

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
COUNSEL YES No	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
X			

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

ISSUES A94.53	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 05 Jun 2006	CASE NUMBER FD-2005-00409			

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONAL

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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT	DATE: 6/2/2006
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, 3RD FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00409

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: Applicant received a General discharge for Misconduct – Minor Disciplinary Infractions

Applicant contends that he would like to go back into the military and serve his country again. The records indicated the applicant received two Article 15s and three Letters of Reprimand for misconduct to include underage drinking, dereliction of duty, sleeping on duty, failure to go, and failure to pay just debts. 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 and the characterization of the discharge received by the applicant was found to 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, reason and authority for discharge, and reenlistment code 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 Dover AFB, DE on 16 Jun 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 11 Sep 72. Enlmt Age: 17 10/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-34, E-65, G-50, M-60. PAFSC: 45752D - C5 Airlift Aircraft Maintenance Specialist. DAS: 21 Oct 91.

b. Prior Sv: (1) AFRes 9 Aug 90 - 30 Jun 91 (10 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Jul 91 for 4 yrs. Svd: 01 Yrs 11 Mo 16 Das, all AMS.

b. Grade Status: Amn - 14 Apr 93 (Vacation of Article 15, 10 May 93)
A1C - 1 Nov 92
Amn - 1 Jan 92

c. Time Lost: None.

d. Art 15's: (1) 10 May 93, Vacation, Dover AFB, DE - Article 134. You, being indebted to MCI Telephone Company in the sum of approximately \$1,185.59 for invoice 47556350 dated 28 Sep 92 and invoice 47856782 dated 28 Oct 92, which amount became due and payable on or about 28 Sep 92, did, from on or about 21 Apr 93 to on or about 29 Apr 93, dishonorably fail to pay said debt. Reduction to Airman. (No appeal) (No mitigation)

(2) 14 Apr 93, Dover AFB, DE - Article 86. You did, on or about 29 Mar 93, without authority, fail to go at the time prescribed to your appointed place of duty. Article 134. You, being indebted to McCullough Used Cars in the sum of approximately \$1,000.00 for a 1982 Datsun 200 SX, which amount became due and payable on or about 24 Apr 92, did, from on or about 28 Mar 93 to on or about 5 Apr 93, dishonorably fail to pay said debt. Suspended reduction to Airman. Fourteen days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 19 DEC 92 - Sleeping on duty.
LOR, 19 DEC 92 - Dereliction of duty.

LOR, 11 MAR 92 - Underage drinking.

f. CM: None.

g. Record of SV: 1 Jul 91 - 28 Feb 93 Dover AFB 2 (Initial)REF

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (02) Yrs (10) Mos (08) Das
TAMS: (01) Yrs (11) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 Oct 05.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I would like to go back into the military and serve my country again.

ATCH
None.

15DEC05/ia



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



REPLY TO
ATTN OF: 436 AGS/CC

25 May 1993

SUBJECT: Notification Letter

TO: Amn: [REDACTED]

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. 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 your record of misconduct, which is set forth below:

<u>DATE</u>	<u>INCIDENT</u>	<u>ACTION</u>	<u>ATCH</u>
21 - 23 Apr 93	Failure to pay just debts	Vacation of Nonjudicial Punishment	1
29 Mar 93	Failure to go and failure to pay just debts	Article 15	2
5 Dec 92	Dereliction of duty (sleeping on duty)	LOR	3
2 Dec 92	Dereliction of duty (failed to follow directions and procedures	LOR	4
8 - 9 Feb 92	Underage drinking	LOR	5

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.

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 Capt. [REDACTED] at Bldg 200, Rm 3, at 0900 hrs on 25 May 93. You may consult with 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 28 May 93 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to submit statements in your 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 Bldg 305 at 0730 on 1 June 1993 for an examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10. A copy of AFR 39-10 is available for your use in the Orderly Room.

8. Execute the attached receipt of notification letter and return it to me immediately.



Commander

6 Atchs

1. Vacation of Nonjudicial Punishment
2. Article 15
3. LOR
4. LOR
5. LOR
6. Receipt of Notification Letter