

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

MEMBER CLASS (FIRST ABBREVIATED INITIAL)	GRADE AMN
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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 A93.01	INDEX NUMBER A67.10	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 14 Feb 2006	CASE NUMBER FD-2005-00298	
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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.

+RE Code
* Reason and Authority

INDORSEMENT		DATE: 2/16/2006
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-2005-00298

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 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 contends that he should not be penalized indefinitely for a mistake he made when young. The records indicated the applicant received an Article 15, two Letters of Reprimand, one Letter of Counseling, two Memorandums for Record, and six AETC Form 341s for misconduct. The misconduct included failure to go, late for duty and formation on divers occasions, failure to complete homework assignments, room inspection failure, and failure to meet minimum standards of correctional custody. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. 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) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Keesler AFB, MS on 20 Dec 02 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: 13 Feb 83. Enlmt Age: 19 2/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-71, E-72, G-72, M-68. PAFSC: 9T000 - Basic Airman. DAS: 22 Jul 02.

b. Prior Sv: (1) AFRes 26 Apr 02 - 08 May 02 (13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as 9 May 02 for 4 yrs. Svd: 00 Yrs 07 Mo 12 Das, all AMS.

b. Grade Status: Amn - 9 Nov 02

c. Time Lost: None.

d. Art 15's: (1) 5 Nov 02, Keesler AFB, MS - Article 86. You did, on or about 12 Oct 02, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 18 Oct 02, without authority, fail to go at the time prescribed to your appointed place of duty. Thirty days correctional custody. (No appeal) (No mitigation)

e. Additional: MEMO, 5 DEC 02 - Recommendation for discharge due to failure to meet minimum standards of the correctional custody program.

MFR, 21 OCT 02 - Late for duty.

MFR, 16 OCT 02 - Late for duty.

AETC 341, 18 OCT 02 - Late for formation.

AETC 341, 12 OCT 02 - Late for formation.

LOR, 4 OCT 02 - Failure to do homework.

AETC 173, 30 SEP 02 - Unsatisfactory Performance.

AETC 173, 16 SEP 02 - Unsatisfactory Performance.

AETC 173, 11 SEP 02 - Failure to complete homework assignments.

LOR, 6 AUG 02 - Failure to complete homework assignments.

LOC, 5 AUG 02 - Late for formation.

AETC 341, 25 JUL 02 - Dormitory room inspection failure.

- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: NDSM, AFTR.
- i. Stmt of Sv: TMS: (00) Yrs (07) Mos (25) Das
TAMS: (00) Yrs (07) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 18 Jul 05.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I am trying to enlist in the United States Army, recruiter said he can enlist me if the discharge is upgraded and the reenlistment code of RE-2B is changed. I realize that my immaturity back in 2002 led to my discharge, I need to serve my country and serve it honorably, please consider this request favorably, I submit this application with a sincere desire to remove this unfavorable mark on my life.

ATCH
None.

30AUG05/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

13 DEC 2002

MEMORANDUM FOR AMN

FROM: 334 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions and unsatisfactory duty performance. The authority for this action is AFD 36-32 and AFI 36-3208, Chapter 5, Section H, paragraph 5.49 and Section E, paragraph 5.26. If my recommendation is approved, your discharge will be described as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. In a letter dated 5 Dec 02, TSgt Correctional Custody Interim Superintendent, indicated you failed to meet the minimum standards of the correctional custody program, for which he and his staff recommended your discharge from the Air Force. (Atch 1, Appendix A w/atchs)

b. On or about 12 Oct 02 and 18 October, without authority fail to go at the time prescribed to your appointed place of duty, Academic Enhancement Program formation, for which you were punished under Article 15, UCMJ, on 5 Nov 02. (Atch 1, Appendix B w/atchs)

c. On or about 18 Oct 02, you were late, for the second time, to the Academic Enhancement program formation, as noted on AETC Form 341, dated 18 Oct 02. (Atch 1, Appendix C)

d. On or about 12 Oct 02, you were 1 hour late late for the Academic Enhancement program formation, as noted on AETC Form 341, dated 12 Oct 02. (Atch 1, Appendix D)

e. On 11 Sep 02, 16 Sep 02, and 30 Sep 02, you violated Article 92, UCMJ, by not doing your homework, for which you received a Letter of Reprimand, dated 4 Oct 02. (Atch 1, Appendix E)

f. On 30 Sep 02, you were counseled for unsatisfactory performance by failing to apply yourself in and out of the classroom, as noted on AETC Form 173, dated 30 Sep 02. (Atch 1, Appendix F)

g. On 16 Sep 02, you were counseled for unsatisfactory performance by failing to apply yourself when you are not in class, as noted on AETC Form 173, dated 16 Sep 02. (Atch 1, Appendix G)

h. On 11 Sep 02, you were counseled for not completing your homework assignments, for the second time, as noted on AETC Form 173, dated 11 Sep 02. (Atch 1, Appendix H)

i. On or about 1 Aug 02, you violated Article 92, UCMJ, by disobeying a direct order by not completing your homework assignment, for which you received a Letter of Reprimand, dated 6 Aug 02. (Atch 1, Appendix I w/atchs)

j. On or about 1 Aug 02, you were late for a mandatory formation, for which you received a Letter of Counseling, dated 5 Aug 02. (Atch 1, Appendix J w/atch)

k. On or about 25 Jul 02, you failed your dormitory room inspection, as noted on AETC Form 341, dated 25 Jul 02. (Atch 1, Appendix K)

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 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. Any special pay, bonuses, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult N/A at Bldg 0701, Room 133, on N/A at N/A 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 1630 hours on N/A 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 81st Medical Group, Physical Exams on 12 Dec 02, 2002 at 07⁰⁰ hours for the examination.

8. 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 Bldg 7404, CQ.

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

, Lt Col, USAF

Commander

Attachments:

1. Supporting Documents
 - a. Recommendation for Discharge Letter, dated 5 Dec 02 w/atchs
 - b. AF Form 3070, dated 5 Nov 02 w/atchs
 - c. AETC Form 341, dated 18 Oct 02
 - d. AETC Form 341, dated 12 Oct 02
 - e. Letter of Reprimand, dated 4 Oct 02
 - f. AETC Form 173, dated 30 Sep 02
 - g. AETC Form 173, dated 16 Sep 02
 - h. AETC Form 173, dated 11 Sep 02
 - i. Letter of Reprimand, dated 6 Aug 02, w/atchs
 - j. Letter of Counseling, dated 5 Aug 02 w/atch
 - k. AETC Form 341, dated 25 Jul 02
2. Airman's Receipt of Notification Memorandum
3. Airman's Statement
4. Medical Examination