

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST FIRST MIDDLE INITIAL)

GRADE

AB

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

A95.00  
A01.00

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

13 Feb 2006

CASE NUMBER

FD-2005-00307

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: 2/15/2006

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, EF WING, 3RD FLOOR  
ANDREWS AFB, MD 20762-7002

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00307**

**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:** The applicant would like to have his reenlistment eligibility code changed so that he may re-enter the military and serve his country. The records indicated the applicant received two Article 15s, four Letters of Reprimand, and one Record of Individual Counseling for misconduct. The misconduct included failure to go on divers occasions, unlawfully entering a dorm room of another military member, financial irresponsibility, failure to repair, lack of initiative, and leaving his appointed place of duty without authorization. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded there were not any inequities or improprieties discovered that would support his request 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Charleston AFB, SC on 14 Feb 92 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 16 Oct 70. Enlmt Age: 19 5/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-51, E-43, G-44, M-66. PAFSC: 45234C - Tactical Aircraft Maintenance Specialist. DAS: 7 May 91.

b. Prior Sv: (1) AFRes 28 Mar 90 - 14 Nov 90 (7 months 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Nov 90 for 4 yrs. Svd: 01 Yrs 03 Mo 00 Das, all AMS.

b. Grade Status: AB - 25 Jul 91 (Article 15, 25 Jul 91)  
Amn - 15 May 91

c. Time Lost: None.

d. Art 15's: (1) 11 Dec 91, RAF Lakenheath, UK - Article 86. You did, on or about 11 Nov 91, without authority, fail to go at the time prescribed to your appointed place of duty. Forfeiture of \$100.00 and 14 days extra duty. (No appeal) (No mitigation)

(2) 25 Jul 91, RAF Lakenheath, UK - Article 134. You did, on or about 9 Jul 91, unlawfully enter the dormitory room of Sgt [redacted]. Reduction to AB. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 23 DEC 91 - Failure to go.  
LOR, 23 DEC 91 - Left appointed place of duty without authority.  
LOR, 23 DEC 91 - Financial irresponsibility.  
RIC, 01 AUG 91 - Failure to repair and lack of initiative.  
LOR, 12 JUL 91 - Dereliction of duty and failure to go.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (10) Mos (17) Das  
TAMS: (01) Yrs (03) Mos (00) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Jul 05.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I would like to have my separation on Re-entry code upgraded so that I may re-enter the military so I can serve my country in the fight in the War on terrorism. My present reentry code is (2B).

ATCH

1. DD Form 214.

8SEP05/ia



DEPARTMENT OF THE AIR FORCE  
48TH AIRCRAFT GENERATION SQUADRON (USAFE)  
APO NEW YORK 09179-5000

FD 2005-00301



REPLY TO  
ATTN OF: CC

15 Jan 92

SUBJECT: Notification Letter

TO: AB

1. I am recommending your discharge from the United States Air Force for misconduct; specifically, minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. 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 14 and 15 Dec 91, you failed to show up to work to perform your extra duty imposed by Article 15 punishment. For such misconduct, you received a UIF Letter of Reprimand, dated 23 Dec 91.

b. On 6 Dec 91, you left your appointed place of duty without authority. For such misconduct, you received a UIF Letter of Reprimand, dated 23 Dec 91.

c. On 15 Nov, 20 Nov, 21 Nov, and 22 Nov 91, you wrote a total of 4 bad checks for the amounts of \$92.00, \$95.46, \$7.44, and \$37.20. For such misconduct, you received a UIF Letter of Reprimand, dated 23 Dec 91.

d. On 11 Nov 91, you failed to go at the time prescribed to your appointed place of duty. For such misconduct, you received an Article 15, dated 11 Dec 91.

e. On 1 Aug 91, you received a Letter of Counseling for lack of initiative and failure to repair.

f. On 9 Jul 91, you unlawfully entered a dormitory room. For such misconduct, you received an Article 15, dated 25 Jul 91.

g. On 8 Jul 91, you left your appointed place of duty to get an ID card, but failed to do so. Furthermore, on 9 Jul 91, you failed to go at the time prescribed to your appointed place of duty. For such misconduct, you received a UIF Letter of Reprimand, dated 12 Jul 91.

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.

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 Capt Dockery at Bldg 690 on 16 Jan 92 at 1030. 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 22 Jan 92 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 Physical Examinations, Bldg 926, IN UNIFORM, at 0715 on 22 Jan 92 for the examination. You are reminded that you cannot eat anything after 1700 hours on 21 Jan 92, and you may drink water only. Also, effective immediately, you must not consume any alcohol.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the Orderly Room.

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

Commander, Major, USAF

2 Atch

1. Supporting documents
2. Airman's receipt of Notification Letter