

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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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	LOTHIC	OTHER	DENY
<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					X
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ISSUES A94.53	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:20px; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>	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
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HEARING DATE 05 Jun 2006	CASE NUMBER FD-2005-00460	
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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 OF BOARD PRESIDENT
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INDORSEMENT		DATE: 6/5/2006
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

FD-2005-00460

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: Applicant contends he wants to have a clear and honorable record, when he served he had and maintained a high clearance, keeping all knowledge current. The records indicated the applicant received three Letters of Reprimand and two Letters of Counseling for misconduct to include attempting to manipulate the system to avoid his fair share of work, throwing down a telephone in a childish manner after being told three times to get off of the phone, exhibiting poor military bearing and an unacceptable level of discipline, and two instances of failure to go. 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.

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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF F.E. Warren AFB, WY on 8 May 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 5 Feb 74. Enlmt Age: 18 6/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-53, E-42, G-44, M-32. PAFSC: 3P031 - Security Specialist. DAS: 20 Dec 93.

b. Prior Sv: (1) AFRes 26 Aug 92 - 27 Jul 93 (11 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Jul 93 for 4 yrs. Svd: 01 Yrs 09 Mo 12 Das, all AMS.

b. Grade Status: AMN - 28 Jan 94

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOC, 07 NOV 94 - Failure to go.
LOC, 18 SEP 94 - Failure to go.
LOR, 23 AUG 94 - Poor military bearing and insubordination.
LOR, 27 MAY 94 - Poor military bearing and insubordination.
LOR, 06 MAY 94 - Manipulating hospital appointments and lying.

f. CM: None.

g. Record of SV: None.

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

i. Stmt of Sv: TMS: (02) Yrs (08) Mos (14) Das
TAMS: (01) Yrs (09) Mos (12) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Nov 05.
(Change Discharge to Honorable)

Issue 1: Want to have a clear and honorable military record. When I served I had a high military clearance and maintained that clearance. Keeping all knowledge "current." Please adhere to my request.

ATCH
None.

18JAN06/ia



DEPARTMENT OF THE AIR FORCE
90TH MISSILE WING (AFSPACECOM)

FD2005-00460

21 APRIL 95

MEMORANDUM FOR AMN:

FROM: 400 MS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for conditions that interfere with military service and minor disciplinary infractions. The authority for this action is AFPD 36-32 And AFI 36-3208, paragraphs 5.11.1 and 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reason for this action is:

a. Beginning on or about 10 Jan 95 and continuing until present, you were evaluated at the mental health clinic and diagnosed as suffering from a behavior disorder. 90 MDG/SGOMH Mental Health Evaluation Letter, dated 3 Apr 95.

b. On or about 2 Nov 94, you failed to show at the scheduled time to be pre-positioned at the clearing barrel at 0645 hours. You received a Letter of Counseling (LOC) on 7 Nov 94.

c. On or about 16 Sep 94, you failed to attend a mandatory Commander's Call. You received an LOC on 18 Sep 94.

d. On or about 23 Aug 94, during a Operations Group Recapture Exercise you exhibited poor military bearing and an unexceptable level of discipline. You received a Letter of Reprimand (LOR) on 23 Aug 94.

e. On or about 23 May 94, you were talking on the telephone during training for approximately 15 minutes and you ignored the several times you were told to hang up the phone. You received an LOR on 27 May 94.

f. On or about 3 May 94, it became obvious that you were trying to manipulate the system to avoid your fair share of the work. You contacted your supervisor several times to reschedule and then reschedule again the date you were to have stand-by on by trying to schedule your hospital appointment to conflict with your work schedule. You received an LOR on 6 May 94.

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 discharge, 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 Capt: _____ of the ADC office, at bldg 292, ext 3248, on 24 APRIL 95 at 0800. You may consult civilian counsel at your own expense.

4. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by within three workdays after receipt of the notification letter. That date being 26 APRIL 95 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 in your own behalf, your failure will constitute a waiver of your right to do so.

6. 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 in your orderly room.

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

Commander

Attachments:

1. Mental Health Evaluation Memo w/atch, dtd 3 Apr 95
2. LOC, dtd 7 Nov 94
3. LOC, dtd 18 Sep 94
4. LOR, dtd 23 Aug 94
5. LOR, 27 May 94
6. LOR, 6 May 94