

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE		
		AMN		
TYPE GEN		PERSONNEL FILE NO	E	X
COUNSEL		RECORD REVIEW		
YES	No	NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
	X			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X+*
					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	14 Feb 2006	CASE NUMBER	FD-2005-00310	
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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, 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

SIGNATURE OF BOARD PRESIDENT

J

INDORSEMENT		DATE: 2/15/2006
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

CASE NUMBER

FD-2005-00310

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 discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 and two Letters of Reprimand for misconduct. The misconduct included underage drinking on divers occasions and using tobacco products in the TA-7 restroom. The Board noted that the applicant was a Security Forces Helper in Technical Training School. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Lackland AFB, TX on 21 Sep 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: 15 Oct 84. Enlmt Age: 18 8/12. Disch Age: 19 11/12. Educ: HS DIPL. AFQT: N/A. A-63, E-69, G-59, M-84. PAFSC: 3P011 - Security Forces Helper. DAS: 23 Apr 04.

b. Prior Sv: (1) AFRes 19 Jun 03 - 23 Nov 03 (5 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Nov 03 for 4 yrs. Svd: 00 Yrs 09 Mo 27 Das, all AMS.

b. Grade Status: Amn - 24 May 04

c. Time Lost: None.

d. Art 15's: (1) 13 Jul 04, Lackland AFB, TX - Article 92. You, who knew of your duties at or near San Antonio, Texas, on or about 5 Jun 04, were derelict in the performance of your duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal drinking age of 21, as it was your duty to do. Seven days correctional custody. (No appeal) (No mitigation)

e. Additional: LOR, 03 AUG 04 - Underage drinking.
LOR, 14 MAY 04 - Using tobacco products in the TA-7
bathroom.
AETC 173, 23 APR 04 - Reporting for duty without completing
the necessary homework assignments.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (03) Mos (03) Das
TAMS: (00) Yrs (09) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 7 Aug 05.

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

Issue 1: Personally as hard as I tried I was unable to complete the final requirements of the SERE training. Due to the fact that I had a personal failure, I was actively involved in the Security Forces program and completed my training with marksmanship awards in both M9 & M4 firearms. After graduation of Security Forces, while waiting for my orders, I was turned in by another airman for alleged alcohol consumption. This allegation occurred after the return from a furlough. At that time I maintained my current Security Forces position, upon my orders I was disbarred of my badge and beret.

I feel that my defeat at SERE on the last night of an extremely aggressive curriculum had a part in the discipline I received. As I am personally responsible for my own actions I feel the discipline I received was excessive. I wish to pursue another avenue of the military forces therefore I am requesting an upgrade to my discharge category.

ATCH

1. AF Form 100, Request and Authorization for Separation.
2. DD Form 214.

15SEP05/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2005-00310

MEMORANDUM FOR AMN

FROM: 343 TRS/DOM

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The basis for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your discharge will be described as Honorable, Under Honorable Conditions (General), or Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending your service be characterized as General and you may be ineligible for reenlistment in the Air Force.

2. My reasons for this action are:

a. On 23 Apr 04, you reported for duty without completing your homework assignments. As a result, you received an AETC Form 173, dated 23 Apr 04.

b. On 13 May 04, you were found using tobacco products in the TA-7 bathroom. As a result, you received a Letter of Reprimand (LOR), dated 14 May 04.

c. On or about 5 Jun 04, you were derelict in the performance of your duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal drinking age of 21, as it was your duty to do. As a result, you received an Article 15, dated 13 Jul 04. Your punishment was 7 days correctional custody. Subsequently, an Unfavorable Information File was established.

d. On 24 Jul 04, an investigation revealed you consumed alcohol while under the legal drinking age of 21. On this date you lacked coordination, your speech was slurred, you were witnessed being intoxicated. All of this happened after a completion of a seven-day remotivation program for a previous under age drinking incident. As a result, you received an LOR, dated 3 Aug 04.

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.

4. You have the right to consult counsel. If you wish to consult military counsel, an appointment will be made upon your request and the date, time, and place will be provided. You may retain 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 (3 workdays) 20 Aug 04 unless you request and receive an extension for good cause shown. Your statements will be forwarded to the separation authority and will be made part of your case file that the separation authority will read.
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 medical examination. You must report to Bldg 6612, Room 502, Monday – Friday between 1300 – 1500 hours with your medical, immunization, and dental records 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 the Unit Personnel Office.
9. Execute the attached acknowledgement and return it to me immediately.

, Capt, USAF
Commander, Military Training Flight

Attachments:

1. AETC Form 173, dated 23 Apr 04
2. Letter of Reprimand, dated 14 May 04
3. AF Form 3070, dated 13 Jul 04
4. Letter of Reprimand, dated 3 Aug 04
5. Unfavorable Information File Summary