

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____ _____	GRADE <b>A1C</b>	AFSN/SSAN _____ _____
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES    No			
<b>X</b>			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	O/HER	DENY
					X
					X
					X
					X
					X

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.10</b> <b>A67.00</b>	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	CASE NUMBER
<b>14 Mar 2006</b>	<b>FD-2005-00333</b>

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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
<i>[Signature]</i>	<i>[Signature]</i>

INDORSEMENT

DATE: 3/27/2006

TEL: <b>SAF/MRMR</b> 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	PRINTNAME: <b>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL</b> AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00333**

**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:**

Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for unlawfully grabbing an airman's shoulders with his hands. He also received two Letters of Reprimand; one for missing physical training formation and the other for being late for detail on three separate occasions; one Letter of Admonishment for being late to class on three separate occasions and nine AETC Form 341's (late for formation, failure to shave, did not have mandatory items, late for details (2), failure to shave/meet standards (2), security violation, and late to class). 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Goodfellow AFB, TX on 8 Aug 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOR: 23 Aug 84. Enlmt Age: 19 4/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-43, E-52, G-66, M-50. PAFSC: 1N411 - Signals Intellegence Anaylsis Helper. DAS: 30 Mar 04.

b. Prior Sv: (1) AFRes 21 Jan 04 - 02 Feb 04 (12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Feb 04 for 6 yrs. Svd: 01 Yrs 06 Mo 07 Das, all AMS.

b. Grade Status: A1C - 26 Mar 04

c. Time Lost: None.

d. Art 15's: (1) 21 Apr 05, Goodfellow AFB, TX - Article 128. You did, on or about 10 Nov 04, unlawfully grab AB [redacted] on the shoulders with your hands. Forfeiture of \$728.00 pay, 15 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: (Examiner's Note: The following derogatory items are listed in the Recommendation of Discharge but are missing from the package: AETC 341s 12 Apr 04, 21 Sep 04, and AETC 173s, 25 Jun 04, 4 Oct 04, and 15 Oct 04. Details of these are not known.

LOR, 20 JUL 05 - Missed PT formation and 35 minutes late to class for the second time in 30 days.

AETC 341, 13 JUN 05 - Did not have mandatory items.

AETC 341, 15 APR 05 - Late for formation.

LOR, 04 APR 05 - Late to detail three times. Assigned to Remedial Military Training on 09 Apr 05.

AETC 341, 04 APR 05 - Late to details three times.

AETC 341, 11 MAR 05 - Did not shave or meet standards.

AETC 341, 20 OCT 04 - Failed room inspection. Security violations for the third time.

AETC 341, 29 SEP 04 - Security violation.

LOA, 28 SEP 04 - Late to class for the third time.

AETC 341, 15 SEP 04 - Failed to report to school on time

and missed a test.  
AETC 341, 20 APR 04 - Did not shave for formation.  
AETC 341, 12 APR 04 - Missed formation.

- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR, NDSM, GWOTSM.
- i. Stmt of Sv: TMS: (01) Yrs (06) Mos (19) Das  
TAMS: (01) Yrs (06) Mos (07) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Aug 05.  
(Change Discharge to Honorable)

Issue 1: I was offered a Medical Discharge (by [redacted]) in August 2004 because of being diagnosed with ADHD. I declined because I wanted to stay in the Air Force. I believe that I was forced out because of my diagnosis. I was singled out for behavior that others were able to slide on, for example being late, held out of classes for a month after diagnosis. I wanted to complete my term and serve as I'd sworn to do, even after diagnosis by Air Force doctors.

ATCH

- 1. AF Form 330.
- 2. DD Form 214 (Member 1 & 4).
- 3. AF Form 100.

SOCT05/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD2005-00333

'JUL 22 2005

MEMORANDUM FOR AIC: [REDACTED] 316 TRS

FROM: 316 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for 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 general.

2. My reasons for this action are:

a. On or about 28 Sep 04, you were late to class for the third time. You stated that you had overslept. For this misconduct, you received a Letter of Admonishment, 28 Sep 04.

b. On or about 10 Nov 04, you did, at or near Goodfellow AFB, Texas, wrongfully grab Airman Basic [REDACTED] on the shoulders with your hand. For this misconduct, you received an AF Form 3070 (Article 15), 21 Apr 05.

c. On or about 31 Mar 05, 1 Apr 05, and 4 Apr 05, you were late to your detail at the chapel, a violation of Article 92, Failure to Obey Order or Regulation, and Article 86, Absence Without Leave, UCMJ. For this misconduct, you received a Letter of Reprimand, 4 Apr 05.

d. On or about 5 Apr 05, you were assigned Remedial Military Training on 9 Apr 05, for failing to go to assigned details on three separate occasions. This is documented on a Memorandum for AB [REDACTED], 5 Apr 05.

e. On or about 13 Jul 05, you missed your physical training formation and you were 35 minutes late to your class in Building 525, Goodfellow AFB, TX, for the second time in 30 days. For this misconduct, you received a Letter of Reprimand, 20 Jul 05.

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 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 with the Goodfellow AFB, Area Defense Counsel

on 25 Jul 05 at 0900 hours in Bldg 308. 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 by 27 Jul 05 at 1230 hrs 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 must report to the Physical Exams Section of the clinic during walk-in hours, Monday through Thursday from 0730-1530 hours, for your medical 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 Orderly Room.

Squadron Section Commander

**Attachments:**

1. Letter of Admonishment, 28 Sep 04
2. AF Form 3070 (Article 15), 21 Apr 05
3. Letter of Reprimand, 4 Apr 05
4. Memorandum for AB Stanton, 5 Apr 05
5. Letter of Reprimand, 20 Jul 05