

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL)		GRADE	AIC			
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	A95.00	INDEX NUMBER	A67.50	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	24 Jan 2006	CASE NUMBER	FD-2005-00278			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard via video-teleconference between Andrews AFB, MD and St Augustine, FL.</p> <p>Advise applicant of the decision of the Board 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>						
INDORSEMENT			DATE: 1/24/2006			
TO:	FROM:					
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

FD-2005-00278

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) and was scheduled to participate in a video-teleconference, but did not appear at the time specified. Because he did not keep the appointment, his case was considered as a non-personal appearance case.

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:

Issue. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement acknowledging that he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade. The DRB examined the basis for discharge and the supporting documents as well as the Area Defense Counsel's submission on behalf of the applicant, but could find no impropriety or inequity which would justify an upgrade in service characterization.

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 Grand Forks AFB, ND on 10 Sep 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 Sep 80. Enlmt Age: 17 7/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-90, E-71, G-55, M-69. PAFSC: 3P051 - Security Forces Journeyman. DAS: 28 Nov 98.

b. Prior Sv: (1) AFRes 28 Apr 98 - 07 Jul 98 (2 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Jul 98 for 4 yrs. Svd: 04 Yrs 02 Mo 03 Das, of which AMS is 04 yrs 01 month 29 days (excludes 5 days lost time).

b. Grade Status: A1C - 08 Nov 99
AMN - 08 Jan 99

c. Time Lost: 27 Jun 02 - 02 Jul 02 (5 days).

d. Art 15's: (1) 23 May 02, Grand Forks AFB, ND - Article 92. You, who knew of your duties, between on or about 8 Apr 02 and on or about 25 Apr 02, were derelict in the performances of those duties in that you willfully failed to refrain from using your Bank of America government travel card while not on temporary duty status or permanent change of station status, as it was your duty to do. Suspended reduction to Airman. Ten days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 31 JUL 02 - Civil arrest and confinement for long term neglect and child abuse resulting in the death of an infant child.

LOR, 02 JUN 02 - Missed final housing inspection.

LOR, 15 MAY 02 - Failure to obey a lawful order.

LOC, 15 MAY 02 - Failure to obey a lawful order.

LOR, 15 MAY 02 - Failure to obey a lawful order.

LOC, 04 MAR 02 - Failure to report at the required time.

f. CM: None.

g. Record of SV: 08 Jul 98 - 07 Mar 00 Grand Forks AFB 3 (Initial)

08 Mar 00 - 07 Mar 01 Grand Forks AFB 4 (Annual)
08 Mar 01 - 07 Mar 02 Grand Forks AFB 4 (Annual)

h. Awards & Decs: AFTR, NDSM, AFLSAR, AFOUA.

i. Stmt of Sv: TMS: (04) Yrs (04) Mos (14) Das
TAMS: (04) Yrs (01) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02 Jul 05.
(Change Discharge to Honorable)

Issue 1: To enable the use of the MGIB & to continue my career in law enforcement.

ATCH

1. Enlisted Performance Reports.
2. Certificate of Appreciation.
3. Letter of Appreciation.
4. Certificate of Completion.
5. Two Certificates of Appreciation.
6. Two Training Certificates.
7. Armed Forces Expeditionary Medal.
8. Six Training Certificates.

16AUG05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 319TH AIR REFUELING WING (AMC)
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

FD 2005-00 278

21 AUG 2002

MEMORANDUM FOR A1C

FROM: 319 SFS/CC

SUBJECT: Addendum to the Notification Memorandum, dated 14 August 2002

1. On 14 Aug 02, I recommended your discharge from the United States Air Force for the commission of a serious offense in accordance with AFPD 36-32 and AFI 36-3208, paragraph 5.52.3. This is to notify you that I have decided to change my recommendation for the basis of your discharge to a pattern of misconduct, conduct prejudicial to good order and discipline, in accordance with AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 reasons for this action are:

a. On or about 8 Aug 01, your infant child died in your assigned quarters on Grand Forks AFB, resulting in your arrest and confinement by the Grand Forks County Sheriff's Department on 27 Jun 02. The child exhibited indications of a failure to thrive based on long term neglect. An autopsy showed bruising indicative of child abuse within the two days preceding the death. Injuries included bruises on the infant's head, buttocks, leg, and stomach areas. Furthermore, bleeding was noted in the brain and an injury to the spinal column near the neck. For this misconduct, you received a Letter of Reprimand (LOR), dated 31 Jul 02 (Attachment A to Notification Letter dated 14 Aug 02).

b. On divers occasions, on or about 31 May 02, TSgt _____ your supervisor, was notified that you rescheduled your final housing inspection on four different occasions. For this misconduct, you received a Letter of Reprimand (LOR), dated 2 Jun 02 (Attachment B to Notification Letter dated 14 Aug 02).

c. On divers occasions, between on or about 8 Apr 02 and on or about 25 Apr 02, you wrongfully used your Bank of America government travel card while not on temporary duty or permanent change of station status. For this misconduct, you received an Article 15, dated 23 May 02, and an Unfavorable Information File (UIF), dated 28 May 02 (Attachment C to Notification Letter dated 14 Aug 02).

d. On or about 14 May 02, you disobeyed a lawful order given by MSgt _____, by failing to properly contact MSgt Flickenger when told to do so. For this misconduct, you received a LOR, dated 15 May 02 (Attachment D to Notification Letter dated 14 Aug 02).

