

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 SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
---------------------------------------------------------------------------------------------------------------------------------	-------------------------	---------------------------------------------------------------------------------------

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
-----------------	----------------------------	----------	----------------------

COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;">YES</td> <td style="width:50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </table>	YES	No	X		AMERICAN LEGION	1608 K ST NW WASHINGTON DC 20006
YES	No					
X						

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A92.35 A92.21 A92.01 A94.05 A93.21	INDEX NUMBER A67.90	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 IIE

HEARING DATE 14 Sep 2006	CASE NUMBER FD-2005-00465	
------------------------------------	-------------------------------------	--

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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
-----------------------	------------------------------

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

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00465

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 contends his discharge was inequitable because it was too harsh and feels the incidents identified in his record were beyond his control. 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 underage drinking, driving under the influence off base, a failed room inspection, disrespect to an NCO, provoking speech/gestures and assault. The Record of Individual Counseling was for speeding on base. The applicant had further misconduct and received an Article 15 for failure to obey a general regulation – Standards of Conduct. His misconduct resulted in a suspended reduction to airman first class and forfeiture of pay. The applicant contends the stress he was under aggravated the ADHD that was diagnosed when he was a child. The DRB determined there was no correlation between his ADHD and misconduct. Applicant had the ability to know right from wrong. 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 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.

Issue 3. The DRB was pleased to see that the applicant was doing well, has a full-time job and continuing his education. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

Issue 4. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on March 14, 2002) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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 SRA) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF Pope AFB, NC on 19 May 05 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 17 Jul 82. Enlmt Age: 19 2/12. Disch Age: 22 10/12. Educ: HS DIPL. AFQT: N/A. A-67, E-67, G-49, M-45. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 19 Aug 02.

b. Prior Sv: (1) AFRes 26 Sep 01 - 25 Feb 02 (5 months) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 26 Feb 02 for 6 yrs. Svd: 03 Yrs 02 Mo 24 Das, all AMS.

b. Grade Status: SrA - 17 Nov 04
A1C - 12 Apr 02

c. Time Lost: None.

d. Art 15's: (1) 19 Mar 05, Pope AFB, NC - Article 92. You, did, at or near Bagram Air Field, Afghanistan, on or about 9 Mar 05, fail to obey a lawful general regulation, to wit: paragraph 7, 455th Air Expeditionary Wing, General Operating Instruction I, Standards of Conduct, dated 1 Jan 05, by urinating in water bottles and leaving them in your B-Hut, having open containers of food in your B-Hut and not adhering to the standards of Public Health set forth in the instruction listed above. Suspended reduction to A1C. Forfeiture of \$500.00 pay. (No appeal) (No mitigation)

e. Additional: LOR, 25 JAN 05 - Provoking speech and gestures, breach of peace, and assault.

LOR, 09 OCT 04 - Disrespect to an NCO.

LOR, 30 JAN 04 - Failed room re-inspection.

LOR, 10 SEP 03 - Driving under the influence of alcohol.

LOR, 24 APR 03 - Underage drinking.

RIC, 14 APR 03 - Speeding on base.

f. CM: None.

g. Record of SV: 26 Feb 02 - 25 Oct 03 Pope AFB 3 (Initial) **REF**

26 Oct 03 - 11 Aug 04 Pope AFB 4 (CRO)

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

i. Stmt of Sv: TMS: (03) Yrs (07) Mos (24) Das
TAMS: (03) Yrs (02) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01 Dec 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Certificate of Accomplishment.
3. Three Character References.
4. Enlistment Document.
5. College Transcript.

