

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 AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW								
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YES	No											
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MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X *+
					X *+
					X *+
					X *+
					X *+

ISSUES	A94.05	INDEX NUMBER	A67.90	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 2px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr><td style="width:5%; padding: 2px; text-align: center;">1</td><td style="padding: 2px;">ORDER APPOINTING THE BOARD</td></tr> <tr><td style="padding: 2px; text-align: center;">2</td><td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="padding: 2px; text-align: center;">3</td><td style="padding: 2px;">LETTER OF NOTIFICATION</td></tr> <tr><td style="padding: 2px; text-align: center;">4</td><td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td></tr> <tr><td style="padding: 2px;"></td><td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td style="padding: 2px;"></td><td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td style="padding: 2px;"></td><td style="padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </tbody> </table>	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
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HEARING DATE	CASE NUMBER	
10 Mar 2006	FD-2005-00342	

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.

* Reason and Authority
+ Reenlistment Code

SIGNATURE OF RECORDER <i>[Signature]</i>	SIGNATURE OF BOARD PRESIDENT <i>[Signature]</i>
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INDORSEMENT	DATE: 3/31/2006
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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00342

GENERAL: The applicant appeals for upgrade of discharge to honorable, 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 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 three Article 15s to include vacation of a suspended sentence, one Letter of Reprimand and one Record of Individual Counseling for misconduct. Applicant had several disciplinary infractions during his 31 months of service. He received an Article 15 for wrongfully entering the dormitory living quarters of a member of the opposite sex, under age consumption of alcohol, failing to return to dormitory and derelict in the performance of duties. He received his second Article 15 for derelict in performance of duties by willfully failing to refer to Technical Order while performing the task of tearing down an aircraft engine. His Article 15 was vacated when he was derelict in the performance of duties in that he was not fully prepared to inprocess into the Correctional Confinement. The applicant's Letter of Reprimand was for being out of uniform and disobeying a direct order which he had been verbally counseled on several occasions by superiors. 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 AMN) (HGH A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Dover AFB, DE on 17 Oct 02 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 30 Oct 79. Enlmt Age: 20 3/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A. A-50, E-36, G-37, M-43. PAFSC: 2A651A - Aerospace Propulsion Journeyman. DAS: 7 Sep 00.

b. Prior Sv: (1) AFRes 14 Feb 00 - 28 Feb 00 (17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 01 Mar 00 for 6 yrs. Svd: 02 Yrs 07 Mo 16 Das, all AMS.

b. Grade Status: AMN - 19 Aug 02 (Vacation of Article 15, 6 Sep 02)
A1C - 17 Apr 00

c. Time Lost: None.

d. Art 15's: (1) 06 Sep 02, Vacation, Dover AFB, DE - Article 92. You, who knew of your duties, on or about 29 Aug 02, were derelict in the performance of those duties in that you willfully failed to be fully prepared to inprocess into the Correctional Confinement Facility at Camp Lejeune Marine Corps Base, North Carolina with all mandatory items, as it was your duty to do. Reduction to Amn. (No appeal) (No mitigation)

(2) 19 Aug 02, Dover AFB, DE - Article 92. You, who knew of your duties, on divers occasions between on or about 26 Jun 02 and on or about 26 Jul 02, were derelict in the performance of those duties, in that you willfully failed to refer to Tech Order 2J-GTCP 165-16 while performing the task of tearing down an aircraft engine auxiliary power unit and perform that task in accordance with that tech order, as it was your duty to do. Suspended reduction to Airman. Seven days correctional custody (Mitigated to 14 days extra duty). (No appeal)

(3) 07 Jul 00, Sheppard AFB, TX - Article 92. You did, on or about 17 Jun 00, violate a lawful general

instruction, to wit: paragraph 2.1.9, Sheppard AFB Instruction 36-2902, by wrongfully entering the dormitory living quarters of a member of the opposite sex. You did, on or about 16 Jun 00, violate a lawful general instruction, to wit: paragraph 2.1.11, Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21. You did, on or about 17 Jun 00, violate a lawful general instruction, to wit: paragraph 7.3.4., Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully failing to return to and remain in your assigned dormitory from 2400 to 0400. You, who knew or should have known of your duties, on or about 17 Jun 00, were derelict in the performance of those duties in that you willfully failed to stay away from "off limit areas on base," by using the fire stairwell to gain access to the B1W hallway, as it was your duty to do. Forfeiture of \$400.00 pay per month for 2 months (that portion in excess of \$400.00 pay per month for one month suspended). (No appeal) (No mitigation)

- e. Additional: LOR, 24 AUG 01 - Found to be out of uniform and disobeying a direct order.
RIC, 06 JUL 01 - Returning to class late from lunch.
- f. CM: None.
- g. Record of SV: 01 Mar 00 - 01 Nov 01 Dover AFB 4 (Initial)
- h. Awards & Decs: AFTR, NDSM, AFOUA.
- i. Stmt of Sv: TMS: (02) Yrs (08) Mos (04) Das
TAMS: (02) Yrs (07) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 22 Aug 05.

