

**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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	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;"> </td> <td style="text-align: center;"><b>X</b></td> </tr> </table>	YES	No		<b>X</b>		
YES	No					
	<b>X</b>					

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
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ISSUES <b>A92.21</b> <b>A93.01</b>	INDEX NUMBER <b>A67.90</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; 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 <b>28 Jul 2006</b>	CASE NUMBER <b>FD-2005-00476</b>	
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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	SIGNATURE OF BOARD PRESIDENT
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**INDORSEMENT**

DATE: 8/3/2006

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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00476**

**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. The applicant stated that his misconduct was a result of his youth, immaturity and irresponsibility. The records indicated the applicant received two Article 15's, one Letter of Reprimand and four Letters of Counseling for misconduct. The first Article 15 was for failure to go to appointed place of duty and making an official statement with intent to deceive. He was reduced in grade to airman basic, restricted to the limits of Little Rock AFB for 45 days and given 45 days of extra duty. The second Article 15 was for dereliction in the performance of duty for failing to refrain from violating his current Phase by being out of his dormitory after curfew. He was punished with a forfeiture of pay and a reprimand. The applicants other administrative actions for misconduct were for failure to go, failure to obey an order and dereliction of duty. 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. The DRB was pleased to see that the applicant was doing well, has a job and is attending college. 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 3. Applicant contends that he should not be penalized indefinitely for mistakes he made when he was young. The DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 Little Rock AFB, AR on 24 Dec 03 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: 10 May 83. Enlmt Age: 19 0/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-83, E-86, G-76, M-68. PAFSC: 1A231 - Aircraft Loadmaster Apprentice. DAS: 28 Feb 03.

b. Prior Sv: (1) AFRes 31 May 02 - 14 Oct 02 (4 months 15 days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Oct 02 for 4 yrs. Svd: 01 Yrs 02 Mo 10 Das, all AMS.

b. Grade Status: AB - 29 May 03 (Article 15, 29 May 03)  
Amn - 15 Apr 03

c. Time Lost: None.

d. Art 15's: (1) 30 Oct 03, Little Rock AFB, AR - Article 92. You, who knew of your duties, between on or about 4 Oct 03 and on or about 5 Oct 03, were derelict in the performance of those duties in that you willfully failed to refrain from violating your current Phase by being out of the dormitory after your curfew of 2200 hours, as it was your duty to do. Forfeiture of \$200.00, and a reprimand. (Appeal/Denied) (No mitigation)

(2) 29 May 03, Little Rock AFB, AR - Article 86. You did, on or about 21 Mar 03, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, having knowledge of a lawful order issued by TSgt [REDACTED], through A1C [REDACTED] to report to the Military Training Leader's office, and order which it was your duty to obey, did, on or about 21 Mar 03, fail to obey the same by failing to report to the Military Training Leader's Office. Article 107. You did, on or about 7 Apr 03, with intent to deceive, make to SSgt [REDACTED], an official statement, to wit: that on 21 Mar 03, you disappeared to the chapel parking lot where you cried most of the day, or words to that effect, which statement was false in that you were a short distance

away from base, and was then known by you to be so false. Reduction to AB, restriction to the limits of Little Rock AFB, Arkansas for 45 days, and 45 days extra duty. (No appeal) (No mitigation)

- e. Additional: (Examiner's Note: The following documents are missing from file).

-  
LOC, 27 OCT 03 - Dereliction of duty.  
LOR, 01 OCT 03 - Dereliction of duty and failure to go.  
LOC, 12 SEP 03 - Failure to go.  
LOC, 30 JUL 03 - Failure to follow posted policy.  
LOC, 06 JUN 03 - Failure to go and failure to obey an order.

- f. CM: None.

- g. Record of SV: None.

- h. Awards & Decs: AFTR, NDSM.

- i. Stmt of Sv: TMS: (01) Yrs (06) Mos (25) Das  
TAMS: (01) Yrs (02) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02 Dec 05.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.

