragraph 2. A1C [redacted] conduct falls within the definition of minor disciplinary infractions, and thus, a basis for discharge exists in this case.

b. APPROPRIATENESS OF DISCHARGE: If you determine a basis for discharge exists, you must next determine whether A1C [redacted] should be discharged. You may consider A1C [redacted] entire military record when making this determination. A1C [redacted] has 5 years and 9 months of active duty service. His current enlistment began on 28 Apr 99. He has received four fairly good Enlisted Performance Reports in this enlistment. However, as this case shows, A1C [redacted] has also repeatedly failed to conform to Air Force standards. He has been given opportunities to correct his deficiencies, as evidenced by receiving four LORs and having a UIF established before receiving an Article 15. Despite these rehabilitative and disciplinary measures, A1C [redacted] failed to correct his course. Regardless of the difficulties A1C [redacted] was facing during this period (as he explains in his response), he had no excuse for his irresponsible conduct. Particularly for a member of Security Forces, DUI and sleeping on post are serious matters. I concur with his squadron commander in recommending discharge.

c. CHARACTERIZATION OF SERVICE: If you determine A1C [redacted] should be discharged, you must also determine the characterization of the discharge. Characterization of service is determined solely by the member's military record during the current enlistment. The three possible characterizations of service are as follows:

(1) Under Other Than Honorable Conditions (UOTHC): A UOTHC discharge is appropriate when the member's conduct is a significant departure from the standards expected of Airmen. A recommendation for a UOTHC discharge carries with it the right to an administrative discharge board.

(2) Under Honorable Conditions (General): A general discharge is appropriate if an Airman's service has been honest and faithful, but significant negative aspects of the Airman's conduct or performance of duty outweigh the positive aspects of the Airman's military record.

(3) Honorable: An honorable discharge is appropriate when the quality of an Airman's service generally has met Air Force standards of acceptable conduct and performance of duty or has been so meritorious that any other characterization would be inappropriate.

In this case, A1C [redacted] misconduct has not been so deleterious as to warrant a UOTHC discharge. However, his pattern of irresponsibility justifies a general discharge.

d. PROBATION AND REHABILITATION (P&R): If you decide discharge is warranted, you must also decide if P&R is appropriate. You may offer P&R in any case there seems to be a reasonable expectation of rehabilitation. A1C [redacted] commander does not recommend P&R. A1C [redacted] has failed to respond to repeated rehabilitative measures. Based on his record, it is

unlikely he would respond to P&R if given the opportunity. Accordingly, P&R should not be offered in this case.

5. **ERRORS AND IRREGULARITIES:** There are no errors or irregularities which materially affect the procedural or substantive rights of the member.

6. **ACTION WHICH MAY BE TAKEN:** As the Special Court Martial authority, your options are:

- a. Retain A1C [redacted] if the evidence does not support discharge;
- b. Return the case to the squadron for processing under a more appropriate provision;
- c. Return the case to the squadron to entitle A1C [redacted] to a discharge board hearing if you believe a UOTHC discharge may be warranted;
- d. Discharge A1C [redacted] with a general discharge, with or without suspension for P&R; or,
- e. Forward your recommendation with specific reasons for an honorable discharge, with or without suspension for P&R, to 8 AF/CC.

7. **RECOMMENDATION:** I recommend you separate A1C [redacted] with a general discharge without suspension for probation and rehabilitation. If you concur, please sign the letter at attachment 1.

8. **BARMENT:** Under Section 21 of the Internal Security Act of 1950 (50 U.S.C. 797), commanders of military installations may direct who is authorized entry to military installations and what areas of the installation are accessible. Such directives are legally enforceable against all persons, whether or not those persons are subject to the Uniform Code of Military Justice. Installation commanders have broad authority to exclude persons from their command. DoD Directive 5200.8, paragraph c(2); AFI 31-209, paragraph 1.7. An installation commander may not, however, exercise this power in an arbitrary or capricious manner. Cafeteria Workers v. McElroy, 367 U.S. 886 (1961), at 893. The commander should consider the individual, the reason for the debarment, and the need for good order, discipline, and security on the installation, and ensure the length of barment is reasonable under the circumstances. The installation commander's authority to bar is non-delegable. AFI 31-101, paragraph 8.9. Lt Col [redacted] does not believe that A1C [redacted] misconduct necessitates barment from base. I concur with the commander's recommendation.

[Redacted signature box]

Staff Judge Advocate

- Attachments:
- 1. Letter
 - 2. Case File



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5TH BOMB WING (ACC)
MINOT AIR FORCE BASE, NORTH DAKOTA

MEMORANDUM FOR A1C [REDACTED], 5 SFS

FROM: 5 SFS/CC

SUBJECT: Letter of Notification - AFI 36-3208, Paragraph 5.49

1. I am recommending your discharge from the United States Air Force for misconduct, primarily, minor disciplinary infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, 14 Jul 93, and AFI 36-3208, *Administrative Separation of Airmen*, 9 Jul 04, Chapter 5, Section H, Paragraph 5.49. If my recommendation is approved, your discharge will be characterized as general or honorable. I recommend your discharge be characterized as general.

2. My reasons for the action are:

a. You, on or about 26 Nov 04, at or near Minot Air Force Base, North Dakota, being on post as a sentinel on the east side of the RAPCON were found sleeping upon your post. You were punished under Article 15 of the UCMJ on 14 Dec 04.

b. On 9 Nov 04, you again failed to show for a mandatory class 3 appointment at the dental clinic which you missed just six weeks prior. You received an LOR on 11 Nov 04.

c. On 18 Oct 04, you were arrested by Minot Police for Driving Under the Influence of Alcohol. On 1 Nov 04, you pled guilty to this offense and received a \$325.00 fine. You received a Letter of Reprimand (LOR) on 10 Nov 04. An Unfavorable Information File was established and you were added to a Control Roster.

d. On 5 Oct 04, you were late for duty for the second day in a row. On 4 Oct 04, you were excused because of your vehicle problems. You contacted your supervisor on 5 Oct 04, 15 minutes prior to show time for work to inform him you would be late due to your vehicle problem. You received an LOR on 5 Oct 04.

e. On 29 Sep 04, you again failed to show for a mandatory class 3 appointment at the dental clinic. You received an LOR dated 29 Sep 04.

3. The Letter of Notification with attachments will be forwarded to the separation authority in support of this recommendation. The commander exercising Special Court Martial jurisdiction (5 BW/CC) 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.

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 Captain [REDACTED] at the Area Defense Counsel Office, Bldg 475, Room 306A, Friday, 7 January, 2005 @ 0900 hours. 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 1300 hours on 11 Jan., 2005, unless you request and receive an extension for good cause shown. I will send any statements you provide to the separation authority.

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 the 5th Medical Group Hospital, 10 Missile Avenue, Thursday, 13 January 2005 @ 1340 hours for the examination. You must not drink alcoholic beverages 72 hours prior to the exam.

8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the Orderly Room.

9. Sign the attached acknowledgment and the Statement of Understanding and return them to me immediately.

[REDACTED]

Commander, 5th Security Forces Squadron

Attachments:

1. Receipt of Letter of Notification
2. Statement of Understanding
3. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 29 Dec 04
4. Letter of Reprimand, 11 Nov 04
5. Letter of Reprimand, 10 Nov 04
6. Letter of Reprimand, 5 Oct 04
7. Letter of Reprimand, 29 Sep 04