

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		<b>GRADE</b>  AMN	<b>AFSN/SSAN</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>			
<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>			
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<b>YES</b>	<b>No</b>					
	<b>X</b>					
<b>MEMBER SITTING</b>		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
						X
<b>ISSUES</b>	<b>INDEX NUMBER</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
A92.35 A94.05	A67.10	<b>1</b>	ORDER APPOINTING THE BOARD			
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE			
		<b>3</b>	LETTER OF NOTIFICATION			
		<b>4</b>	BRIEF OF PERSONNEL FILE			
			COUNSEL'S RELEASE TO THE BOARD			
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
			TAPE RECORDING OF PERSONAL APPEARANCE			
<b>HEARING DATE</b>	<b>CASE NUMBER</b>					
07 Jul 2006	FD-2005-00393					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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>						
<b>SIGNATURE OF RECORDER</b>			<b>SIGNATURE OF BOARD PRESIDENT</b>			
<b>INDORSEMENT</b>						<b>DATE: 7/11/2006</b>
<b>TO:</b>			<b>FROM:</b>			
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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-2005-00393**

**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:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15's, six Letters of Reprimand and one Letter of Counseling for misconduct. The Article 15's were for failure to report at the time prescribed as his appointed place of duty and derelict in the performance of duties in that he negligently failed to properly prepare the primary ammo can with the appropriate items or assure that the items were available. As a result, applicant was punished with a reduction in grade and forfeiture of pay. The records indicated applicant received six Letters of Reprimand for dereliction of duty, unauthorized use of Government Travel Card, late for duty, improper wear of uniform, and speeding. Applicant also received a Letter of Counseling for addressing NCOs inappropriately and speeding. 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 USAF Malmstrom AFB, MT on 27 Feb 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 02 Jul 73. Enlmt Age: 19 9/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-63, E-81, G-66, M-81. PAFSC: 2W231 - Nuclear Weapons Apprentice. DAS: 27 Jan 94.

b. Prior Sv: (1) AFRes 26 Apr 93 - 16 Aug 93 (3 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 17 Aug 93 for 4 yrs. Svd: 01 Yrs 06 Mo 11 Das, all AMS.

b. Grade Status: AMN - 5 Jan 95 (Vacation of Article 15, 31 Jan 95)  
A1C - 17 Jun 94

c. Time Lost: None.

d. Art 15's: (1) 31 Jan 95, Vacation, Malmstrom AFB, MT - Article 86. You, did, on or about 23 Jan 95, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 1840. Reduction to Airman. (No appeal) (No mitigation)

(2) 05 Jan 95, Malmstrom AFB, MT - Article 92. You, who should have known of your duties, on or about 14 Dec 94, were derelict in the performance of those duties in that you negligently failed to properly prepare the primary ammo can with the appropriate items or assure that the items were available, as it was your duty to do. Suspended reduction to Airman. Forfeiture of \$100.00 pay. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 12 DEC 94 - Dereliction of duty.  
LOR/UIF, 07 DEC 94 - Dereliction of duty.  
LOR/UIF, 22 NOV 94 - Unauthorized use of Government Travel Card.  
LOR/UIF, 22 NOV 94 - Late for duty, dereliction of duty, and improper wear of the uniform.  
LOR, 27 OCT 94 - Speeding.  
LOC, 18 JUL 94 - Late for duty, and addressing NCOs

inappropriately.  
LOR, 15 FEB 94 - Speeding.

- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR, NDSM, AFOUA.
- i. Stmt of Sv: TMS: (01) Yrs (10) Mos (02) Das  
TAMS: (01) Yrs (06) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 06 Oct 05.  
(Change Discharge to Honorable)

Issue 1: My discharge was unjustified based on the reasons for the misconduct. There was no misconduct, if a speeding ticket in town is a justifiable reason for discharge. The speeding violation was dealt with in town and then double jeporady (sic) on base as well.

**ATCH**  
None.

23NOV05/ia



## DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 341ST MISSILE WING (AFSPC)  
MALMSTROM AIR FORCE BASE, MONTANA 59402-6785

06 FEB 1995

MEMORANDUM FOR 341 MXS

ATTN: Amn: 

FROM: 341 MXS/CC  
1 South Perimeter Road  
Malmstrom AFB, Montana 59402-6785

SUBJ: Notification Memorandum - Amn: 

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On or about 13 Feb 94, you were stopped by local law enforcement authorities for speeding (100 plus MPH in a 55 MPH zone). For this misconduct you received a Letter of Reprimand (LOR) on 15 Feb 94.

b. On or about 26 May 94 and 18 Jul 94, you failed to go to your appointed place of duty at the time prescribed. For this misconduct you received a Letter of Counseling (LOC) on 18 Jul 94.

c. On or about 21 Oct 94, you were stopped by base law enforcement authorities for driving 35 MPH in a 25 MPH speed zone. For this misconduct you received a LOR on 27 Oct 94.

d. Between on or about 5 Aug 94 and 21 Oct 94, you failed to go to your appointed place of duty at the time prescribed on 3 separate occasions. Also between on or about 31 Oct 94 and 21 Nov 94, you did, on two separate occasions, fail to wear the proper uniform according to AFI 36-2903. Also, on or about 31 Oct 94, you were observed not using technical data on one of the tasks you were doing. For these acts of misconduct you received a LOR on 22 Nov 94.

e. On or about 22 Nov 94, you were derelict in your duty in that you <sup>used</sup> your American Express card for personal use. For this misconduct you received a (LOR) on 22 Nov 94. An Unfavorable Information File (UIF) was established and this LOR was placed in the UIF.

f. On or about 7 Dec 94, you failed to go to your appointed place of duty at the time prescribed. For this misconduct you received a LOR on 7 Dec 94, which was placed in your existing UIF.

g. On or about 12 Dec 94, you failed to go to your appointed place of duty at the time prescribed. For this misconduct you received a LOR on 12 Dec 94, which was placed in your existing UIF.

h. On or about 14 Dec 94, you were derelict in the performance of your duties in that you failed to properly prepare the primary ammo can with the appropriate items or assure that the items were available, as it was your duty to do so. For this misconduct you received an Article 15 resulting in suspended reduction to the grade of Amn, forfeiture of \$100.00 pay on 5 Jan 95.

i. On or about 23 Jan 95, you failed to go to your appointed place of duty at the time prescribed. For this misconduct, your suspended Article 15 punishment was vacated resulting in reduction in grade from A1C to Amn on 31 Jan 95.

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 Area Defense Counsel, 6944 Goddard Drive, Bldg 160, Room 18 on 9 FEB 95 at 0900. 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 9 Feb 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 must receive a medical examination. You are scheduled for a medical examination at the 341st Medical Group Physical Examination Section on N/A at N/A hours. You **must** be in uniform.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208, Atch 6. A copy of AFI 36-3208 is available for your use at your Orderly Room.



Commander

**Attachments:**

1. Supporting documents for reasons for discharge or documents containing derogatory information:
  - a. LOR, 15 Feb 95
  - b. LOC, 18 Jul 94
  - c. LOR, 27 Oct 94
  - d. LOR, 22 Nov 94
  - e. LOR, 22 Nov 94
  - f. LOR, 7 Dec 94
  - g. LOR, 12 Dec 94
  - h. Article 15, 5 Jan 95
  - i. Vacation, 31 Jan 95
2. Airman's receipt of notification memorandum