01FEB06/ia

14. CONTINUATION OF ITEM 6, ISSUES (If applicable)

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

16. REMARKS (If applicable)

My name is, ..... and I was an Airman in the United States Air Force. During my service I received article 15's for dereliction of duty. My integrity was questioned along with my reliability. However, I feel that it was not my integrity or reliability that was the cause for my dereliction. I was a 20 year old with a lack of maturity and personal responsibility. Instead of upholding my duties to integrity, service before self, and excellence in all I did, I found myself doing what I thought was best for me. I have found responsibility now that I am a full time student at Montgomery County Community College in The Woodlands, TX. I have found responsibility in my full time work at Chili's and The Grotto restaurants. After months of going over my faults in the Air Force, I have found the values in which I should have been upholding. I have learned the mistakes in my ways, and challenged myself to do all that I can to ensure that they never reoccur. I've realized that, by watching my peers and learning through my supervisors, I can maintain the proper moral codes that, not only are the back-bone of the Air Force, but the back-bone of the entire world we live in. I have found that integrity is a mandatory key to any success within a business. If codes and rules are not followed without supervisors present, then there is no way a business can thrive. If you do not put your service or job before yourself and any other engagement, then the business cannot thrive. If there is no drive for excellence in every detail of a job, then business cannot thrive. If I had learned these things before I joined the US Air Force, then I would have been a model Airman. However, and as my father has always put it, hindsight is 20/20. It does not do to dwell on the past and forget to live in the future. If you cannot live in the future and learn from past mistakes, then there is no direction for progress to grow. I have learned these values through college and through full-time employment and I feel that, by my ability to learn from my mistakes in the Air Force, I have a good chance of future success. My reason for requesting my General Discharge from the United States Air Force to be changed to an Honorable Discharge, is so that I can further my life and succeed in the business world.

**MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.**

**ARMY**

Army Review Boards Agency  
Support Division, St. Louis  
9700 Page Avenue  
St. Louis, MO 63132-5200  
(See <http://arba.army.pentagon.mil>)

**NAVY AND MARINE CORPS**

Naval Council of Personnel Boards  
720 Kennon Street, S.E.  
Room 309 (NDRB)  
Washington Navy Yard, DC 20374-5023

**AIR FORCE**

Air Force Review Boards Agency  
SAF/MRBR  
550-C Street West, Suite 40  
Randolph AFB, TX 78150-4742

**COAST GUARD**

U.S. Coast Guard  
Commandant (G-WPM)  
2100 Second Street, S.W. Room 5500  
Washington, DC 20593



**DEPARTMENT OF THE AIR FORCE**  
HEADQUARTERS 314TH AIRLIFT WING (AETC)  
LITTLE ROCK AFB, ARKANSAS

19 DEC 2003

MEMORANDUM FOR 314 AW/CC

FROM: 314 AW/JA

SUBJECT: Administrative Discharge – AB: [REDACTED], 314 OSS

1. I have reviewed the proposed discharge action and find it legally sufficient to support a decision to separate respondent for a Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline with an Under Honorable Conditions (General) Discharge.

**2. BACKGROUND:**

a. Respondent is a 20-year-old C-130 Loadmaster assigned to the 314th Operations Support Squadron (314 OSS). His TAFMSD is 15 October 2002 and he enlisted for a term of four years. He was assigned to his present unit on 28 February 2003.

b. On 10 December 2003, 314 OSS/CC properly notified respondent of his recommendation to separate respondent with an Under Honorable Conditions (General) Discharge under the provisions of AFI 36-3208, Chapter 5, paragraph 5.50.2 for a Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. Because respondent is not entitled to a board hearing, this case has been properly processed in accordance with the notification procedures of AFI 36-3208, Chapter 6, Section B.