19JAN06/ia

**APPLICATION FOR THE REVIEW OF DISCHARGE
FROM THE ARMED FORCES OF THE UNITED STATES**
(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

*Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006*

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Service and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.**

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA *(The person whose discharge is to be reviewed).* PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE <i>(X one)</i>		<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
b. NAME <i>(Last, First, Middle Initial)</i>			c. GRADE/RANK AT DISCHARGE SRA (E-4)		d. SOCIAL SECURITY NUMBER	
2. DATE OF DISCHARGE OR SEPARATION <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i>		4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i>			5. BOARD ACTION REQUESTED <i>(X one)</i>	
20050519		<input type="checkbox"/> HONORABLE			<input checked="" type="checkbox"/> CHANGE TO HONORABLE	
		<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS			CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS	
		<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS			CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>	
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION		<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>			CHANGE NARRATIVE REASON FOR SEPARATION TO:	
		<input type="checkbox"/> UNCHARACTERIZED				
		<input type="checkbox"/> OTHER <i>(Explain)</i>				

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST *(Continue in Item 14. See instructions on Page 3.)*

I am asking for a review of the characterization of my discharge because I feel that my overall service was done with excellence in my work and should not be graded solely on incidents that I feel were beyond my control or for which I met all obligations to correct.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON *(YYYYMMDD)*

AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: *(Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)*

Enclosure #1 Recognition Certificate

Enclosure #2 Letter from Dr. _____

Enclosure #3 Character Statement

9. TYPE OF REVIEW REQUESTED *(X one)*

<input checked="" type="checkbox"/>	CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR <i>(counsel/representative)</i> WILL NOT APPEAR BEFORE THE BOARD.
<input type="checkbox"/>	I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
<input type="checkbox"/>	I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO <i>(enter city and state)</i> . <i>(NOTE: The Navy Discharge Review Board does not have a traveling panel.)</i>

10. a. COUNSEL/REPRESENTATIVE *(If any) NAME* *(Last, First, Middle Initial) AND ADDRESS*
(See Item 10 of the instructions about counsel/representative.)

b. TELEPHONE NUMBER *(Include Area Code)*

c. E-MAIL

d. FAX NUMBER *(Include Area Code)*

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name *(print)* and relationship by marking a box below.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER *(Specify)*

12. a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE
(Forward notification of any change in address.)

b. TELEPHONE NUMBER *(Include Area Code)*

c. E-MAIL

d. FAX NUMBER *(Include Area Code)*
601-892-6235

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. *(U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)*

CASE NUMBER
(Do not write in this space.)

a. SIGNATURE - REQUIRED *(Applicant or person in Item 11 above)*

b. DATE SIGNED - REQUIRED
(YYYYMMDD)

20051201

FD 2005-00465

[Redacted]

SS#: [Redacted]

6. Issues: Why an Upgrade or Change is Requested and Justification for the Request:

I am asking for a review of the characterization of my discharge because I feel my overall service was done with excellence in my work and should not be graded solely on incidents that I feel were beyond my control or for which I met all obligations to correct.

Entering the Delayed Entry Program 26 September, 2001, I was following the example of many veterans in my family with a determined sense of duty and pride. In February 2002, I went through BMT at Lackland AFB under the leadership of TSGT: [Redacted] I graduated with a superior rating in marksmanship.

After Technical School, I was assigned to the 75th Fighter Squadron at Pope AFB, NC. Consistently, working 12-16 hour shifts, I was often commended for my abilities as "a good worker". I was chosen on several occasions to arm performance A10s for airshow display.

Although I did receive a DWI in August 2003, I completed all classes and obligations required. At work, I continued to be recognized for performance. My crew was highlighted in February 2004. (see enclosure #1 Recognition Received)

I married A1C: [Redacted] in July of 2004. We were immediately separated by a squadron change for her and two consecutive opposite months in the Nevada desert on training exercises.

After my deployment to Afghanistan in January 2005, the stress seemed to aggravate the ADHD that was diagnosed in me as a child and for which I have recently come under the care of a local physician. (see enclosure #2 Letter from Dr. [Redacted]) My wife cried each time I phoned her, at first, then she began to ignore my calls. It became increasingly difficult to sleep and perform in a manner becoming an airman. I had looked forward to my opportunity to serve my country in deployment, but this situation became intolerable. I admit to being very angry during this period. This resulted in my being sent back to the states and very quickly being given an early separation from the Airforce. [Redacted] and I separated soon after.

