

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE & INITIAL)				GRADE			
				SRA			
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
							X
							X
							X
							X
							X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD			
A95.00		A67.50		1 ORDER APPOINTING THE BOARD			
A01.00		A67.90		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		CASE NUMBER					
13 Feb 2006		FD-2005-00325					
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.							
SIGNATURE OF RECORDS							
f							
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-2005-00325

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 a thorough review of the record, the board was able to identify none. The records indicated the applicant received an Article 15, seven Letters of Reprimand, one Letter of Counseling, and an Air Force Form 286A, Permanent Decertification from the Air Force Personnel Reliability Program, for misconduct. The misconduct included leaving his post without authority, failure to obey a lawful order, civil arrest for speeding, driving under the influence of alcohol, dereliction of duty, late for duty, and failure to go. 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 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr F.E. Warren AFB, WY on 28 Jan 05 UP AFI 36-3208, para 5.50.1 & 5.50.2 (Pattern of Misconduct - Descreditable Involvement with Military or Civil Authorities and Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 26 Feb 75. Enlmt Age: 26 11/12. Disch Age: 29 11/12. Educ: HS DIPL. AFQT: N/A. A-44, E-56, G-53, M-55. PAFSC: 3P051 - Security Forces Journeyman. DAS: 8 Sep 04.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 29 Jan 02 for 4 yrs. Svd: 03 Yrs 00 Mo 00 Das, all AMS.

b. Grade Status: SrA - 16 Jul 04

c. Time Lost: None.

d. Art 15's: (1) 29 Dec 04, F.E. Warren AFB, WY - Article 113. You, on or about 8 Dec 04, being posted as a sentinel at Gate 2/Search Pit, did leave your post before you were regularly relieved. Reprimand. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 28 SEP 04 - Failure to obey a lawful order.
MFR, 14 SEP 04 - Extended by 2 years suspension of on base driving privileges.
MFR, 11 MAY 04 - One year suspension of base driving privileges.
LOR/UIF, 10 MAY 04 - Civil arrest for speeding and Driving Under the Influence of Alcohol.
CR, 10 MAY 04 - For off base DUI.
AF Fm 286A, 10 MAY 04 - Permanent Decertification from PRP.
CR, 10 NOV 03 - Dereliction of Duty.
LOR/UIF, 30 OCT 03 - Cited for speeding.
LOR/UIF, 01 AUG 03 - Late for duty.
LOC/UIF, 28 JUL 03 - Cited for speeding.
LOR/UIF, 28 JUL 03 - Failure to go.
LORUIF, 30 JUN 03 - Late for duty.
LOR, 27 MAY 03 - Failure to go.

f. CM: None.

g. Record of SV: 29 Jan 02 - 15 Jul 03 F.E. Warren AFB 2 (HAF Dir) **REF**
16 Jul 03 - 15 Jul 04 F.E. Warren AFB 3 (Annual)

h. Awards & Decs: AFTR, NDSM.

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

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Aug 05.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

19SEP05/ia



DEPARTMENT OF THE AIR FORCE
90TH SPACE WING (AFSPC)

FD2005-00325

12 Jan 05

MEMORANDUM FOR SRA

FROM: 790 MSFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Discreditable Involvement With Military or Civil Authorities and Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraphs 5.50.1 and 5.50.2. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

a. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 26 May 03, fail to go to your appointed place of duty at the scheduled time, to wit: guardmount. For this misconduct you received a Letter of Reprimand (LOR), dated 27 May 03; and,

b. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 26 May 03, fail to obey a direct order given to you by MSgt , your Flight Sergeant, to wit: report for duty. For this misconduct you received an LOR, dated 27 May 03; and,

c. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 13 Jun 03, fail to go to your appointed place of duty at the scheduled time, to wit: guardmount. For this misconduct you received an LOR, dated 30 Jun 03. An Unfavorable Information File (UIF) was created and this information was placed in it

d. You were, at or near Francis E. Warren Air Force Base, Wyoming, on or about 17 Jun 03, issued a base traffic ticket for speeding. For this misconduct you received an Letter of Counseling (LOC), dated 28 Jul 03. This information was placed in your UIF.

e. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 14 Jul 03, fail to go to your appointed place of duty at the scheduled time, to wit: scheduled firing. For this misconduct you received an LOR, dated 1 Aug 03. This information was placed in your UIF.

f. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 24 Jul 03, fail to go to your appointed place of duty at the scheduled time, to wit: ancillary training. For this misconduct you received an LOR, dated 28 Jul 03. This information was placed in your UIF.

g. You were, at or near Francis E. Warren Air Force Base, Wyoming, on or about 22 Oct 03, issued a base traffic ticket for speeding. This was your third offense for speeding on base in 2003. For this misconduct you received an LOR, dated 30 Oct 03. This information was placed in your UIF.

h. You were, at the Circuit Court of Laramie County, Cheyenne, Wyoming, on or about 6 Jul 04, convicted for Driving Under the Influence (DUI), for having a BAC of .171, on or about 8 May 04. Reference Abstract of Court Record, dated 6 Jul 04. For this misconduct you also received an LOR, dated 10 May 04. This information was placed in your UIF; and,

i. You were, at or near the state of Wyoming, on or about 8 May 04, ticketed by the Wyoming Highway patrol, for speeding. For this misconduct you received an LOR, dated 10 May 04. This information was placed in your UIF.

j. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 7 Sep 04, fail to obey a lawful order given to you by Colonel Commander, 90 MSG, to wit: attempt to drive onto base while your driving privileges were revoked. For this misconduct you received an LOR, dated 28 Sep 04. This information was placed in your UIF.

k. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 8 Dec 04, being posted as a sentinel at Gate 2/Search Pit, did leave your post before you were regularly relieved. For this misconduct you received an Article 15, dated 29 Dec 04. This information was placed in your UIF.

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 ADC at Bldg 292, on 12 Jan 05, at 1000 hours. 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 18 Jan 05 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 Primary Care on 12 Jan 05, at 1100 hours for the examination.

7. 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 Command Support Staff office.

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

Maj, USAF
Commander, 790th Missile Security Forces Squadron

Attachments:

1. LOR, dated 27 May 03
2. LOR, dated 30 Jun 03
3. LOC, dated 28 Jul 03
4. LOR, dated 1 Aug 03
5. LOR, dated 28 Jul 03
6. LOR, dated 30 Oct 03
7. Abstract of Court Record, dated 6 Jul 04
8. LOR, dated 10 May 04
9. LOR, dated 28 Sep 04
10. Article 15, dated 29 Dec 04
11. Other derogatory data not listed in the Notification Memorandum: UIF Summary and PRP Decertification.