**3. BASIS FOR DISCHARGE:**

a. On or about 21 March 2003, respondent failed to go at the time prescribed to his appointed place of duty. Also on or about 21 March 2003, TSgt: [REDACTED] issued an order to report to the Military Training Leader's office, which he failed to obey. On or about 7 April 2003, with the intent to deceive, respondent made a false official statement regarding his whereabouts to SSgt [REDACTED]. For his actions, he received nonjudicial punishment under Article 15 of the UCMJ on 29 May 2003 (Atch 1-1).

b. On or about 5 June 2003, respondent failed to go at the time prescribed to his appointed place of duty. SSgt: [REDACTED] left a note on his door identifying the appointment time and location. Respondent also disobeyed an order restricting him to Little Rock Air Force Base. For his actions, he received a letter of counseling (LOC), dated 6 June 2003 (Atch 1-2).

c. On or about 30 July 2003, respondent failed to follow the posted policy letter to annotate his assigned duty in the LIQ/LMQ duty roster log book before 0630 hours on the day of training. For his actions, he received an LOC, dated 30 July 2003 (Atch 1-3).

d. On or about 15 August 2003 and on or about 11 September 2003, respondent failed to go at the time prescribed to his appointed place of duty. For his actions, he received an LOC, dated 12 September 2003 (Atch 1-4).

e. On or about 22 September 2003, respondent failed to complete his required three physical conditioning (PC) sessions per week for two weeks. On or about 24 September 2003, respondent failed to annotate his assigned duty in the LIQ/LQM duty roster logbook. On or about 1 October 2003, respondent failed to go at the time prescribed to his appointed place of duty. For his actions, he received a letter of reprimand (LOR), dated 1 October 2003 (Atch 1-5).

f. Between on or about 8 September 2003 and on or about 14 September 2003, respondent had no documented completed PC sessions for that week. Between on or about 15 September 2003 to on or about 21 September 2003, respondent had only two documented completed PC sessions for that week. Between on or about 20 October 2003 and on or about 26 October 2003, respondent failed to complete his required three PC sessions. For his actions, he received a LOC, date 27 October 2003 (Atch 1-6).

g. On or about 5 October 2003, respondent violated his current phase rules by being out of the dormitory after his curfew of 2200 hours. For his actions, he received nonjudicial punishment under Article 15 of the UCMJ on 30 October 2003 (Atch 1-7).

4. **EVIDENCE FOR THE RESPONDENT:** Respondent was properly notified of his rights to counsel and to submit statements on his behalf for your consideration. On 10 December 2003, respondent waived his rights to consult with military legal counsel and to submit written matters for your consideration.

5. **DISCUSSION:**

a. A legal basis for discharge exists and respondent should be discharged under that provision. In accordance with Air Force Instruction 36-3208, paragraph 5.50.2, a pattern of misconduct in the current enlistment consisting wholly or in part of misconduct more serious than minor disciplinary infractions makes an airman subject to discharge. This paragraph further states that this provision is a basis for discharge for misconduct that "tends to disrupt order, discipline, or morale within the military community." This paragraph also may—but does not have to—include conduct that brings discredit on the Air Force in the view of the civilian community. Respondent has received two Article 15s—one for failing to go to his appointed place of duty, failure to obey a lawful order, and making a false official statement and one for failure to obey phase rules. Respondent also received an LOR for failing to complete his required three PC session a week and four LOCs for various types of misconduct.

b. The respondent should be given an Under Honorable Conditions (General) Discharge. Based on respondent's overall performance, 314 OSS/CC recommends an Under Honorable Conditions (General) Discharge. In accordance with AFI 36-3208, paragraph 1.18.2, a General Discharge is appropriate when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record. Respondent's

numerous instances of misconduct in this case clearly outweigh the positive aspects of his service. Accordingly, respondent should be separated with a General Discharge.

c. Probation and Rehabilitation is not appropriate in this case. Respondent's continued disregard for military standards, despite the unit's efforts, demonstrates his poor rehabilitative potential. I do not recommend probation and rehabilitation in conjunction with this discharge.

6. ERRORS AND IRREGULARITIES: I note no errors or irregularities prejudicial to respondent's substantive or procedural rights.

7. OPTIONS: As separation authority in this case, you may:

a. Direct retention, if you determine the evidence does not warrant discharge; or,

b. Forward this case to 19 AF/CC with the recommendation that the respondent receive an Honorable Discharge, with or without P&R; or,

c. Direct respondent's separation with an Under Honorable Conditions (General) Discharge, with or without P&R; or,

d. Return this case to the unit for re-initiation, with the recommendation that the respondent receive an Under Other Than Honorable Conditions Discharge.

