

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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<p>Case heard in 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>																																						
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INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		DATE: 8/30/2006 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**FD-2005-00452**

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, applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15's, a Vacation, two Letters of Reprimand, six Letters of Counseling, and a Memorandum for Record for misconduct. The two Article 15's and Vacation action were as a result of being absent from place of duty. He was punished the first time with a suspended reduction in grade to airman first class and 14 days of extra duty. The second punishment was a reduction to airman first class. The third and final punishment was a reduction in grade to airman. The records further indicated the applicant had twelve disciplinary infractions within a six month period of time for failures to go; reporting late for duty; failure to report for physical training; and misuse of government travel card. 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. Applicant states that his discharge did not take into account the good things he did during his initial enlistment. 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.

Issue 3. The applicant stated he was told his discharge could be upgraded. While a discharge may be upgraded, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal.

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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Charleston AFB, SC on 19 Feb 99 UP AFI 36-3208, para 5.26.1 (Unsatisfactory Performance). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 26 Aug 71. Enlmt Age: 23 1/12. Disch Age: 27 5/12. Educ: HS DIPL. AFQT: N/A. A-36, E-63, G-78, M-62. PAFSC: 3E351 - Structural Specialist. DAS: 4 Jun 97.

b. Prior Sv: (1) AFRes 26 Oct 94 - 16 Nov 94 (21 days) (Inactive).

(2) Enlisted as AB 17 Nov 94 for 4 yrs. Svd: 3 yrs 1 month 21 days, all AMS. AMN - 17 May 95. A1C - 17 Mar 96. SrA - 17 Nov 97. EPRs: 5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 9 Jan 98 for 4 yrs. Svd: 01 Yrs 01 Mo 10 Das, of which AMS is 01 yr 01 month 09 days (excludes 1 day lost time).

b. Grade Status: Amn - 26 Jan 99 (Article 15, 26 Jan 99)
A1C - 20 Nov 98 (Vacation of Article 15, 09 Dec 98)

c. Time Lost: 04 Mar 99 thru 05 Mar 99 (1 day).

d. Art 15's: (1) 26 Jan 99, Charleston AFB, SC - Article 86. You did, on or about 4 Jan 99, without authority, absent yourself from your unit, and did remain so absent until on or about 5 Jan 99. Reduction to Airman. (No appeal) (No mitigation)

(2) 09 Dec 98, Vacation, Charleston AFB, SC - Article 86. You did, on or about 27 Nov 98, without authority, absent yourself from your appointed place of duty at which you were required to be and did remain so absent until on or about 30 Nov 98. Reduction to A1C. (No appeal) (No mitigation)

(3) 20 Nov 98, Charleston AFB, SC - Article 86. You did, on or about 15 Oct 98, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 21 Oct 98, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 28 Oct 98, without

authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C. Fourteen days extra duty. (No appeal) (No mitigation)

- e. Additional: LOC, 11 JAN 99 - Failure to go.
 LOC, 15 DEC 98 - Failure to go.
 LOC, 14 DEC 98 - Failure to go.
 LOC, 08 DEC 98 - Failure to go.
 LOC, 08 DEC 98 - Failure to go.
 MFR, 11 DEC 98 - Failure to go. Reporting 6 hours and 15 minutes late for duty.
 LOR/UIF, 22 OCT 98 - Reporting 5 hours and 25 minutes late for duty.
 LOR/UIF, 21 SEP 98 - Failure to report back to duty station at 1000 hours. Failure to report to physical training.
 LOC/UIF, 13 AUG 98 - Misuse of Government Travel Card.
- f. CM: None.
- g. Record of SV: 16 Apr 97 - 15 Apr 98 Charleston AFB 5 (Annual)
 16 Apr 98 - 15 Jan 99 Charleston AFB 2 (Cmdr Dir)REF
- h. Awards & Decs: AFAM, AFLSAR, AFTR, NDSM, AFOUA W/3 DEVS, AFGCM.
- i. Stmt of Sv: TMS: (04) Yrs (03) Mos (23) Das
 TAMS: (04) Yrs (03) Mos (02) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 16 Nov 05.
 (Change Discharge to Honorable)

Issue 1: My prior service record will show that I served honorably during my original enlistment. I asked to be discharged before my enlistment was up because circumstances in my life made me feel it would be in the best interest of the Air Force and myself if I could be discharged early. Upon discharge I was informed I could have my discharge upgraded to honorable.

ATCH

- 1. DD Form 214.