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

ISSUES ATTACHED TO BRIEF.

ATCH

- 1. Applicant's Issues.

6OCT05/ia

ITEM 6**ISSUES: WHY AN UPGRADE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST**

Why am I requesting an upgrade to my service discharge? Well the short of it is I miss the military. I am currently looking to join the Air Force reserves as fire fighter. In order to do so though, I would have to be granted an upgrade of my discharge from general under honorable conditions to honorable. I was told I could consider the Army Reserves or Air National Guard, but truly, the Air Force is the only line of service for me. Not only did I serve for the Air Force but I come from a strong circle of Air Force family and friends. I feel as though I have grown a lot since my original time in service, and have finally come to a point where I know what I want to do with myself. I feel through fire fighting I can give back to my community and also to my country.

In regards to the original discharge, I feel my punishment was severe for the incident it surrounded. I always gave my all to the services I performed. I passed all my training classes with near perfect scores which were far above the requirements. I received an Air Force Training Ribbon, a National Defense Service Medal, and the Air Force Outstanding Unit Award. You will see from my records that the incident was neither malicious nor immoral. It was a mistake; a missed step in a technical order manual. I do not it feel it warranted my discharge. So here I am, trying to set things straight and hoping that the board can see the same.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 436TH AIRLIFT WING (AMC)

FD2005-00342

30 SEP 2002

MEMORANDUM FOR AMN: [REDACTED] 436 CMS

FROM: 436 CMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, specifically, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 reason for this action is:

a. On or about 29 Aug 02, you were derelict in the performance of your duties by failing to be properly prepared for your in processing to the Correctional Confinement Facility at Camp LeJeune Marine Corps Base, North Carolina. For this misconduct the suspended reduction in rank from your Article 15 punishment was vacated on 9 Sep 02.

b. On divers occasions between on or about 26 Jun 02 and 26 Jul 02, you were derelict in the performance of your duties in that you willfully failed to refer to Technical Order 2J-GTCP165-16 while performing the task of tearing down an aircraft engine auxiliary power unit and perform that task in accordance with that Technical Order as it was your duty to do. For this misconduct you received an Article 15, dated 9 Aug 02.

c. On or about 23 Aug 01, you disobeyed a direct order to be in proper uniform when walking from your motorcycle to the shop. For this misconduct you received a Letter of Reprimand, dated 24 Aug 01.

d. On or about 6 Jul 01, you were late returning from lunch and had already been verbally counseled for being late on previous occasions. For this misconduct you received a Letter of Counseling, dated 6 Jul 01.

e. Between on or about 16 Jun 00 and 17 Jun 00, you violated several lawful general instructions by consuming alcoholic beverages underage, entering the dormitory living quarters of a member of the opposite sex, disobeying curfew and failing to stay away from "off limit areas on base". For this misconduct you received an Article 15, dated 29 Jun 00.

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 higher education assistance funds may subject to recoupment.

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 the Charleston Air Force Base Area Defense Counsel, Capt: [] at DSN 673-4416, as soon as possible. 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 within 3 duty days unless you request and receive an extension for good cause shown. I will send them to the separation authority. 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. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the Orderly Room.

5. You have been scheduled for a **medical examination**. You must report to Family Practice, Second Floor, Building 305, at 0730 on Tuesday, 1 Oct 02 for the examination with Dr. []. If you have any questions or need to reschedule this appointment, please call 677-6130.

6. You have been scheduled for a **Separations Briefing**. Please report to **Building 520, Room 112, ext 2155 on Tuesday, 1 Oct 02 at 0900 hours**.

7. Execute the attached acknowledgement and return it to me immediately.

[]

Commander

Attachments:

1. AF Form 366, Vacation of Suspended Nonjudicial Punishment, dated 9 Sep 02
2. AF Form 3070, Art 15, dated 9 Aug 02
3. Letter of Reprimand, dated 24 Aug 01
4. AF Form 174, Record of Individual Counseling, dated 6 Jul 01
5. AF Form 3070, Art 15, dated 29 Jun 00
6. Airman's Receipt of Notification Memorandum
7. ID Card Withdrawal letter