

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

INITIAL)		GRADE  A1C				
TYPE GEN	X	PERSONAL APPEARANCE	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	A94.12	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD			
		A67.10	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	CASE NUMBER					
16 Feb 2006	FD-2005-00291					

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 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.

\* CHANGE RE CODE

**INDORSEMENT**

DATE: 2/17/2006

<p>TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742</p>	<p>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</p>
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00291**

**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 applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 16 Feb 2006.

The following additional exhibits were submitted at the hearing:

None.

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

**FINDINGS:** The discharge is upgraded to honorable, and change of reenlistment code is granted. Change of reason and authority for discharge are denied.

**ISSUE:**

Issue 1. Applicant contends discharge was inequitable because his supervisors singled him out after he self-reported his drinking problem. The records indicate the applicant received four Letters of Reprimand, two Letters of Counseling, and one Record of Individual Counseling for misconduct. According to the reprimands and counselings, he failed to go to his assigned place of duty at the appointed time on four occasions, fell asleep on duty once, acted unprofessional or disrespectful in class, and disobeyed an order to sew new rank insignia onto his uniform. The Letters of Reprimand and Letters of Counseling were all written during the five months after the applicant sought alcohol rehabilitation, which he completed successfully. After examining the facts surrounding these administrative actions, the DRB concluded the applicant did engage in the documented misconduct. However, several of the incidents would not have resulted in a reprimand or written counseling in the absence of inequitable or individualized treatment. This inequity warrants upgrade of the discharge characterization to honorable and change of the applicant's reenlistment code. Because an underlying basis of misconduct is present, change of the reason and authority for discharge are not warranted.

**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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. The applicant's reenlistment code should 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 Sheppard AFB, TX on 6 Jul 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: 19 Jun 84. Enlmt Age: 19 4/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-81, E-60, G-64, M-49. PAFSC: 2A313A - Tactical Aircraft Maintenance Helper. DAS: 29 Dec 03.

b. Prior Sv: (1) AFRes 28 Oct 03 - 9 Nov 03 (12 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Nov 03 for 6 yrs. Svd: 00 Yrs 07 Mo 27 Das, all AMS.

b. Grade Status: A1C - 26 Dec 03

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR/UIF, 10 JUN 04 - Failure to go.  
LOR, 27 MAY 04 - Late for duty.  
LOR, 17 MAY 04 - Failure to obey orders.  
LOC, 20 APR 04 - Failure to go.  
LOR, 20 APR 04 - Dereliction of duty.  
LOC, 12 APR 04 - Sleeping on duty.  
RIC, 14 JAN 04 - Unprofessional behavior.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (00) Yrs (08) Mos (08) Das  
TAMS: (00) Yrs (07) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Jul 05.  
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: An upgrade is requested because I would like a chance the (sic) operational Air Force, or any Branch for that matter. I feel as if I did not fully understand and respect the opportunity given to me. I am fully aware now of what it takes to be a airman (sic) in the USAF. So please, look over my situation and consider me for reentry, and I'm fully sure that I will be the best airman (sic) I can be.

**ATCH**

None.

26AUG05/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD 2005-00291

MEMORANDUM FOR A1C

JUN 23 2004

FROM: 362 TRS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for 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 or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reasons for this action are:
  - a. You did, at or near Sheppard AFB TX, on or about 4 Jun 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 1200, After Care Group, at 0800. For this misconduct you received a Letter of Reprimand (LOR) and an Unfavorable Information File was established on 10 Jun 04.
  - b. You did, at or near Sheppard AFB TX, on or about 27 May 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: duty at 2330. For this misconduct you received an LOR on 27 May 04.
  - c. You, having knowledge of a lawful order issued by SSgt [redacted] to report for duty having your correct rank of A1C sewn on your uniform, an order which it was your duty to obey, did at or near Sheppard AFB TX, on or about 17 May 04, fail to obey the same. For this misconduct you received an LOR on 17 May 04.
  - d. You did, at or near Sheppard AFB TX, on or about 19 Apr 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Academic Enrichment. For this misconduct you received a Letter of Counseling (LOC) on 20 Apr 04.
  - e. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 19 Apr 04, were derelict in the performance of those duties in that you willfully failed to refrain from participating in horseplay on the hangar floor, as it was your duty to do. For this misconduct you received an LOR on 20 Apr 04.
  - f. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 12 Apr 04, were derelict in the performance of those duties in that you failed to refrain

from sleeping on duty, as it was your duty to do. For this misconduct you received an LOC on 12 Apr 04.

g. You, who knew or should have known of your duties at or near Sheppard AFB TX, between on or about 6 Jan 04 and on or about 13 Jan 04, were derelict in the performance of those duties in that you exhibited unprofessional behavior, as it was your duty not to do. For this misconduct you received an AF Form 174, Record of Individual Counseling on 14 Jan 04.

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 will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

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 [redacted] Building 1638 on 24 Jun 04 at 1430. 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 28 Jun 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 82d Medical Group, Bldg 1200, Physical Examinations, at 0810 on 21 Jun 04

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 in the Commander's Support Staff Office.

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

[redacted] 2d Lt, USAF  
[redacted] Squadron Section, Commander

Attachments: (listed on the next page)

Attachments:

1. LOR, 10 Jun 04
2. AF Form 1058, 10 Jun 04
3. LOR, 27 May 04
4. LOR, 17 May 04
5. LOC, 20 Apr 04
6. LOR, 20 Apr 04
7. LOC, 12 Apr 04
8. AF Form 174, 14 Jan 04
9. AETC Form 125A, 9 Jun 04
10. Student Training Report 04044
11. LAFB Form 205, 29 Dec 03
12. Airman's Receipt to notification memorandum *w d*