Please also consider the submitted character statements. (see enclosures #3 and #4)

I am currently working fulltime as well as going to school in my home state of Mississippi. (see enclosure #5 Current Transcript)

I am not proud of the way my military service came to an end. Leaving the service was not what I had planned. Please consider my time spent in DEP as part of that obligation as per DD Form 4/1. (see enclosure #6)

Please help me clear my record for my own satisfaction and yes, to give me access to the Montgomery GI Bill that I paid in to during the early months of my service. I wish to pursue a degree in psychology.

Thank you for your consideration.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 43D AIRLIFT WING (AMC)
POPE AIR FORCE BASE NORTH CAROLINA

6 May 2005

MEMORANDUM FOR 43 AW/CC

FROM: 43 AW/JA
259 Maynard Street, Suite A
Pope AFB NC 28308-2381

SUBJECT: Legal Review: Discharge under Provisions of AFD 36-32 and AFI 36-3208
Paragraph 5.50.2, SrA Jason R. Berry, 425-57-9860, 23 AMXS

1. BASIS FOR ACTION: 23 AMXS/CC initiated administrative discharge action on 28 April 2005 against SrA [REDACTED], under AFD 36-32 and AFI 36-3208. The specific basis for discharge is AFI 36-3208, paragraph 5.50.2, Pattern of Misconduct. 23 AMXS/CC recommends separation with an Under Honorable Conditions (General) service characterization without Probation and Rehabilitation (P&R). The most severe type of service characterization authorized in this case is an Under Other Than Honorable Conditions (UOTHC) service characterization.

2. FACTS:

a. On or about 9 March 2005, SrA [REDACTED] failed to obey a lawful general regulation, to wit: paragraph 7, 455 Air Expeditionary Wing, General Operating Instruction, Standards of Conduct, dated 1 January 2005 when he urinated in water bottles and left them in his B-Hut, had open containers of food in his B-Hut, and did not adhere to the standards of Public Health set forth in the instruction, as documented by AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 12 March 2005.

b. On or about 23 January 2005, SrA [REDACTED] was involved in an altercation with another member at his duty location, as documented by a Letter of Reprimand, dated 25 January 2005.

c. On or about 3 October 2004, SrA [REDACTED] made disrespectful statements to a noncommissioned officer, as documented by a Letter of Reprimand, dated 9 October 2004.

d. On or about 30 January 2004, SrA [REDACTED] was derelict in the performance of his duties because he failed to maintain his dormitory room to minimum standards, as documented by a Letter of Reprimand, dated 30 January 2004.

e. On or about 28 January 2004, SrA: [REDACTED] was derelict in the performance of his duties because he failed to maintain his dormitory room at minimum standards, as documented by a Letter of Reprimand, dated 30 January 2004.

f. On or about 24 August 2003, SrA: [REDACTED] drove a vehicle on Manchester Road in Spring Lake, North Carolina, while under the influence of alcohol, as documented by a Letter of Reprimand, dated 10 September 2003.

g. On or about 18 April 2003, SrA: [REDACTED] admitted to underage drinking and, when tested his blood alcohol content was .09, as documented by a Letter of Reprimand, dated 24 April 2003.

h. On or about 7 April 2003, SrA: [REDACTED] was cited on base for speeding 45 mph in a 30 mph zone, as documented by AF Form 174, dated 14 April 2003.

3. PERSONAL DATA: SrA: [REDACTED] is 22 years old and began serving his current enlistment on 26 February 2002. SrA: [REDACTED] duty title is Weapons Load Crew Member, AFSC 2W151. He is entitled to wear the National Defense Service Medal, Global War on Terrorism Service Medal, and Air Force Training Ribbon.

