

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE 1LT	AFSN/SSAN []
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No	NAME OF COUNSEL AND OR ORGANIZATION	
	X		

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

ISSUES A92.21 A93.01 A94.05	INDEX NUMBER A67.30	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 24 May 2006	CASE NUMBER FD-2005-00411	
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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.

SIGNATURE OF RECORDER [Signature]	SIGNATURE OF BOARD PRESIDENT [Signature]
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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

CASE NUMBER

FD-2005-00411

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. The applicant states that his discharge was inequitable because it was too harsh and based on one isolated incident for which non-judicial punishment had already been issued. The records indicated the applicant received an Article 15 for driving while drunk; physically controlling a vehicle in a reckless manner by weaving in and out of traffic at a high rate of speed; nearly striking two vehicles while change lanes without a signal; and traveling at a speed of 75 MPH in a 35 MPH zone. He was punished with a forfeiture of \$750.00 pay for two months and a reprimand. He received a Letter of Reprimand for sending pornographic material via email and for being involved in an unprofessional relationship with an enlisted member of his squadron. Applicant also received four Memorandums for Record for unprofessional interaction with females in his flight; late for duty on two separate occasions and failure to dispatch his forces properly during a Response Force Exercise. 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.

Issue 2. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 1LT) (HGH 1LT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Barksdale AFB, LA on 28 Mar 02 UP AFI 36-3206, para 3.6.4 (Serious Misconduct Punishable by Military or Civilian Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 Dec 75. Enlmt Age: 22 5/12. Disch Age: 26 3/12. Educ: Bachelor Degree. AFQT: N/A. PAFSC: 31P3 - Security Forces. DAS: 12 Feb 99.

b. Prior Sv: (1) AFRes 30 May 98 - 28 Jul 98 (1 month 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Appointed to 2Lt and Ordered to EAD on 29 Jul 98. Svd: 03 Yrs 07 Mo 28 Das, all AMS.

b. Grade Status: 1Lt - 29 Jun 00

c. Time Lost: None.

d. Art 15's: (1) 22 Jun 01, Barksdale AFB, LA - Article 111. You did, at or near Bossier City, Louisiana, on or about 26 Apr 01, while traveling north on Airline Drive, physically control a vehicle, to wit: a passenger car, while drunk. You did, at or near Bossier City, Louisiana, on or about 26 Apr 01, while traveling north on Airline Drive, physically control a vehicle, to wit: a passenger car, in a reckless manner by weaving in and out of traffic at a high rate of speed, following several vehicles too closely, nearly striking two vehicles while changing lanes without a turn signal, and by traveling at a speed of 75 miles per hour in a 35 miles per hour speed zone. Forfeiture of \$750 pay per month for two months and Reprimand. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 2 FEB 01 - Sending pornographic material via email transmission. Involved in an unprofessional relationship with an enlisted female member of the squadron.

MFR, 26 APR 00 - Failed to dispatch his forces properly during a Response Force Exercise.

MFR, 26 APR 00 - Late for duty on two occasions.

MFR, 12 APR 00 - Inappropriate/Unprofessional actions with 2 females.

MEMO FOR SFO, 24 FEB 00 - Failure of initial practical

evaluation for Convoy Commander.
MFR, 15 FEB 00 - Unprofessional interaction with females on
his flight.

f. CM: None.

g. Record of SV: 29 Jul 98 - 12 Feb 00 Barksdale AFB MS (Annual)
13 Feb 00 - 12 Feb 01 Barksdale AFB DNMS (Annual) REF

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

i. Stmt of Sv: TMS: (03) Yrs (09) Mos (27) Das
TAMS: (03) Yrs (07) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Oct 05.
(Change Discharge to Honorable)

Issue 1: The main factor behind my discharge was based on one isolated incident; for which non-judicial punishment had already been issued. This incident demonstrated a severe lack of judgement and maturity on my part. Since the time of my discharge, I have constantly strived to advanced myself through self-improvement; despite the current discharge status listed in Item 4. The change/upgrade listed in Item 5 is requested to facilitate future attempts of continuing education and self-improvement. The documents listed in Item 8 are submitted as character references. These documents are in no way designed to excuse my actions. I request these documents be evaluated and reviewed as proof of my efforts of self-improvement, despite my current discharge status.

ATCH

1. Three Character References.

30NOV05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE LOUISIANA

MEMORANDUM FOR FIRST LIEUTENANT: [redacted]

FROM: 2 BW/CC
109 Barksdale Blvd W., Suite 100
Barksdale AFB LA 71110-2164

12/17/01

SUBJECT: Notification of Action Initiated Under AFI 36-3206, Chapter 3,
Paragraph 3.6.4., Serious or Recurring Misconduct Punishable by Military
Authorities

1. I am initiating action against you under AFI 36-3206, Chapter 3, paragraph 3.6.4. This action requires you to show cause for retention on active duty.
2. I am taking this action because you committed serious and recurring misconduct punishable by military or civil authorities. Specifically:
 - a. On or about 26 Apr 01, you operated a motor vehicle while drunk, recklessly weaving in and out of traffic at a high rate of speed, following several vehicles too closely, nearly striking two vehicles while changing lanes without a turn signal, and at times traveling at a speed of 75 miles per hour in a 35 miles per hour speed limit zone (attachment 7).
 - b. From on or about 12 Apr 00 to on or about 26 Apr 00, on two occasions, you reported to duty approximately two hours late (attachment 4).
 - c. On or about 8 Jan 01, you transmitted pornographic photos of nude women to a government computer operated by SSgt [redacted]; an enlisted member in your chain of command (attachment 6).
 - d. On divers occasions, from on or about 1 Nov 99, to on or about 2 Feb 01, you engaged in unprofessional relationships with enlisted female airmen in your chain of command. These unprofessional relationships included your flirting, dancing, drinking and privately consorting with said enlisted females (attachments 1, 2, 6 and 10).

