

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE	GEN	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th align="center" colspan="2">COUNSEL</th> </tr> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>		COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL										
YES	No									
	X									

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100%; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A95.00 A01.00	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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 HE
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HEARING DATE 05 Jun 2006	CASE NUMBER FD-2005-00311	
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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 in 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.

SIGNATURE OF RECORDER _____ SIGNATURE OF BOARD PRESIDENT _____

TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	ENDORSEMENT	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
		DATE: 9/11/2006

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00311

GENERAL: The applicant appeals for upgrade of discharge to honorable.

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 is 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 Board finds that the applicant submitted no issues contesting the equity or propriety of the discharge and after thorough review of the record, the board was not able to identify any issues. The records indicated that the applicant received an Article 15, four Letters of Reprimand, one Letter of Counseling and three Records of Individual Counseling for misconduct. The misconduct included Article 128, Assault; failure to go, dereliction of duty and late for duty. The Board opined that through these administrative actions the applicant had ample opportunities to change his behavior. The Board concluded the misconduct was a significant departure from conduct expected from all military members. The characterization of the discharge received by the applicant was found to be appropriate.

The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on August 8, 2004) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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 SRA) (HGH SRA)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Eglin AFB, FL on 5 Nov 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 25 Apr 81. Enlmt Age: 20 1/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-71, E-72, G-81, M-71. PAFSC: 2A332 - Avionics Systems Apprentice. DAS: 24 Sep 02.

b. Prior Sv: (1) AFRes 25 May 01 - 14 Sep 01 (3 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Sep 01 for 6 yrs. Svd: 03 Yrs 01 Mo 21 Das, all AMS.

b. Grade Status: A1C - 13 Oct 04 (Article 15, 13 Oct 05)
SrA - 01 Jun 04
A1C - 26 Oct 01

c. Time Lost: None.

d. Art 15's: (1) 13 Oct 04, Eglin AFB, FL - Article 128. You, did, on or about 18 Sep 04, unlawfully pull on the arm and shove into a passenger side vehicle door Mrs. [REDACTED] your wife, with your hands. Reduction of Airman (below A1C suspended. Reprimand. (No appeal) (No mitigation)

e. Additional: (Examiner's Note: The following additional disciplinary infractions are listed on the Notification Memorandum, but are missing from file).

LOR, 02 JUL 04 - Failure to go.
LOR, 24 FEB 04 - Failure to go.
LOR, 30 OCT 03 - Failure to go.
LOR, 23 JUL 03 - Dereliction of duty.
LOC, 02 APR 03 - Dereliction of duty.
RIC, 06 JAN 03 - Late for duty.
RIC, 30 MAY 02 - Dereliction of duty.
RIC, 13 MAY 02 - Dereliction of duty as class leader.

f. CM: None.

g. Record of SV: (Examiner's Note: The following EPRs are on MilPers,

g. Record of SV: (Examiner's Note: The following EPRs are on MilPers, but documents are missing).

15 Sep 01 - 14 May 03 Eglin AFB 3 (Initial)
15 May 03 - 14 May 03 Eglin AFB 3 (Annual)

h. Awards & Decs: NDSM, AFTR, AFOUA.

i. Stmt of Sv: TMS: (03) Yrs (05) Mos (11) Das
TAMS: (03) Yrs (01) Mos (21) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 Jul 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Three Character References.

13OCT05/ia

Issue 1

27 July 2005

Subject: Letter of Support concerning discharge upgrade

1. While in the USAF on Eglin AFB I [redacted] did pull on the arm of Mrs. [redacted] Prior, to this I was giving her a ride. The vehicle was in reverse when she then pulled the key out of the ignition and ran with it down the street. I, attempt to retrieve the key that goes to a vehicle that's in my name only, I pay for solely, and in my registration only. She finds two gentlemen to "help" her. I do obtain the key stole from me. Next, Mrs. [redacted] gets one of the gentleman to give her a ride up the street to my vehicle so she could use her copy of the key to steal my vehicle to ride to the security police center on base to report an assault of my doing. I'm left in the street without my vehicle and a warrant for my arrest.
This is no way for a service member or upstanding U.S. citizen

to behave. Since, I have completed an anger management class, had steady employment, and am an asset to my community. Now I would like to take advantage of the Montgomery G.I. bill to continue my education and better myself. Please take these comments in consideration in your decision to upgrade my discharge.

