

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%; margin-top: 5px;"></div>		GRADE SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>																															
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<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</small>																																		
<p>Case heard via video teleconference between Andrews AFB, MD and Travis AFB, CA.</p> <p>Advise applicant of the decision of the Board 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> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>																																		
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-2005-00426
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reenlistment code.</p> <p>The applicant appeared and testified before the Discharge Review Board (DRB) without counsel via video teleconference between Andrews AFB, MD and Travis AFB, CA on 13 Nov 2006.</p> <p>The following additional exhibits were submitted at the hearing: Exhibit #6: Applicant's Opening Remarks</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge and change of reenlistment code are denied.</p> <p>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</p> <p>ISSUE:</p> <p>Applicant contends discharge was inequitable because it was too harsh and didn't take into consideration his time in Iraq, the death of his grandfather and his wife leaving him and taking his children out of state. The records indicate the applicant received an Article 15 for failing to report for mandatory PT and six Letters of Reprimand, to include: going TDY to a training class that he'd already attended, failing to get out of a vehicle and provide "spotting" assistance to the driver who subsequently backed into a light and caused damage to a government vehicle, lying to the first sergeant concerning the number of traffic tickets he'd received, failing to report for mandatory PT, failing to utilize his mandatory PT time properly, and failing to answer his cell phone and respond to an air conditioning emergency at the Officers Club. 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. As such, the characterization of the discharge received by the applicant was found to be appropriate.</p> <p>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.</p> <p>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 and reenlistment code should not be changed.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Fairchild AFB, WA on 25 Aug 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 24 Aug 79. Enlmt Age: 18 8/12. Disch Age: 25 0/12. Educ: HS DIPL. AFQT: N/A. A-35, E-39, G-46, M-48. PAFSC: 3E151 - Heating, Vent, A/C, & Refrigeration Journeyman. DAS: 1 Apr 04.

b. Prior Sv: (1) AFRes 10 Apr 98 - 13 Oct 98 (6 months 4 days) (Inactive).

(2) Enlisted as AB 14 Oct 98 for 4 yrs. Svd: 3 yrs 1 month 15 days, all AMS. AMN - 29 Mar 99. A1C - 14 Feb 00. SrA - 14 Oct 01. EPRs: 4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 30 Nov 01 for 6 yrs. Svd: 02 Yrs 08 Mo 25 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 16 Jun 04, Fairchild AFB, WA - Article 86. You, did, on or about 4 Jun 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 2249, Fitness Center. Suspended reduction to A1C. Suspended forfeiture of \$250.00 pay per month for 2 months. Thirty days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 22 JUL 04 - Dereliction of duty.
LOR/UIF, 02 JUN 04 - Not using physical training time as intended.
LOR, 13 MAY 04 - Late for mandatory formation.
LOR, 16 OCT 03 - Speeding on base and making a false statement.
LOR, 27 JUN 03 - Dereliction of duty.
LOR, 14 MAY 03 - Dereliction of duty.

f. CM: None.

g. Record of SV: 14 Jun 01 - 15 May 02 Hickam AFB 4 (CRO)



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 92D AIR REFUELING WING (AMC)
FAIRCHILD AIR FORCE BASE WASHINGTON

FD2005-00426

AUG 10 2004

MEMORANDUM FOR SRA: _____

FROM: 92 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: 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 an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

a. You were scheduled for a TDY to Sheppard AFB, TX for Systems I class. You were briefed about the school and when asked if you attended this class you stated that you had only been to the Controls class. You were two hours late for the first day of class and after sitting in the class for 5 days you were informed that you had already attended this course, at which point you had to be released from class for return back to Fairchild AFB, WA. For this action, you received a Letter of Reprimand dated 14 May 03.

b. On or about 13 Jun 03, you were a passenger in a vehicle that had an accident while driving in reverse in front of building 2266, where a light pole was hit and destroyed. You have been briefed on proper vehicle backing procedures on numerous occasions. Your lack of initiative by not getting out of the vehicle and spotting resulted in damage to government property. For this action, you received a Letter of Reprimand dated 27 Jun 03.

c. On or about 4 Oct 03, you were stopped by the 92 SFS for speeding. When questioned, the First Sergeant asked you if you had ever received any other tickets on base and you said "no." She asked a second time if you had ever received any speeding tickets and you said "once, at [your] last base." After reviewing your PIF, the First Sergeant found these to be false statements. This was the third speeding ticket in two years at this base with another ticket for failure to obey traffic signs or signals. For this conduct, you received a Letter of Reprimand dated 16 Oct 03.

d. On or about 28 Apr 04 and on or about 10 May 04, you failed to report to mandatory physical fitness at the prescribed time. For these actions, you received a letter of reprimand dated 13 May 04.

e. On or about 26 May 04, you failed to utilize your mandatory physical training time properly. For this action, you received a Letter of Reprimand dated 2 Jun 04.

f. You, did, at or near Fairchild AFB, WA, on or about 4 Jun 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 2249, Fitness Center. For

this action, you received an Article 15 dated 16 Jun 04. The punishment included the reduction to the grade of A1C (suspended), forfeiture of \$250 pay per month for 2 months (suspended), and 30 days extra duty.

g. On or about 15 Jul 04, you failed to answer your standby cell phone and respond to an emergency no air conditioning call at Club Fairchild from the base fire department night service call desk in support of an official function. For this action, you received a Letter of Reprimand dated 22 Jul 04.

3. 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 United States 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 any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 LORI M. GILL at 200 W. Bong Street, on 13 Aug 04, at 1400 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 145000, 18 Aug 04 unless you request and receive an extension for good cause shown. I will send them 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 Physical Exams, 92 MDG on _____, at _____ hours for the examination. Report to Physical Exams 30 minutes prior to your appointment to complete a DD Form 2697.

8. 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 at the orderly room.

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



 Commander

7 Attachments:

1. LOR dated 14 May 03 (2 pages)

2. LOR dated 27 Jun 03 (2 pages)
3. LOR dated 16 Oct 03 (2 pages)
4. LOR dated 13 May 04 (2 pages)
5. LOR dated 2 Jun 04 (4 pages)
6. Article 15 dated 16 Jun 04 (3 pages)
7. LOR dated 22 Jul 04 (2 pages)