8. RECOMMENDATION: Direct respondent's separation with an Under Honorable Conditions (General) Discharge, without probation and rehabilitation. If you have any questions, please contact me at 7-6909.

[Redacted signature box]

Deputy Staff Judge Advocate

I concur.

[Redacted signature box]

Staff Judge Advocate





**DEPARTMENT OF THE AIR FORCE**  
314 OPERATIONS SUPPORT SQUADRON  
LITTLE ROCK AFB, ARKANSAS

10 Dec 2003

MEMORANDUM FOR AIRMAN BASIC [REDACTED]

FROM: 314 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for 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. If my recommendation is approved, your discharge will be described as an Under Honorable Conditions (General) Discharge and you will be ineligible for reenlistment in the United States Air Force.

2. My reasons for this action are:

a. On or about 21 March 2003, you failed to go at the time prescribed to your appointed place of duty. Also on or about 21 March 2003, TSgt: [REDACTED] issued an order to report to the Military Training Leader's office, which you failed to obey. On or about 7 April 2003, with intent to deceive, you made a false official statement regarding your whereabouts to SSgt: [REDACTED]. For your actions, you received nonjudicial punishment under Article 15 of the UCMJ on 29 May 2003 (Atch 1-1).

b. On or about 5 June 2003, you failed to go at the time prescribed to your appointed place of duty. SSgt: [REDACTED] left a note on your door identifying the appointment time and location. You also disobeyed an order restricting you to Little Rock Air Force Base. You stated that you were confused about the start date of the punishment. For your actions, you received a letter of counseling (LOC), dated 6 June 2003 (Atch 1-2).

c. On or about 30 July 2003, you failed to follow the posted policy letter by annotating your assigned duty in the LIQ/LMQ duty roster log book before 0630 hours on the day of training. For your actions, you received an LOC, dated 30 July 2003 (Atch 1-3).

d. On or about 15 August 2003 and on or about 11 September 2003, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received an LOC, dated 12 September 2003 (Atch 1-4).

e. On or about 22 September 2003, you failed to complete your required three physical conditioning (PC) sessions per week for two weeks. On or about 24 September 2003, you failed to annotate your assigned duty in the LIQ/LQM duty roster log book. On or about 1 October 2003, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received a letter of reprimand (LOR), dated 1 October 2003 (Atch 1-5).

f. Between on or about 8 September 2003 to on or about 14 September 2003, you had no documented completed PC sessions for that week. Between on or about 15 September 2003 to on or about 21 September 2003, you had two documented completed PC sessions for that week. Between on or about 20 October 2003 to on or about 26 October 2003, you failed to complete your required three PC sessions. For your actions, you received a LOC, date 27 October 2003 (Atch 1-6).

g. On or about 5 October 2003, you failed to refrain from violating your current phase by being out of the dormitory after your curfew of 2200 hours. For your actions, you received nonjudicial punishment under Article 15 of the UMCJ on 30 October 2003 (Atch 1-7).

3. 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.

4. 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 1255 Vandenberg Blvd, on 12 December 2003 at 0930 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in you own behalf. Any statements you want the separation authority to consider must reach me by 15 Dec 03/1700 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 are scheduled for the following appointments. You must first report to the Military Personnel Flight, Separations Section, located at 1255 Vandenberg Blvd, Room 100 on 11 December 2003 at 1000 hours. You must then report to the Medical Clinic, located at 1090 Arnold Dr at 1000 hours on 11 December 2003 for your examination. You must fast 14 hours prior to the examination and may drink only water during that time. You must not smoke 14 hours prior, nor may you consume alcohol 72 hours prior to your examination. If you wear glasses, bring them with you. If you wear contact lenses, bring a container to store them in during your eye 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 the orderly room.

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

\_\_\_\_\_

Commander

Attachments:

- 1-1. Article 15, 29 May 03
- 1-2. LOC, 6 Jun 03
- 1-3. LOC, 30 Jul 03
- 1-4. LOC, 12 Sep 03
- 1-5. LOR, 1 Oct 03
- 1-6. LOC, 27 Oct 03
- 1-7. Article 15, 30 Oct 03  
Appeal, 5 Nov 03
2. Receipt of Notification Memorandum w/Recoupment Statement