

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 A1C	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	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	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A92.01 A93.07 A94.05	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 HE

HEARING DATE 14 Sep 2006	CASE NUMBER FD-2005-00442	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in 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 <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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INDORSEMENT	DATE: 9/18/2006
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

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. Although not explicitly stated, the applicant suggested that his discharge was inequitable because it was too harsh based upon his family problems. He stated that his wife had committed suicide and he had difficulty putting his job ahead of his family. The records indicated the applicant received an Article 15, five Letters of Reprimand, and a Record of Individual Counseling for misconduct. The applicant was disciplined with five Letters of Reprimand for making false official statements on two separate occasions, failure to go on three occasions, failure to perform duties and engaging in indecent acts or liberties with a child. The applicant had further misconduct and the basis for his discharge when he received an Article 15 for disobeying a no contact order. He was punished with a reduction in grade to airman with the reduction below airman first class suspended. 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 applicant contends that he was an "ideal" airman and states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Mountain Home AFB, ID on 7 May 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 18 Feb 77. Enlmt Age: 22 2/12. Disch Age: 27 2/12. Educ: HS DIPL. AFQT: N/A. A-99, E-97, G-98, M-91. PAFSC: 2A353A - F15 Tactical Aircraft Maintenance Journeyman. DAS: 2 Apr 03.

b. Prior Sv: (1) AFRes 4 May 99 - 11 May 99 (08 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 12 May 99 for 6 yrs. Svd: 04 Yrs 11 Mo 26 Das, all AMS.

b. Grade Status: A1C - 11 Mar 04 (Article 15, 11 Mar 04)
SrA - 05 Mar 02
A1C - 05 Nov 99

c. Time Lost: None.

d. Art 15's: (1) 11 Mar 04, Mountain Home AFB, ID - Article 92. You, having knowledge of a lawful order issued by Lt Col [redacted] to have no contact with [redacted], an order it was your duty to obey, did, on or about 12 Feb 04, fail to obey the same by wrongfully having contact with [redacted]. Article 86. You did, on or about 31 Jan 04, without authority, absent yourself from your unit, to wit: 366th Aircraft Maintenance Squadron, located at Mountain Home AFB, ID, and did remain so absent until on or about 2 Feb 04. Reduction to Amn, with reduction below A1C suspended. Reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 20 APR 04 - Engaged in indecent acts or liberties with a child.
RIC, 09 DEC 03 - Failure to obey a lawful order given by a SNCO.
LOR, 14 JUL 03 - Failure to properly perform duties.
LOR, 16 APR 03 - Failure to go.
LOR, 05 AUG 02 - Failure to go on two occasions and making a false official statement.
LOR, 18 JUL 02 - Made a false official statement to a SNCO.



**DEPARTMENT OF THE AIR FORCE
366TH AIRCRAFT MAINTENANCE SQUADRON (ACC)
MOUNTAIN HOME AIR FORCE BASE IDAHO**

MEMORANDUM FOR A1C:

23 APR 04

FROM: 366 AMXS/CC

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, under the provisions of AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service can be characterized as honorable, general, or under other than honorable conditions (UOTHC). I am recommending that your service be characterized as general.

2. My reasons for this action are that:

a. On diverse occasions, you engaged in indecent acts or liberties with a child. As a result, you received a Letter of Reprimand (LOR), dated 20 Apr 04. (Atch 1).

b. On or about 12 Feb 04, you failed to obey a lawful order given by the commander. Between, on, or about 31 Jan 04 and 02 Feb 04, you were Absent Without Leave from your unit. As a result, you received an Article 15, UCMJ, dated 11 Mar 04. (Atch 2)

c. Between, on, or about 27 Oct 03 and 28 Oct 03, you failed to obey a Senior Noncommissioned Officer by not receiving your flu shot when told to do so. As a result, you received a Record of individual Counseling (RIC), dated 09 Dec 03. (Atch 3)

d. On or about 08 Jul 03, you failed to properly perform a Thru-Flight Inspection on Aircraft 86-0179. As a result, you received a LOR, dated 14 Jul 03. (Atch 4)

e. On or about 09 Apr 03, you failed to show to your appointed place of duty, building 210. As a result, you received a LOR, dated 16 Apr 03. (Atch 5)

f. On or about 26 Jul 02, you failed to show to an appointment. On or about 05 Aug 02, you failed to show to your appointed place of duty, building 5312, Elmendorf AFB, AK. As a result you received a LOR, dated 05 Aug 02. (Atch 6)

g. On or about 11 Jul 02, you made a false official statement to a Senior Noncommissioned Officer. As a result you received a LOR, dated 18 Jul 02. (Atch 7)

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 a higher authority will make the final decision in this matter. 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.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I made an appointment for you to consult with the Area Defense Counsel, on 23 APR 04 at 1700 hours in building 2310. The telephone number is 828-2675. You may consult civilian counsel at

your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays of the date of this memorandum unless you request and receive an extension for good cause shown. I will forward them to the separation authority.

6. If you fail to consult counsel or to submit statements on 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 the Public Health Section at the hospital on Mountain Home AFB on 27 APRIL 04 at 1030 hours. The telephone number is 828-7280. If you wear glasses, wear them to the scheduled examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. Additionally, a copy of AFI 36-3208 is available for your use in the Area Defense Counsel's office or your squadron orderly room.

9. You will surrender your ID card to me immediately. Proceed with this letter to the Military Personnel Flight (MPF), Customer Service, Building 512, Mountain Home AFB no later than 1500 hrs on 23 APR 04 where you will be issued a temporary ID card good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.

10. Proceed with this letter to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than 0900 hrs on 26 APR 04 where you will turn in your Mountain Home AFB vehicle sticker and your DoD vehicle decal after which you will be issued a temporary vehicle pass good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle decal will be issued to you until the case is finalized.

11. Proceed with this letter to the Traffic Management Office (TMO), in building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.


Commander 

- 7 Attachments:
1. LOR, dated 20 Apr 04
 2. Art 15, dated 15 Mar 04
 3. RIC, dated 09 Dec 03
 4. LOR, dated 14 Jul 03
 5. LOR, dated 16 Apr 03
 6. LOR, dated 05 Aug 02
 7. LOR, dated 18 Jul 02