

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	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A93.01 A92.01 A92.19	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

HEARING DATE 10 Aug 2006	CASE NUMBER FD-2005-00473	
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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: 8/11/2006
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-2005-00473

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

Issue 1. Applicant admits that he made a lot of mistakes. He had just gone through a messy divorce and should have never reenlisted. The records indicated the applicant received two Article 15's, three Letters of Reprimand, three Records of Individual Counseling, and three Memorandums for Record for misconduct. The records indicated he had numerous infractions for failure to go to appointed place of duty, missing physical training, and being disorderly. 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 first term of 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.

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 Hurlburt Field, FL on 31 Mar 97 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: 16 Feb 72. Enlmt Age: 20 9/12. Disch Age: 25 1/12. Educ: HS DIPL. AFQT: N/A. A-80, E-87, G-84, M-85. PAFSC: 2E153 - Ground Radio Communications Journeyman. DAS: 8 Nov 93.

b. Prior Sv: (1) AFRes 24 Nov 92 - 15 Mar 93 (3 months 22 days) (Inactive).

(2) Enlisted as AB 16 Mar 93 for 4 yrs. Svd: 3 yrs 1 month 21 days, all AMS. AMN - Unknown. A1C-(EPR Indicates): 16 Mar 93-15 Nov 94. SrA - 16 Mar 96. EPRs: 5,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 8 May 96 for 4 yrs. Svd: 00 Yrs 10 Mo 23 Das, all AMS.

b. Grade Status: Amn - 10 Mar 97 (Article 15, 10 Mar 97)
A1C - 04 Mar 97 (Article 15, 04 Mar 97)

c. Time Lost: None.

d. Art 15's: (1) 10 Mar 97, Hurlburt Field, FL - Article 86. You did, on or about 24 Feb 97, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Physical Training, at the soccer field behind the Fitness Center. You did, on or about 24 Feb 97, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 90618, Communications Flight. Article 134. You were, on or about 22 Feb 97, disorderly. Reduction to Airman. (No appeal) (No mitigation)

(2) 04 Mar 97, Hurlburt Field, FL - Article 86. You did, on or about 19 Feb 97, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Physical Training, at the soccer field behind the Fitness Center, at 0700 hours. You did, on or about 21 Feb 97, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Physical Training, at the soccer field behind the

Fitness Center, at 0700 hours. Reduction to A1C.
(No appeal) (No mitigation)

- e. Additional: LOR/UIF, 13 MAR 97 - Making statements adverse to the U.S. Government.
MFR, 24 FEB 97 - Failure to go.
LOR/UIF, 14 FEB 97 - Failure to go.
MFR, 24 JAN 97 - Failure to go.
MFR, 17 JAN 97 - Failure to go.
LOR, 14 JAN 97 - Failure to go.
RIC, 10 SEP 96 - Late for work.
RIC, 14 NOV 96 - Late for work.
LOR, 14 JAN 97 - Failure to go.
RIC, 19 APR 94 - Late for Physical Training.
- f. CM: None.
- g. Record of SV: 16 Nov 95 - 15 Nov 96 Hurlburt Field 2 (Annual)REF
- h. Awards & Decs: AFTR, SWASM W/1 DEV, NDSM, HSM, AFOUA, AFGCM.
- i. Stmt of Sv: TMS: (04) Yrs (04) Mos (08) Das
TAMS: (04) Yrs (00) Mos (17) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Nov 05.
(Change Discharge to Honorable)

Issue 1: I was an idiot. I was a 25-year-old kid with some crazy ideas about life. I'd just gone through a messy divorce and should have never reenlisted. I cracked under the pressure and self-destructed my military career. I made a lot of dumb mistakes in the end of my service. I'm a responsible adult now and I'd really like not to be shackled by that idiot kid. If you look at my first term of enlistment you will see that I served honourably (sic). I just want that to be remembered instead of the mess I made. Please show me mercy.

ATCH
None.

26JAN06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 16th SPECIAL OPERATIONS WING (AFSOC)

MAR 20 1997

MEMORANDUM FOR AMN: [REDACTED], 16 OSS

FROM: 16 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, more specifically, for conduct prejudicial to good order and discipline. The authority for this action is AFD 36-32 and AFI 36-3208, section H, paragraph 5.50.2. If my recommendation for discharge is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.
2. My reasons for this action are based on the following:
 - a. You did, on or about 10 Sep 96, fail to go to your appointed place of duty at the time prescribed, as evidenced by a Letter of Counseling (LOC), dated 10 Sep 96.
 - b. You did, on or about 13 Nov 96, fail to go to your appointed place of duty at the time prescribed, as evidenced by a LOC, dated 14 Nov 96.
 - c. You did, on or about 13 Jan 97, fail to go to your appointed place of duty at the time prescribed, as evidenced by a Letter of Reprimand (LOR), dated 14 Jan 97.
 - d. You did, between on or about 15 Jan 97 and 17 Jan 97, fail to go to your appointed place of duty at the time prescribed, as evidenced by a Memo For Record (MFR), dated 17 Jan 97.
 - e. You did, between on or about 23 Jan 97 and on or about 24 Jan 97, fail to go to your appointed place of duty at the time prescribed, as evidenced by a MFR, dated 24 Jan 97.
 - f. You did, between on or about 10 Feb 97 and on or about 12 Feb 97, fail to go to your appointed place of duty at the time prescribed, as evidenced by a LOR, dated 14 Feb 97, which was placed in a Unfavorable Information File (UIF).
 - g. You did, on or about 19 Feb 97, fail to go to your appointed place of duty at the time prescribed, as evidenced by a MFR, dated 19 Feb 97.
 - h. You did, on or about 21 Feb 97, fail to go to your appointed place of duty at the time prescribed, as evidenced by a MFR, dated 21 Feb 97.
 - i. You did, on or about 24 Feb 97, fail to go to your appointed place of duty at the time prescribed, as evidenced by a MFR, dated 24 Feb 97.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use at the unit orderly room.



Commander

Attachments:

Documents Supporting Basis for Discharge

1. AF Form 174, dtd 10 Sep 96
2. AF Form 174 w/atchs, dtd 14 Nov 96 (3 pgs)
3. LOR, dtd 14 Jan 97
4. MFR, dtd 17 Jan 97
5. MFR, dtd 24 Jan 97
6. LOR w/atchs, dtd 14 Feb 97 (4 pgs)
7. AF Form 1058, dtd 25 Feb 97
8. MFR, dtd 19 Feb 97
9. MFR, dtd 21 Feb 97
10. MFR, dtd 24 Feb 97
11. AF Form 3070 w/atchs, dtd 4 Mar 97 (5 pgs)
12. AF Form 3070 w/atchs, dtd 10 Mar 97 (13 pgs)
13. LOR w/atchs, dtd 13 Mar 97 (3 pgs)
14. AF Form 1058, dtd 13 Mar 97

Documents containing derogatory information--which are not listed in the notification memorandum.

15. AF Form 1137, undtd
16. AF Form 174, dtd 19 Apr 94
17. Airman's receipt of notification memorandum