4. DISCUSSION:

a. SrA: [REDACTED] discharge recommendation has been processed in compliance with AFI 36-3208 and the record is legally sufficient to sustain a discharge. The circumstances cited by 23 AMXS/CC as reasons for discharge occurred during SrA: [REDACTED] current enlistment.

b. SrA: [REDACTED] misconduct is inconsistent with the self-discipline required for effective military service. SrA: [REDACTED] record reveals he failed to obey a lawful general regulation, was involved in an altercation, made disrespectful statements to a noncommissioned officer, failed on several occasions to maintain his dormitory room, failed to abstain from drinking while under the age of twenty-one, failed to abstain from driving a vehicle while under the influence of alcohol, and failed to obey the posted speed limit on base. SrA: [REDACTED] unit has tried to rehabilitate him, but he has not improved. SrA: [REDACTED] misconduct undermines good order and discipline and is of a nature that tends to bring discredit on the Air Force. Furthermore, SrA: [REDACTED] has demonstrated an inability to maintain the high standards of personal conduct required of all Air Force members.

c. The characterization of SrA: [REDACTED] service should be based upon the quality of his service for his current enlistment as reflected in his military record. This entails examining his personal conduct, duty performance, and the reasons for his discharge. An airman's service can be characterized in three manners: Honorable, Under Honorable Conditions (General), or Under Other Than Honorable Conditions (UOTHC). An Honorable service characterization is only appropriate when an airman has generally met Air Force standards of acceptable conduct, or whose service has been so meritorious that any other characterization is inappropriate. On the other hand, a member should receive a General service characterization when his or her service has been honest and faithful, but significant negative aspects outweigh the positive aspects of the airman's

military record. Finally, an airman should receive a UOTHC service characterization when the pattern of behavior constitutes a significant departure from the conduct expected of an airman.

d. While SrA: [redacted] has generally not met Air Force standards and his service has not been meritorious, his misconduct does not constitute such a significant departure from the conduct expected of airmen as to warrant a UOTHC. Therefore, SrA: [redacted] should be discharged with an Under Honorable Conditions (General) service characterization, because significant negative aspects of his military record outweigh the positive aspects.

e. On 2 May 2005, SrA: [redacted] submitted statements on his behalf and requested to remain on active duty. If he is not retained on active duty, he asked to be discharged with an Honorable service characterization in order to keep his Montgomery G.I. Bill benefits. SrA: [redacted] believes he deserves another chance to prove himself in the military because he believes most of his disciplinary problems stem from his childhood diagnosis of Attention Deficit Disorder. Moreover, he feels he has not had consistent supervision or raters who knew him well enough to accurately rate him. Finally, SrA: [redacted] believes this discharge could mean the end of his marriage. His wife has orders abroad and he does not feel he can get a good job as a dependent husband out of the United States. Despite SrA: [redacted] reasons, he has not shown the desire to remain in the Air Force nor does he have the record to allow him to retain the benefits an honorable discharge would offer. SrA: [redacted] discipline problems have followed him for two years and he has been given numerous chances to reform. SrA: [redacted] Attention Deficit Disorder is no excuse for his conduct; he had been warned, previously disciplined, and could have improved. He did not. SrA: [redacted] should be discharged with a general service characterization because he has had enough chances and time to improve sufficiently to meet Air Force standards.

f. Under Chapter 7 of AFI 36-3208, a Probation and Rehabilitation program is available. The program consists of a conditional suspension of administrative discharge for cause in deserving cases. The premise of the program is that in the right circumstances an airman can change a pattern of behavior. Paragraph 7.3 lists examples of situations in which P&R might be appropriate, including where the airman has the capacity to be rehabilitated, and where retention of the airman in a probationary status is consistent with the maintenance of good order and discipline in the Air Force. Probation and rehabilitation (P&R) are not appropriate under these circumstances because SrA Berry knew that his conduct was wrongful, yet he intentionally engaged and continued to engage in the conduct on which his discharge is based.

5. OPTIONS: As the Separation Authority in his case, you may:

- a. Reject the Squadron Commander's recommendation and retain SrA: [redacted] on active duty;
- b. Convene a board hearing if you believe an Under Other Than Honorable Conditions (UOTHC) service characterization is warranted;
- c. Recommend an Honorable service characterization with or without P&R and forward the file to 18 AF/CC for approval; or

d. Discharge SrA: [redacted] with an Under Honorable Conditions (General) service characterization with or without P&R.