3. The least favorable character of discharge that the Secretary of the Air Force may approve in this case is Under Other Than Honorable Conditions. I am recommending you receive a discharge Under Honorable Conditions (General). In making this recommendation about the type of discharge you should receive, I am also considering your poor duty performance. You have received one referral OPR (attachment 10). You failed your initial practical evaluation as a convoy commander (attachment 2). You improperly dispatched your forces during an exercise (attachment 5). Based upon pending disciplinary actions, on

25 May 01, Lt Col: [redacted] 2 SFS Commander, withdrew your ability to bear firearms (attachment 8), and on 25 May 01, you were temporarily decertified from PRP (attachment 9). Attached are copies of documentary evidence to support this action.

4. Sign and date the attached indorsement acknowledging receipt of this notification memorandum. A copy of the notification memorandum will be provided to you. If you decline to acknowledge receiving the notification memorandum, the officer presenting it to you will indicate on it the date and time that you declined to acknowledge receiving it and it will be included as a part of your case file.

5. Familiarize yourself with AFI 36-3206, particularly with regard to your rights in this action. If you do not request a resignation in lieu of further administrative action, the Air Force Personnel Board (AFPB) will convene as provided in Chapter 6. Contact Captain [redacted] the Area Defense Counsel, (318) 456-8355, DSN: 781-8355, 414 Curtis Road, Suite 300, Barksdale AFB LA 71110, to discuss the procedures involved and your rights and options. If you decline counsel, contact Captain [redacted] Chief, Military Personnel Flight: (318) 456-1400, DSN: 781-4403, 345 Davis Avenue E., Barksdale AFB LA 71110-2100, for counseling about your rights and options.

6. Within 10 calendar days after you receive this notification memorandum, you must respond by indorsement to me. If I do not receive the indorsement within the allotted time I will proceed with further action under AFI 36-3206. Include in your indorsement:

a. Any statement you wish to submit on your own behalf and/or any additional evidence you wish me to consider. If you are unable to submit your statements or documentary evidence within 10 calendar days after receiving this notification memorandum, you may request more time as allowed under AFI 36-3206. Submit your request for additional time to me. If you do not submit statements or evidence, your failure will constitute a waiver of your right to do so and I will refer your case to the AFBP.

b. A statement that Captain [redacted] Area Defense Counsel, counseled you and that you fully understand your rights and options in this action. If you declined counsel, so state and indicate that Captain [redacted] counseled you and that you fully understand your rights and options in this action.

c. A statement that you understand the following regarding recoupment of education assistance, special pay, or bonuses received if you have not completed the period of active duty you agreed to serve:

(1) Recoupment of a portion of education assistance, special pay, or bonus monies received if you voluntarily separate.

(2) Recoupment of a portion of education assistance received if involuntary discharge is for misconduct.

(3) Recoupment of a portion of special pay or bonus monies received regardless of the basis for involuntary discharge.

(4) The recoupment in all cases is an amount that bears the same ratio to the total amount or cost provided to you as the unserved portion of active duty bears to the total period of active duty that you agreed to serve.

(5) If you dispute you are indebted for educational assistance, the board of inquiry, or, if you do not choose or are not entitled to a board of inquiry, an authority appointed by me will make findings and recommendations concerning the validity of your indebtedness. See AFI 36-3206, paragraph 4.32.

d. A statement notifying me whether you intend to tender your resignation. If you have tendered your resignation, attach a copy of the resignation.

e. A statement that Captain: [redacted] or the Chief, Military Personnel Flight, explained separation pay to you and that you understand the eligibility criteria to receive separation pay.

f. Any other pertinent information.

7. In response to this notification memorandum, you may, within 10 calendar days: tender your resignation under AFI 36-3207, Chapter 2, Section B, with the understanding that, if the Secretary of the Air Force accepts your resignation, you may receive an Under Honorable Conditions (General) discharge, unless the Secretary of the Air Force determines that you should receive an Honorable discharge. If the Secretary of the Air Force accepts your resignation, your discharge date will be as soon as possible but no later than 10 calendar days after the date the MPF receives separation instructions.

8. I have taken action required under AFI 31-501. AF Form 2587 has been included in this case file and can be found at Attachment 12.

9. You may request excess leave if the Air Force doesn't require your further participation in processing your case.

[Redacted signature box]

Brigadier General, USAF
Commander

Attachments:

- 1. MFR, 15 Feb 00
- 2. MFR, 24 Feb 00
- 3. MFR, 12 Apr 00

4. MFR, 26 Apr 00
5. MFR, 26 Apr 00
6. LOR/UIF, 2 Feb 01
7. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 17 May 01
8. MFR, 25 May 01
9. MFR, 25 May 01
10. AF Form 707B, Officers Effectiveness Report, 12 Feb 01.
11. Recommendation Memo wo/Atchs
12. AF Form 2587
13. AFI 36-3206 (ICs 2000-1 & 2000-2)
14. AFI 36-3207 (ICs 2000-1 & 2000-2)

1st Ind to 2 BW/CC Memorandum, 17 Dec 01, Notification of Action Initiated Under AFI 36-3206, Chapter 3, Paragraph 3.6.4

FIRST LIEUTENANT:

MEMORANDUM FOR 2 BW/CC

I acknowledge receiving Notification of Show Cause Action Initiated Under AFI 36-3206, Chapter 3, Paragraph 3.6.4, from 2 BW/CC, dated 17 Dec 01, with 14 attachments at 1200 hours on 19 Dec 01 (date).