

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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HEARING DATE 19 Apr 2006		CASE NUMBER FD-2005-00355																																						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE																																								
<p>Case heard at Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>																																								
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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-2005-00355

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The records indicated the applicant received two Article 15's, three Letters of Reprimand (LORs), a Letter of Counseling (LOC), and one Record of Individual Counseling (RIC) for misconduct. His first Article 15 was for being derelict in the performance of duties for failing to refrain from drinking alcoholic beverages while under the age of 21. He was also cited for using a hatchet and knife to destroy government property. The second Article 15 was for being derelict in the performance of duties for negligently providing alcoholic beverage to persons under the age of 21. The three LORs were for violation of base housing policy by failing to have a letter on file designating someone to care for quarters and pets, failure to attend a Social Actions class and the third for sexual harassment by making deliberate and repeated unwanted comments to coworkers. His LOC was for failure to attend a scheduled newcomers briefing and the RIC was for being late to work. 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)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Minot AFB, ND on 30 Oct 95 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 5 Aug 73. Enlmt Age: 18 11/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-50, E-62, G-80, M-61. PAFSC: 3A031 - Information Management Apprentice. DAS: 28 May 93.

b. Prior Sv: (1) AFRes 27 Jul 92 - 14 Jan 93 (5 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Jan 93 for 4 yrs. Svd: 02 Yrs 09 Mo 16 Das, all AMS.

b. Grade Status: Amn - 27 Sep 95 (Article 15, 27 Sep 05).
A1C - 15 May 94.

c. Time Lost: None.

d. Art 15's: (1) 27 Sep 95, Minot AFB, ND - Article 92. You, who knew of your duties, on or about 8 Aug 95, were derelict in the performance of those duties in that you negligently failed to refrain from providing alcoholic beverages to persons under the age of twenty-one years, as it was your duty to do. Reduction to Airman. (No appeal) (No mitigation)

(2) 16 Jul 93, Minot AFB, ND - Article 92. Preliminary investigation has disclosed that you, who knew of your duties, on or about 8 Jul 93, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the age of 21, as it was your duty to do. Article 108. Preliminary investigation has disclosed that you, did, from on or about 6 Jul 93 to on or about 8 Jul 93, without proper authority destroy by using a hatchet and knife, a bed of a value of about \$100.00, military property of the United States. Forfeiture of \$100.00 pay per month for 2 months, and 30 days correctional custody. (No appeal) (No mitigation)

e. Additional: RIC, 05 SEP 95 - Late for work.

LOR/UIF, 17 JUL 95 - Violation of Base Housing policy by
failing to have a letter on file
designating someone to take care of
quarters and pets.

LOR, 13 SEP 93 - Failure to go.

LOR, 13 SEP 93 - Sexual harassment.

LOC, 23 JUN 93 - Failure to go.

f. CM: None.

g. Record of SV: 15 Jan 93 - 14 Sep 94 Minot AFB 4 (Initial)

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

i. Stmt of Sv: TMS: (03) Yrs (03) Mos (04) Das
TAMS: (02) Yrs (09) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Aug 05.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

17OCT05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5TH BOMB WING (ACC)
MINOT AIR FORCE BASE, NORTH DAKOTA

28 Sep 95

MEMORANDUM FOR AMN: [REDACTED]
5TH CIVIL ENGINEERING SQUADRON, MINOT AFB, ND

FROM: 5 CES/CCQ

SUBJECT: Letter of Notification - AFI 36-3208, Para 5.50.2

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, conduct prejudicial to good order and discipline. The authority for this action is AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your discharge will be characterized as under other than honorable conditions, general or honorable. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. You who knew of your duties, at or near Minot Air Force Base, North Dakota, on or about 8 August 1995, were derelict in the performance of those duties in that you negligently failed to refrain from providing alcoholic beverages to persons under the age of 21 years, as it was your duty to do. You were given an Article 15, 27 Sep 95.
 - b. On or about 5 Sep 95, you showed for duty at 0805 hrs. Your duty day starts at 0730 hrs. This was not the first time you had been late. You were given a Record of Counseling (ROC), 5 Sep 95.
 - c. On or about 28 Jun 95, you failed to have a letter on file at the Base Housing Office, designating someone to take care of your quarters and pets, in violation of base housing policy as established in the family housing brochure. You were given a Letter of Reprimand (LOR), 17 Jul 95. A Unfavorable Information File (UIF) was also established.
 - d. On or about 9 Sep 93, you did, at or near Minot Air Force Base, North Dakota, fail to report to a scheduled class at the Social Actions office. You were given an LOR, 13 Sep 93.
 - e. Between on or about 15 Jun 93 and on or about 25 Aug 93, you did, at or near Minot Air Force Base, North Dakota, commit sexual harassment toward [REDACTED]. You were given an LOR, 13 Sep 93.
 - f. Preliminary investigation disclosed that you, who knew of your duties, at or near Minot Air Force Base, North Dakota, on or about 8 Jul 93, were derelict in the performance of those duties

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in that you willfully failed to refrain from drinking alcoholic beverages while under the age of 21, as it was your duty to do. In addition, preliminary investigation disclosed that you did, at or near Minot Air Force Base, North Dakota, between on or about 6 Jul 93 and on or about 8 Jul 93, without proper authority destroy by using a hatchet and knife, a bed value of about \$100.00, military property of the United States. You were given an Article 15, 16 Jul 93 which was placed in your UIF folder.

g. On or about 14 Jun 93, you failed to go to your scheduled appointment at the newcomers briefing. You failed to inform your flight sergeant that you had a scheduled appointment; consequently you were dispatched to the field and unable to keep this appointment. You were given a Letter of Counseling (LOC), 23 June 93.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction (5 BW/CC) 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. Any special pay, bonus, or education assistance funds may be subjected 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 Captain [redacted], Area Defense Counsel, at his office, 300 Summit Drive, Room 306A, at 1100 hours, on 2 Oct 95. 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 1500 hours, on 2 Oct 95, 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 the Physical Exam Section, 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND at 0900 hours, on 3 Oct 95, for the examination. You must not drink alcoholic beverages 72 hours prior to the exam; you must not consume fatty foods (dairy products, fried foods, eggs, red meats, and seafood) 24 hours prior to the exam; you must not eat, drink, smoke, or chew tobacco 14 hours prior to the exam (you should drink 4-6 glasses of water in the 14 hour period).

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use in the Orderly Room.

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



Squadron Section Commander, 5 CES

Attachments:

1. Article 15, 27 Sep 95
 - a. ROC, 5 Sep 95
 - b. LOR, 17 Jul 95
 - c. LOR, 13 Sep 93
 - d. LOR, 13 Sep 93
 - e. Article 15, 16 Jul 93
 - f. LOC, 23 June 93
2. Receipt of Letter of Notification