6. RECOMMENDATION: Concur with the Squadron Commander's recommendation and sign the letter directing SrA: [redacted] be discharged with an Under Honorable Conditions (General) service characterization without P&R.

[redacted signature box]

Staff Judge Advocate

Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
23D AIRCRAFT MAINTENANCE SQUADRON (ACC)
POPE AIR FORCE BASE NORTH CAROLINA

28 Apr 05

MEMORANDUM FOR SRA:

FROM: 23 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. On or about 9 March 2005, you failed to obey a lawful general regulation, to wit: paragraph 7, 455 Air Expeditionary Wing, General Operating Instruction, Standards of Conduct, dated 1 January 2005 by urinating in water bottles and leaving them in your B-Hut, having open containers of food in your B-Hut, and not adhering to the standards of Public Health set forth in the instruction, as documented by AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 12 March 2005.

b. On or about 23 January 2005, you were involved in an altercation with another member at your duty location, as documented by a Letter of Reprimand, dated 25 January 2005.

c. On or about 3 October 2004, you made disrespectful statements to a noncommissioned officer, as documented by a Letter of Reprimand, dated 9 October 2004.

d. On or about 28 January 2004, you were derelict in the performance of your duties by failing to maintain your dormitory room to minimum standards, as documented by a Letter of Reprimand, dated 30 January 2004.

e. On or about 30 January 2004, you were derelict in the performance of your duties by failing to maintain your dormitory room to minimum standards, as documented by a Letter of Reprimand, dated 30 January 2004.

f. On or about 24 August 2003, you drove a vehicle on Manchester Road in Spring Lake, North Carolina, while under the influence of alcohol, as documented by a Letter of Reprimand, dated 10 September 2003.

g. On or about 18 April 2003, you admitted to underage drinking and a test was administered that revealed you had a blood alcohol content of .09, as documented by a Letter of Reprimand, dated 24 April 2003.

h. On or about 7 April 2003, you were cited on base for speeding 45 mph in a 30 mph zone, as documented by AF Form 174, dated 14 April 2003.

3. The 43d Airlift Wing Commander, who exercises SPCM jurisdiction is the Separation Authority and will decide whether you will be discharged or retained in the Air Force. Copies of the documents to be forwarded to the Separation Authority in support of this recommendation are attached. 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.

4. Military counsel may be obtained to assist you. Contact TSgt: [redacted] (extension 4-2362) at the Area Defense Counsel's office, to schedule an appointment with the Area Defense Counsel (ADC). You may have a military counsel other than the ADC, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

5. You have the right to submit a statement on your behalf. Any statements you want the Separation Authority to consider must reach me by 3 May 05 at 1705 unless you request and receive an extension for good cause shown. Any submitted statements will be forwarded to the Separation Authority.

6. If you fail to consult counsel or to submit statements on your behalf within three duty days, 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 Pope AFB Flight Medicine Clinic on 4 May at 1300 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 <http://www.e-publishing.af.mil/>.

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

[Redacted signature box]

Commander

Attachments: (listed on following page)

Attachments:

1. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 12 March 2005 (3 pages)
2. Written Response, dated 16 March 2005 (2 pages)
3. Letter of Reprimand, dated 25 January 2005 (2 pages)
4. Written Response, dated 25 January 2005
5. Letter of Reprimand, dated 9 October 2004 (2 pages)
6. Response to Letter of Reprimand, dated 12 October 2004 (2 pages)
7. Letter of Reprimand, dated 30 January 2004 (2 pages)
8. Letter of Reprimand, dated 10 September 2003 (2 pages)
9. Letter of Reprimand, dated 24 April 2003 (2 pages)
10. AF Form 174, Record of Individual Counseling, dated 14 April 2003 (2 pages)
11. Receipt of Notification Memorandum