25JAN06/ia

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 437TH AIRLIFT WING (AMC)



11 Feb 99

MEMORANDUM FOR AMN: [REDACTED] 437 CES

FROM: 437 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance, specifically, Unsatisfactory Duty Performance. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.26.1. If my recommendation for discharge is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 13 Aug 98, you were identified by the 437 CES First Sergeant, MSgt [REDACTED] as having used your Government American Express Travel Charge Card for other than official travel expenses. Specifically, you charged a total of \$357.85 to U-Haul, the Maid Brigade, and Shell. For this offense, you received a Letter of Counseling, dated 13 Aug 98 (Atch 1a) and an Unfavorable Information File w/atc was established (Atch 1b).

b. On 17 Sep 98, you were dismissed from M-16 training by SMSgt [REDACTED] for failure to stay awake during the classroom portion of the training and because he felt that you would present a safety risk on the live fire range. At 1000, after you were dismissed, SMSgt [REDACTED] told you to report back to your duty section, but you did not show up until after lunchtime. Additionally, on 18 Sep 98, you failed to report at 0615 to formal physical training at the gym. For this offense, you received a Letter of Reprimand, dated 21 Sep 98 (Atch 1c).

c. On 13 Oct 98, you were 5 hours and 25 minutes late reporting for duty. For this offense, you received a Letter of Reprimand, dated 22 Oct 98 (Atch 1d).

d. On 15 Oct 98, 21 Oct 98, and 28 Oct 98, you failed to report to your appointed place of duty. For this offense, you received an Article 15 w/atchs, dated 20 Nov 98 (Atch 1e).

Alert

e. On 27-30 Nov 98, you did, without authority, absent yourself from your appointed place of duty. For this offense, you received a Vacation of Suspended Nonjudicial Punishment w/atch, dated 9 Dec 98 (Atch 1f).

f. On 2 Dec 98, you failed to report to your appointed place of duty. Additionally, on 3 Dec 98, you reported 6 hrs and 15 minutes late for duty. These facts are evidenced by a Memorandum for Record, dated 11 Dec 98 (Atch 1g) and an AF Form 1168, dated 3 Dec 98 (Atch 1h).

g. On 7 Dec 98, you failed to report to your appointed place of duty. For this offense, you received a Letter of Counseling, dated 8 Dec 98 (Atch 1i).

h. On 8 Dec 98, you failed to report to your appointed place of duty. For this offense, you received a Letter of Counseling, dated 8 Dec 98 (Atch 1j).

i. On 14 Dec 98, you failed to report to your appointed place of duty. For this offense, you received a Letter of Counseling, dated 14 Dec 98 (Atch 1k).

j. On 15 Dec 98, you failed to report to your appointed place of duty. For this offense, you received a Letter of Counseling, dated 15 Dec 98 (Atch 1l).

k. On 11 Jan 99, you failed to report to your appointed place of duty. For this offense, you received a Letter of Counseling, dated 11 Jan 99 (Atch 1m).

l. On 4 Jan 99, you were absent from your unit until 5 Jan 99. For this offense, you received an Article 15 dated 14 Jan 99 (Atch 1n).

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 the Area Defense Counsel, 963-4416, Building 503, Room 119 on 11 Feb 99 at 1030. You may consult civilian counsel at your own expense.

4. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 17 Feb 98 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 on your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a separations briefing at Personnel Relocations, Bldg 503 at 1300 on 11 Feb 99.
7. You have been scheduled for a medical examination. You must report to 437th Medical Group, Physical Exams at 0715 on 16 Feb 99 for the examination.
8. You attended a Transition Assistance Briefing on 2 Feb 99 at the Family Support Center (Bldg 255) with Mr. Wright.
9. 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 437th Civil Engineer Squadron Orderly Room.
10. Execute the attached acknowledgment and return it to me immediately.

Commander

Attachments:

1. Documents Supporting Basis for Discharge
 - a. Letter of Counseling, dated 13 Aug 98
 - b. UIF w/atchs
 - c. Letter of Reprimand, dated 21 Sep 98
 - d. Letter of Reprimand, dated 22 Oct 98
 - e. Article 15 w/atchs, dated 20 Nov 98
 - f. Vacation of Suspended Nonjudicial Punishment w/atch, dated 9 Dec 98
 - g. Memo for Record, dated 11 Dec 98
 - h. AF Form 1168 w/atch, dated 3 Dec 98
 - i. Letter of Counseling, dated 8 Dec 98
 - j. Letter of Counseling, dated 8 Dec 98
 - k. Letter of Counseling, dated 14 Dec 98
 - l. Letter of Counseling, dated 15 Dec 98
 - m. Letter of Counseling, dated 11 Jan 99
 - n. Article 15 w/atchs, dated 14 Jan 99
2. Airman's Receipt of Notification Memorandum