

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE <b>AB</b>		AFSN/SSAN	
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 <b>A94.53</b> <b>A95.00</b> <b>A01.00</b>		INDEX NUMBER <b>A67.10</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 <b>24 May 2006</b>		CASE NUMBER <b>FD-2005-00375</b>			
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		SIGNATURE OF BOARD PRESIDENT			
INDORSEMENT		DATE: 5/30/2006			
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

FD-2005-00375

**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 the reason and authority, and to change the RE Code are 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 applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant had received an Article 15 for failure to go to appointed place of duty; derelict in the performance of those in that he willfully failed to refrain from riding in a privately owned vehicle during duty hours to school; and with intent to deceive, made an official statement "I walked to school", which was known to be totally false. As a result, applicant was punished with a reduction to airman basic, forfeiture of \$100.00 pay for two months and 14 days of extra duty. He also received an AETC Form 125A for removal from technical training; a Letter of Reprimand and entry on Unfavorable Information File for showing disrespect towards a Non-Commissioned Officer, and a Record of Individual Counseling for prohibited items in his dormitory room. 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

[REDACTED] (Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Sheppard AFB, TX on 8 Dec 03 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: 5 Sep 83. Enlmt Age: 19 5/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-63, E-62, G-48, M-58. PAFSC: 2A313A - Tactical Aircraft Maintenance Helper. DAS: 16 Jun 03.

b. Prior Sv: (1) AFRes 4 Mar 03 - 28 Apr 03 (1 mo 25 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Apr 03 for 6 years. Svd: 00 Yrs 07 Mo 10 Das, all AMS.

b. Grade Status: AB - 17 Nov 03, (Article 15, 17 Nov 03)  
A1C - 13 Jun 03

c. Time Lost: None.

d. Art 15's: (1) 17 Nov 03, Sheppard AFB, TX - Article 86. You did, on or about 4 Nov 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: formation. Article 92. You, who know or should of known of your duties, on or about 4 Nov 03, were derelict in the performance of those duties in that you willfully failed to refrain from riding in a privately owned vehicle during duty hours to school, as it was your duty to do. Article 107. You did, on or about 7 Nov 03, with intent to deceive, make to MSgt [REDACTED] an official statement, to wit: "I walked to school," which statement was totally false, and was then known by you to be so false. Reduction to AB. Forfeiture of \$100.00 pay per month for 2 months and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: AETC 125A, 7 NOV 03 - Removal from Technical Training.  
LOR/UIF, 16 OCT 03 - Showing disrespect towards an NCO.  
RIC, 8 SEP 03 - Prohibited items in Dormitory.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (00) Yrs (09) Mos (05) Das  
TAMS: (00) Yrs (07) Mos (10) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 19 Sep 05.

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

Issue 1: I [ ] am asking the Military Board of review to consider changing my discharge from an (sic) General under Honorable conditions, to an Honorable discharge. I am also asking that my entry-level code be changed so that I may be able to renlist (sic) in the military and serve my country as I have always wanted to do.

ATCH

None.

21NOV05/day



**DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND**

**1 DEC 2003**

MEMORANDUM FOR AB: [REDACTED] 362 TRS

FROM: 362 TRS/CCQ

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 under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You did, at or near Sheppard AFB TX, on or about 7 Nov 03, with intent to deceive, make to MSgt [REDACTED] an official statement, to wit: "I walked to school," which statement was totally false, and was then known by you to be so false. For this misconduct and subparagraphs "b" and "c" below you received Article punishment 15 on 17 Nov 03.

b. You did, at or near Sheppard AFB TX, on or about 4 Nov 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: formation.

c. You, who knew or should have know of your duties at or near Sheppard AFB TX, on or about 4 Nov 03, were derelict in the performance of those duties in that you failed to refrain from riding in a privately owned vehicle during duty hours to school, as it was your duty to do.

d. You, who knew or should have know of your duties at or near Sheppard AFB TX, on or about 10 Oct 03, were derelict in the performance of those duties in that you made some disparaging comments toward an Noncommissioned Officer (NCO), as it was your duty not to do. For this misconduct, you received a Letter of Reprimand (LOR) on 16 Oct 03 and an Unfavorable Information File (UIF) was established.

e. You, who knew or should have know of your duties at or near Sheppard AFB TX, on or about 6 Sep 03, were derelict in the performance of those duties in that you failed to refrain from having a can of Leather Luster and Leather dye in your room, as it was your duty to do. For this misconduct you received an AETC Form 174, Record of Individual Counseling, on 8 Sep 03.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be 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                      at building 1638 on 2 Dec 03 at 1400. 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 4 Dec 03 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 82d Medical Group, Bldg 1200, Physical Examinations, at 0815 on 7 Nov 03.

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 in the Commander's Support Staff Office.

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

  
Squadron Section Commander

Attachments: (listed on the next page)

Attachments:

1. AF Form 3070, 17 Nov 03
2. AF Form 1168, MSgt [redacted], 10 Nov 03
3. AF Form 1168, A1C: [redacted], 5 Nov 03
4. AF Form 1168, A1C: [redacted], 5 Nov 03
5. AF Form 1168, A1C: [redacted], 5 Nov 03
6. AF Form 1168, AB: [redacted], 5 Nov 03
7. AF Form 1168, Amn: [redacted], 5 Nov 03
8. AF Form 1168, AB: [redacted], 5 Nov 03
9. AF Form 1168, AB: [redacted], 5 Nov 03
10. AF Form 1168, A1C: [redacted], 5 Nov 03
11. LOR, 16 Oct 03
12. AF Form 1058, 16 Oct 03
13. AF Form 1168, AB: [redacted], 29 Oct 03
14. AF Form 1168, AB: [redacted], 29 Oct 03
15. AF Form 1168, AB: [redacted], 29 Oct 03
16. AF Form 1168, AB: [redacted], 29 Oct 03
17. AF Form 1168, AB Amn: [redacted], 29 Oct 03
18. AF Form 1168, A1C: [redacted], 29 Oct 03
19. AF Form 1168, Amn: [redacted], 29 Oct 03
20. AF Form 1168, AB: [redacted], 29 Oct 03
21. AF Form 1168, Amn: [redacted], 29 Oct 03
22. AF Form 174, 8 Sep 03
23. AETC Form 125A, 7 Nov 03
24. Student Training Report 03094
25. MFR, 21 Nov 03
26. LAFB Form 205, 16 Jun 02
27. Airman's Receipt to Notification Memorandum *wd*