

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 A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X **
					X **
					X **
					X **
					X **

ISSUES A93.01	INDEX NUMBER A67.10	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 19 May 2006	CASE NUMBER FD-2005-00361			
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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.

* Reason and Authority
+ Reenlistment Code

SIGNATURE OF RECORDER <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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INDORSEMENT		DATE: 5/22/2006
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

GENERAL: The applicant appeals for upgrade of discharge to honorable, to 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 are 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:

Issue 1. The applicant cited his desire to reenlist in the Air Force to complete his obligation. The DRB noted the applicant's desire but concluded that his desire standing alone was not a matter of inequity or impropriety which would warrant an upgrade.

Issue 2. Although not explicitly stated the applicant suggested that his misconduct was a result of his youth, immaturity and irresponsibility. The records indicated the applicant received an Article 15 for failure to go to appointed place of duty. He also received three Letters of Reprimand for disobeying a lawful order, making a false official statement and dereliction of duty; three Letters of Counseling for sleeping on duty, financial irresponsibility and reporting late to training; a Letter of Admonishment for failure to go to appointed place of duty; and a Record of Individual Counseling for misconduct. 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 Minot AFB, ND on 6 Jan 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 27 Jun 83. Enlmt Age: 18 1/12. Disch Age: 20 6/12. Educ: HS DIPL. AFQT: N/A. A-71, E-67, G-57, M-62. PAFSC: 2M031A - Intercontinental Ballistic Missile Apprentice. DAS: 4 Jul 02.

b. Prior Sv: (1) AFRes 15 Aug 01 - 13 Nov 01 (2 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Nov 01 for 6 yrs. Svd: 02 Yrs 01 Mo 23 Das, all AMS.

b. Grade Status: A1C - 28 Dec 01

c. Time Lost: None.

d. Art 15's: (1) 4 Dec 03, Minot AFB, ND - Article 86. You, did, on or about 21 Nov 03, without authority, fail to go at the time prescribed to your appointed place of duty. Fofeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 04 DEC 03 - Disobeying a lawful order.
LOR, 31 OCT 03 - Dereliction of duty.
LOR, 31 OCT 03 - Making a false official statement.
LOA, 17 SEP 03 - Late for work.
RIC, 15 AUG 03 - Late for work.
LOC, 06 MAR 03 - Reporting late to training and without I.D. card.
LOC, 20 FEB 03 - Financial irresponsibility.
LOC, 30 OCT 02 - Sleeping on duty.

f. CM: None.

g. Record of SV: 14 Nov 01 - 13 Jul 03 Minot AFB 4 (Initial)

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

i. Stmt of Sv: TMS: (02) Yrs (05) Mos (01) Das

TAMS: (02) Yrs (01) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 07 Sep 05.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: Requesting reentry into the Air Force to complete my obligation to my country. The circumstances regarding my discharge were mostly due to irresponsabilty (sic) and conflict of intrest (sic). I have reassessed my priorities and have come to the conclusion that I will not let my irresponsablities (sic) hold me down from going above and beyond.

ATCH

1. Letter of Support.

25OCT05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 91 SPACE WING (AFSPC)
MINOT AIR FORCE BASE, NORTH DAKOTA

FD2005-003601

DEC 10 2003

MEMORANDUM FOR A1C [REDACTED] 91MOS

FROM: 91 MOS/CC

SUBJECT: Letter of Notification - AFI 36-3208, Paragraph 5.49.

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, *Military Retirements and Separations*, 14 Jul 93, and AFI 36-3208, *Administrative Separation of Airmen*, 28 May 03, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your discharge will be characterized as general or honorable. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. You did, on or about 25 Nov 03, disobeyed an lawful order, by not getting your hair cut after being told to by your supervisor and the NCOIC of your section. You received a Letter of Reprimand (LOR) on 4 Dec 03.

b. You did, at or near Minot Air Force Base, North Dakota, on or about 21 Nov 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 537, Minot Air Force Base, North Dakota. You were punished under Article 15 of the UCMJ on 4 Dec 03.

c. On or about 27 Oct 03, you lost government property by losing your keys to the office and the vault foyer, resulting in the office and foyer door locks being re-keyed. You received an LOR on 31 Oct 03.

d. You did, on or about 28 Oct 03, make a false official statement, by stating you had finished a KAT test and scored "a 52 or 53", when in fact you scored a 23 on a test that took you over 7 hours to complete. You received an LOR on 31 Oct 03.

e. On 17 Sep 03, you failed to go to your appointed place of duty by reporting to work late. You received a Letter of Admonishment on 17 Sep 03.


f. On 14 Aug 03 and 15 Aug 03, you failed to go to your appointed place of duty by reporting to work 30 minutes late and 70 minutes late respectfully. You received a Record of Individual Counseling on 15 Aug 03.

g. On 6 Mar 03, reported to work 20 minutes late and without your military I.D. card. You received a Letter of Counseling (LOC) on 6 Mar 03.

h. On or about 14 Feb 03, you wrote insufficiently funded checks to various businesses. You received an LOC on 20 Feb 03.

Global Power For America

1. On 30 Oct 02, you were found sleeping on duty. You received an LOC on 30 Oct 02.
3. The Letter of Notification with attachments will be forwarded to the separation authority in support of this recommendation. 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.
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 the Area Defense Counsel Office, Bldg 475, Room 306A, on 12 Dec, 2003 at 0900 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 by 0900 hours on 15 Dec 2003, unless you request and receive an extension for good cause shown. I will send any statements you provide 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 a medical examination. You must report to the 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND, at 1100 hours on 11 Dec 2003, for the examination. You must not drink alcoholic beverages 72 hours prior to the exam.
8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AF1 36-3208 is available for your use in the Orderly Room.
9. Sign the attached acknowledgment and the Statement of Understanding and return them to me immediately.


Commander, 91st Maintenance Operations Squadron

Attachments:

1. Receipt of Letter of Notification
2. Statement of Understanding
3. Letter of Reprimand, 4 Dec 03
4. AF FM 3070, Record of Nonjudicial Punishment Proceedings, 4 Dec 03
5. Letter of Reprimand, 31 Oct 03
6. Letter of Reprimand, 31 Oct 03
7. Letter of Admonishment, 17 Sep 03

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8. Record of Individual Counseling, 15 Aug 03
9. Letter of Counseling, 6 Mar 03
10. Letter of Counseling, 20 Feb 03
11. Letter of Counseling, 30 Oct 03