Respectfully submitted

SSH



DEPARTMENT OF THE AIR FORCE
46 AIRCRAFT MAINTENANCE SQUADRON (AFMC)
EGLIN AFB FLORIDA 32542

FD2005-00311

20 October

MEMORANDUM FOR SRA: [REDACTED] 46 AMXS (AFMC)

FROM: 46 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically 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 general. I am recommending that your service be characterized as a general discharge.
2. My reasons for this action are:
 - a. You did, at or near Eglin Air Force Base, Florida, on or about 18 September 2004, unlawfully pull on the arm and shove into a passenger side vehicle door Mrs. [REDACTED] your wife, with your hands. For this offense you received nonjudicial punishment, dated 13 October 2004
 - b. On 1 July 2004, you failed to go at the time prescribed to wit: Building 103, Eglin AFB, Florida, at designated show time of 2200. For this offense you received a letter of reprimand, dated 2 July 2004.
 - c. On 24 February 2004, you failed to go at the time prescribed to wit: Building 103, Eglin AFB Florida, at the designated show time of 0630. You reported to work after 0700. For this offense you received a letter of reprimand, dated 24 February 2004.
 - d. On 28 October 2003, you failed to report to your appointed place of duty. For this offense you received a letter of reprimand, dated 30 October 2003.
 - e. On 22 July 2003, you signed out various avionics CTK EGBS-03 for use in your maintenance activities. The TAS computer shows that you signed out this equipment, however, you failed to sign the 46 TW form 309 that is in the CTK binder as required in TWI 21-128, para 4.3. For this offense you received a letter of reprimand, dated 23 July 2003.
 - f. On 1 April 2003, you worked on the flight line using toolbox EGBS03. The toolbox was turned in at the end of the shift with no incident reported. In the morning day shift noticed that you failed to properly fill out AF 309, and you did not report any tools missing and in fact the 1/4" universal adaptor was missing. For this offense you received a letter of counseling, dated 2 April 2003.

- g. On 6 January 2003, you were to report to work at 0600. You did not arrive until 0635. Your job was to arrive at 0600 and do shop inventory prior to dayshift arriving. For this offense you received a record of individual counseling, dated 6 January 2003.
- h. On the night of 29 May 2002, you were observed skipping information in the T.O. while performing an IFF operational checkout. On numerous occasions you were told to read every step, note, caution and warning. For this offense you received a record of individual counseling, dated 30 May 2002.
- i. As class leader, you are charged with the additional responsibilities and duties to assist your instructor with student supervision. You have failed in maintaining a positive attitude and enhancing the classroom environment. You have also failed in helping enforce proper discipline, conduct and behavior of your class and yourself. You are hereby relieved of your duties as class leader. For this offense you received a record of individual counseling, dated 13 May 2002.
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 authority will decide whether you will be discharged or retained in the United States 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, or education assistance funds may be subject to recoupment.
4. 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 Captain: _____ at 904 N. 2nd Street, on 21 October 2003, at 1400 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 duty days 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 an appointment with the 96th Mission Support Squadron, separations section, on 25 October 2004 at 1300 hours.
8. After your briefing, you are to report to the 96th Traffic Management Office with your completed AFDTC Form 4134 or LGTT Office Form B133 along with an authorized letter from separations to schedule your TMO pickup.
9. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on 26 October 2004 at 0800 hours.
10. You have been scheduled for a medical examination. You must report to 96 MDG Force Health Management, 307 Boatner Rd. on 22 October 2004, at 0715 hours for the examination.

11. 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 at 46 AMX/CSS.

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



/ Commander

Attachments:

- 1. Supporting Documents
- 2. Receipt of Notification Memorandum