e. On or about 14 May 02, you disobeyed a lawful order given by SSgt _____ by failing to weigh-in and get measured for body fat by the requested cut-off date. For this misconduct, you received a Letter of Counseling (LOC), dated 15 May 02 (Attachment E to Notification Letter dated 14 Aug 02).

f. On 13 May 02, you disobeyed a lawful order given by SSgt _____ by failing to read a three page report during guard mount. For this misconduct, you received a LOR, dated 15 May 02 (Attachment F to Notification Letter dated 14 Aug 02).

g. On or about 19 Feb 02, you failed to report to urinalysis by the required time. For this misconduct, you received a LOC, dated 4 Mar 02 (Attachment G to Notification Letter dated 14 Aug 02).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation have been previously provided with the 14 Aug 02 Notification Letter. The commander exercising SPCM 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.

4. As noted in the Notification Letter dated 14 Aug 02, you have the right to consult military legal counsel or civilian counsel at your own expense. Additionally, you were informed of your right to submit statements in your own behalf. I gave you until 20 August 2002 to submit any statements you wanted the separation authority to consider, or to waive these rights. I am giving you an additional three duty days from receipt of this addendum to consult with counsel and submit any matters, unless you request and receive an extension for good cause shown. I will send them to the separation authority. 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.

5. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A Privacy Act statement is attached. A copy of AFI 36-3208 is available for your use in the squadron orderly room.

6. Execute the attached acknowledgment and return it to me immediately.

^
Maj, USAF
Commander, 319 SFS

Attachments:

1. Privacy Act Statement
2. Acknowledgement of Receipt of Addendum to the Notification Memorandum
3. Discharge under AFI 36-3208 Memorandum



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 319TH AIR REFUELING WING (AMC)
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

FD2005-00278

14 AUG 02

MEMORANDUM FOR A1C

FROM: 319 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for the commission of a serious offense. The authority for this action is AFPD 36-32 and AFI 36-3208 in accordance with paragraph 5.52.3. 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: On or about 8 Aug 01, your infant child died in your assigned quarters on Grand Forks AFB, resulting in your arrest and confinement by the Grand Forks County Sheriff's Department on 27 Jun 02. The child exhibited indications of a failure to thrive based on long term neglect. An autopsy showed bruising indicative of child abuse within the two days preceding the death. Injuries included bruises on the infant's head, buttocks, leg, and stomach areas. Furthermore, bleeding was noted in the brain and an injury to the spinal column near the neck. For this misconduct, you received a Letter of Reprimand (LOR), dated 31 Jul 02 (Attachment A).

3. Other derogatory data:

a. On divers occasions, on or about 31 May 02, TSgt [redacted], your supervisor, was notified that you rescheduled your final housing inspection on four different occasions. For this misconduct, you received a Letter of Reprimand (LOR), dated 2 Jun 02 (Attachment B).

b. On divers occasions, between on or about 8 Apr 02 and on or about 25 Apr 02, you wrongfully used your Bank of America government travel card while not on temporary duty or permanent change of station status. For this misconduct, you received an Article 15, dated 23 May 02, and an Unfavorable Information File (UIF), dated 28 May 02 (Attachment C).

c. On or about 14 May 02, you disobeyed a lawful order given by MSgt [redacted]; by failing to properly contact MSg [redacted] when told to do so. For this misconduct, you received a LOR, dated 15 May 02 (Attachment D).

d. On or about 14 May 02, you disobeyed a lawful order given by SSgt [redacted] by failing to weigh-in and get measured for body fat by the requested cut-off date. For this misconduct, you received a Letter of Counseling (LOC), dated 15 May 02 (Attachment E).

e. On 13 May 02, you disobeyed a lawful order given by SSgt [redacted] by failing to read a three page report during guard mount. For this misconduct, you received a LOR, dated 15 May 02 (Attachment F).

f. On or about 19 Feb 02, you failed to report to urinalysis by the required time. For this misconduct, you received a LOC, dated 4 Mar 02 (Attachment G).

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 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. You have been scheduled an appointment at the Office of the Area Defense Counsel at Building 306, Room 321, on 14 AUG 02 at 1300 hours. 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 20 AUG 02 at 1630 hours 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 the 319th Medical Group on 14 AUG 02 at 1040 hours for the examination.
8. Deliver to me immediately your military identification card. I have requested that a temporary identification card be issued IAW AFI 36-3026(I), paragraph 4.2. You will report to me by COB 14 AUG 02 to verify that issuance of temporary Identification Card has been accomplished.
9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A Privacy Act statement is attached. A copy of AFI 36-3208 is available for your use in the squadron orderly room.
10. Execute the attached acknowledgment and return it to me immediately.

, Maj, USAF
Commander, 319 SFS

Attachments:

1. Privacy Act Statement
2. Supporting Documents
 - a. LOR, dated 31 Jul 02
3. Other Derogatory Data
 - b. LOR, dated 2 Jun 02
 - c. Article 15/UIF, dated 23 May 02, w/response
 - d. LOR, dated 15 May 02
 - e. LOC, dated 15 May 02
 - f. LOR, dated 15 May 02
 - g. LOC, dated 4 Mar 02
4. Acknowledgement of Receipt of Notification Memorandum
5. Discharge under AFI 36-3208 Memorandum
6. Personal Information