

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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|------------------------------------|----------|-------------------------------------|--|-----|--|--|----------|
| (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 |
| ISSUES A94.05 | | 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 12 Jan 2005 | | CASE NUMBER FD-2005-00304 | | | | | |

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.

Names and votes will be made available to the applicant at the applicant's request.

| | | |
|---|--|------------------------|
| SIGNATURE OF RECORDER | | SI |
| INDICATOR | | DATE: 1/13/2006 |
| 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-2005-00304

GENERAL: The applicant appeals for upgrade of discharge to honorable and 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 12 Jan 2005.

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: 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 1. Applicant contends discharge was inequitable because it was too harsh. Similarly, he states his discharge was based on minor infractions. The records indicated the applicant received two Memoranda for Record, two Records of Individual Counseling, and six Letters of Reprimand. These actions addressed the applicant's repeated failure to go to his appointed place of duty at the time prescribed, loss of his line badge, speeding on the flight line, and failure to use chocks on a vehicle. 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 the conduct expected of all military members. The Board discussed the possibility that the discharge was inequitable because an adjustment disorder would have been a more appropriate basis for discharge. The Board discussed the fact the applicant sought help from a Chaplain after suicidal ideation and was referred to the Behavioral Health Center (BHC). The applicant told the BHC he was depressed over his parents' illnesses, but declined treatment and anti-depressant medication, saying he desired instead to be discharged or transferred to his home state of Ohio. The Board also noted the applicant's suicidal gesture on 4 March 2001, the fact that he recovered from his depression, and that it has not recurred. The basis and characterization of the discharge received by the applicant were found to be appropriate.

Issue 2. Applicant states that his discharge resulted from discrimination by his supervisors. Similarly, he states he was treated unfairly and inappropriately. He contends he was assigned "grunt work" because he was a junior Airman. However, the applicant could not provide any specific examples of discrimination. He complained of being required to empty aircraft latrines, to work continuous night shifts, and to take his days off on weekdays rather than weekends. He admitted these duties were inherent to his AFSC and that other Airmen performed the same tasks. He stated he was yelled at, sworn at, and called "swear-word" names by peers and supervisors. The Board determined this did not amount to discrimination.

Issue 3. Applicant states his discharge misrepresents his morals and hard work. The DRB took note of the applicant's duty performance as documented by his letter of evaluation, AF Training Ribbon, and AF Outstanding Unit Award. The applicant did not receive an AF Good Conduct Medal. The Board found the misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the

discharge was appropriate for the reasons which were the basis for this case.

Issue 4. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 24 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 opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

Issue 5. Applicant requests his reenlistment eligibility code be changed to allow him to join the Air Force Reserves or Air National Guard. He states he is more mature and would succeed if allowed to reenlist. However, the Board concluded this was not a sufficient basis to change his reenlistment eligibility code.

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 Travis AFB, CA on 13 Apr 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 4 Mar 77. Enlmt Age: 22 9/12. Disch Age: 24 1/12. Educ: HS DIPL. AFQT: N/A. A-61, E-46, G-50, M-51. PAFSC: 2T231 - Air Transportation Apprentice. DAS: 26 Jun 00.

b. Prior Sv: (1) AFRes 16 Dec 99 - 22 Feb 00 (2 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Feb 00 for 6 yrs. Svd: 01 Yrs 01 Mo 22 Das, all AMS.

b. Grade Status: A1C - 10 Apr 00

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 13 MAR 01 - Failure to go.
LOR, 18 FEB 01 - Dereliction of duty.
LOR, 09 FEB 01 - Security violation.
LOR, 24 JAN 01 - Speeding on the flightline.
LOR, 18 JAN 01 - Failure to go.
LOR, 04 DEC 00 - Failure to go.
RIC, 21 NOV 01 - Failure to go.
MFR, 16 NOV 00 - Late for duty.
MFR, 16 NOV 00 - Late for duty.
RIC, 07 NOV 00 - Failure to go.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (01) Yrs (03) Mos (29) Das
TAMS: (01) Yrs (01) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Jul 05.

