

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

ISSUES A93.33 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 05 Oct 2006	CASE NUMBER FD-2005-00454	
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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 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.

X - Upgrade, Reason and Authority and RE Code

INDORSEMENT	DATE: 10/13/2006
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 and 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 and 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 he was singled out, bullied and harassed by his military training leader (MTL) because he was aircrew. Applicant states characterization hinders him from seeking employment and that he desires to enlist in the National Guard or Reserves. The records indicate member enlisted in Nov 04 as an Aircraft Loadmaster Helper for four-years. Applicant received an Article 15 and five Letters of Reprimand for misconduct to include disclosing testing material to a fellow student, failing to obey lawful general regulation (violated Phase I by--1), not wearing appropriate off duty uniform (three times), breaking curfew, breaking tobacco policy, not carrying AETC IMT 341, failure to use proper reporting statement, having possession of personal electronic devices which were locked up by MTL; failed room inspection (five times), failure to go, and disrespect to an NCO. After thorough review of the records, the Board found no inequity or impropriety with the discharge. The Board concluded that the misconduct was a significant departure from conduct expected of all military members and that through these administrative actions the applicant had ample opportunities to change his negative behavior. The Board found the characterization of the discharge received by the applicant to be 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 should not be changed.

Attachment:
Examiner's Brief

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

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Altus AFB, OK on 15 Sep 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 24 Jul 83. Enlmt Age: 20 8/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-67, E-81, G-78, M-68. PAFSC: 1A211 - Aircraft Loadmaster Helper. DAS: 11 Mar 05.

b. Prior Sv: (1) AFRes 16 Apr 04 - 29 Nov 04 (7 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Nov 04 for 4 yrs. Svd: 00 Yrs 09 Mo 16 Das, all AMS.

b. Grade Status: AB - 10 Aug 05 (Article 15, 10 Aug 05)
Amn - 30 May 05

c. Time Lost: None.

d. Art 15's: (1) 10 Aug 05, Altus AFB, OK - Article 92. You, did, on or about 14 Jul 05, fail to obey a lawful general regulation, to wit: paragraph 8.7, Air Education and Training Command Instruction 36-2216, dated 16 Jun 04, by failing to keep your dormitory room in inspection order. You, did, on or about 22 Jul 05, fail to obey a lawful general regulation, to wit: paragraph 8.3, AETCI 36-2216, dated 16 Jun 04, by failing to wear the appropriate uniform, off duty, while outside of your dormitory room. Reduction to AB. (No appeal) (No mitigation)

e. Additional: LOR, 16 AUG 05 - Failure to follow Phase I rules.
LOR, 10 JUN 05 - Phase I violation.
LOR, 03 JUN 05 - Disrespect to an NCO, failure to carry the required two AETC Forms 341 on his body, and failure to use the proper reporting statement.
LOR, 02 MAY 05 - Failure to follow Phase I rules, and second room failure.
LOR, 04 FEB 05 - Passing Appraisal information to fellow student.

FD2005-00454



DEPARTMENT OF THE AIR FORCE
97TH TRAINING SQUADRON
ALTUS AFB, OKLAHOMA 73523

AUG 31 2005

MEMORANDUM FOR AB: [REDACTED]

FROM: 97 TRS/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. On or about 13 Aug, you violated phase rules by having your personal electronic devices that were locked up by your Military Training Leader (MTL) and violated the tobacco policy. Furthermore, on or about 12 Aug 05, you violated Phase I rules by breaking curfew. For these incidents of misconduct, you received a letter of reprimand (LOR).

b. On or about 22 Jul 05, you failed to wear the appropriate off duty uniform and on or about 14 Jul 05, you failed to keep your room in inspection order. For these incidents of misconduct, you received an Article 15.

c. On or about 8 Jun 05, you were in violation of Phase I ruled by failing to wear the appropriate off duty uniform and you failed to carry the required AETC Form 341, Excellence/Discrepancy Report on your person. For these incidents of misconduct, you received an LOR.

d. On or about 2 Jun 05, you failed to call in for your scheduled flight and you failed another room inspection. Furthermore, on or about 1 Jun 05, you were disrespectful to your Military Training Leader, you failed to carry the required AETC IMT 341, Excellence/Discrepancy Report, you failed to use proper reporting statement. Lastly, on or about 20 May 05, you failed your third room inspection. For these incidents of misconduct, you received an LOR.

e. On or about 26 Apr 05, you violated Phase I rules by not wearing the appropriate off duty uniform and you failed to lock your latrine door resulting in an automatic inspection failure. For these incidents of misconduct, you received an LOR.

f. On or about 4 Feb 05, you were caught disclosing testing material to a fellow student. For this misconduct, you received an LOR.

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.

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 Captain: _____ at 308 N. First St, Suite 2101, on 31 Aug 05, at 1300 hours. You may consult civilian counsel at your own expense.

4. You have been scheduled for a separation briefing. You must report to the Separations Section, Bldg 52 on 31 Aug 05, at 1500 hours for the briefing.

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 6 Sep 05 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 97th Medical Group, Bldg 45 on 1 Sep 05, at 0845 hours for the examination.

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 ORDERLY ROOM.

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

_____ /

COMMANDER

Attachments:

1. Supporting Documents
 - a. LOR w/atchs, dtd 16 Aug 05
 - b. AF Form 3070 w/atchs, dtd 10 Aug 05
 - c. LOR, dtd 29 Jun 05
 - d. LOR, dtd 10 Jun 05
 - e. LOR, dtd 3 Jun 05
 - f. LOR, dtd 2 May 05
 - g. LOR, dtd 4 Feb 05
2. Receipt of Notification Memorandum