(Change Discharge to Honorable)

Issue 1: I feel the reason for my discharge was unjust and incorrect. I also feel that the discharge I received is preventing me from furthering my career. I feel my discharge of misconduct misrepresents my morals and my hard work I put in when I was in active duty. I feel as if I was discriminated against after making a couple mistakes. My officers in charge had blackballed me since the beginning (sic). I feel I was treated unfairly and inappropriately. I was given a misconduct discharge for unjust acts. I made minor infractions which my superiors made out to be into more extreme infractions. I gave every task I was given 110% and was never was treated like I was treated as an airman should be treated.

ATCH

1. Notification Memorandum, 28 Mar 01.

6SEP05/ia



DEPARTMENT OF THE AIR FORCE
60TH AERIAL PORT SQUADRON (AMC)

FD2005-00304

28 Mar 01

MEMORANDUM FOR A1C

60 APS

FROM: 60 APS/CC
90 Ragsdale Street
Travis AFB CA 94535-2941

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force pursuant to AFI 36-3208, paragraph 5.49, Misconduct, Minor Disciplinary Infractions. If my recommendation is approved, your service may be characterized as Honorable, General, or Under Other than Honorable Conditions. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On or about 4 Nov 00, you failed to report for duty, resulting in a RIC, dated 7 Nov 00 (Atch 1, Tab 1).

b. On or about 13 Nov 00 and 16 Nov 00, you failed to report for duty at the time prescribed, resulting in a letter of reprimand (LOR), dated 4 Dec 00 (Atch 2, Tab 1).

c. On or about 21 Nov 00, you failed to go to a mandatory Airman's call, resulting in a record of individual counseling (RIC), dated 21 Nov 00 (Atch 3, Tab 1).

d. On or about 18 Jan 01, you failed to report for duty at 0545, resulting in a LOR, dated 18 Jan 01 (Atch 4, Tab 1).

f. On or about 21 Jan 01, you were caught speeding on the flightline in a fleet servicing truck, resulting in a LOR, dated 24 Jan 01 (Atch 5, Tab 1).

g. On 8 Feb 01, you left your area line badge unattended and unsecured, for which you received a LOR, dated 9 Feb 01 (Atch 6, Tab 1).

h. On or 11 Feb 01, you were observed taking a Galaxy C-5 Step Truck to a C-5 without a chock in place. You stated that you had been too busy and had forgotten the chock. For this, you received a LOR, dated 18 Feb 01 (Atch 7, Tab 1).

i. On or about 13 Mar 01, you failed to report for duty at 0545, resulting in a LOR, dated 13 Mar 01 (Atch 8, Tab 1).

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 are to 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 any special pay, bonus monies, or education assistance funds may be subject to recoupment.
4. You have the right to consult with an attorney. Military legal counsel has been obtained to assist you. I have made an appointment for you to speak with **Captain** **Area Defense Counsel, 540 Airlift Drive, Bldg. 381, Suite D-100, Travis AFB, California, 94535-2479, DSN 837-4569; Commercial, (707) 424-4569, on 29 Mar 01 at 0830**. You may also consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you wish the separation authority to consider must reach me by (three workdays from service of this letter) 2 Apr 01, no later than 1400 hours, unless you request and receive an extension for good cause. I will send the separation authority any documents you submit.
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 separation physical examination on 4 Apr 01 at 0915. You also have an appointment at the Family Practice Clinic on 10 Apr 01 at 1300 to consult with Dr. Anderson.
8. Any personal information you furnish in rebuttal will be covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.

Lt Col, USAF

Commander

Attachments:

1. RIC, 7 Nov 00
2. LOR, 4 Dec 00
3. RIC, 21 Nov 00
4. LOR, 18 Jan 01
5. LOR, 24 Jan 01
6. LOR, 9 Feb 01
7. LOR, 18 Feb 01
8. LOR, 13 Mar 01