

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	X	PERSONAL APPEARANCE	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 A92.21 A93.01 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

HEARING DATE 18 Apr 2006	CASE NUMBER FD-2005-00478	
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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 at Washington, D.C.

Advise applicant of the decision of the Board 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: 30px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>
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INDORSEMENT	DATE: 4/25/2006
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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-2005-00478

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 18 Apr 2006. The following witness also testified on the applicant's behalf: Applicant's wife.

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: The applicant's issues are listed in the attached brief. The applicant contends his discharge was inequitable because it was too harsh and he was immature. He further contends that his post service conduct is reflective of his true character and ability to serve. The applicant was discharged with an under honorable conditions (general) discharge for minor disciplinary infractions after 1 year and 8 months of active duty service. The applicant requests upgrade of his discharge in order to receive GI Bill benefits.

The records indicated the applicant received a record of counseling, two Letters of Counseling, three Letters of Reprimand, and two Articles 15 for misconduct spanning a year that included repeatedly reporting late for duty, repeated failure to comply with unit post assignment procedures, absenting himself for his place of duty without authority, failure to go, and dereliction of duty by failing to follow established security procedures.

The applicant testified that he felt he was immature at the time, was affected by his grandmother's illness and the fact that he was not especially interested in his Air Force specialty or base of assignment, but accepted full responsibility for his actions. The applicant asserted he did not have a support system to help him but during testimony it became clear that he had a robust support system including a First Shirt who he characterized as "cool" and "practical", a senior enlisted member in his unit that he stated he could confide in as well as several family members with prior military experience, however he failed to avail himself of this support system.

The recurring misconduct occurred over a span of over a year and the DRB concluded that the applicant had ample opportunity to correct the recurring misconduct that was a significant departure from conduct expected of all military members. The escalating punishments and corrective actions the applicant received were consistent with other Air Force members committing similar minor disciplinary infractions.

The DRB was impressed with the applicant's post service accomplishments including work, education, family and Army reserve duty. The DRB was pleased to see that the applicant was doing well and has a good job and family, however, no inequity or impropriety in his discharge was suggested or found in the course of the hearing.

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 September 19, 1995) 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.

Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 19 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 no younger 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Malmstrom AFB, MT on 14 May 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Oct 77. Enlmt Age: 17 5/12. Disch Age: 19 7/12. Educ: HS DIPL. AFQT: N/A. A-51, E-46, G-46, M-31. PAFSC: 3P031 - Security Apprentice. DAS: 9 Feb 96.

b. Prior Sv: (1) AFRes 18 Mar 95 - 5 Sep 95 (5 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Sep 95 for 4 yrs. Extended 24 Feb 97 for 9 months. Svd: 01 Yrs 08 Mo 09 Das, all AMS.

b. Grade Status: Amn - 17 Apr 97 (Article 15, 17 Apr 97)
A1C - 6 Jan 97
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 17 Apr 97, Malmstrom AFB, MT - Article 86. You did, on or about 7 Apr 97, without authority, absent yourself from your place of duty at which you were required to be. Reduction to Airman, and restriction to Malmstrom AFB, MT for 14 days. (No appeal) (No mitigation)

(2) 02 Jul 96, Malmstrom AFB, MT - Article 86. You did, on divers occasions, on 24 Jun 96, without authority, absent yourself from your place of duty at which you were required to be. Suspended reduction to AB. Forfeiture of \$100 pay. Seven days correctional custody. (No appeal) (No mitigation)

e. Additional: LOC, 13 MAR 97 - Dereliction of duty.
LOR/UIF, 12 DEC 96 - Failure to go.
CR, 7 MAY 96 - Repeated Failures to go.
LOR/UIF, 23 APR 96 - Late for duty.
LOR/UIF, 19 APR 96 - Late for duty.
LOC, 28 MAR 96 - Dereliction of duty.

f. CM: None.

g. Record of SV: None.

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

i. Stmt of Sv: TMS: (02) Yrs (01) Mos (27) Das
TAMS: (01) Yrs (08) Mos (09) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 30 Nov 05.
(Change Discharge to Honorable)

Issue 1: Since seperating (sic) from the Air Force, I have completed my Associate's degree in computer science and I am four semesters away from completing my bachelor degree in computer science. I'm in desperate need for funds, and would greatly appreciate the upgrade to "Honorable Discharge" so I can take advantage of my MGIB (tuition benefit) that I invested \$100.00 a month for the first year of active duty I served. I thank you in advance for your consideration and time. My family and I (wife and 2 boys) would greatly appreciate the opportunity to provide the best possible life for present and future goals set forth. Thank you again and Happy Holidays!

ATCH

None.

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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 341ST MISSILE WING (AFSPC)



MEMORANDUM FOR 741 SPS

ATTN: Amn:

FROM: 741 SPS/CCQ

SUBJECT: Notification Memorandum - Amn:

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On 24 Mar 96, you failed to be available to receive direction regarding being posted for assignment between the hours of 1800-to-1900, as per flight policy. For this misconduct you received a Letter of Counseling (LOC) on 28 Mar 96.

b. On 15 Apr 96, you failed to report to duty on time. For this misconduct you received a Letter of Reprimand (LOR) on 19 Apr 96. This letter was placed in your existing Unfavorable Information File (UIF).

c. On 17 Apr 96, you failed to report to duty on time. For this misconduct you received an LOR on 23 Apr 96. This letter was placed in your existing UIF.

d. On 24 Jun 96, on divers occasions, you absented yourself from your place of duty at which you were required to be, to wit: Building 770 for a UCMJ Briefing and Building 1240 for AFRAT testing. For this misconduct you received an Article 15 on 2 Jul 96 which included a suspended reduction to airman basic, forfeiture of \$100.00 pay for one month, and seven days correctional custody. This Article 15 was placed in your existing UIF.

e. On 25 Nov 96, you failed to go to an "It's your move" appointment being held at the NCO Club. For this misconduct you received an LOR on 12 Dec 96. This letter was placed in your existing UIF.

f. On 10 Mar 97, you failed to conduct your 360 degree with 300 meter visual assessment before entering a site. For this misconduct you received an LOC on 13 Mar 97.

g. On or about 7 Apr 97, you absent yourself from your place of duty at which you were required to be, to wit: Building 500 for a Security Escort Team run. For this misconduct you received an Article 15 on 17 Apr 97 which included reduction to the grade of airman, with a new date of rank of 17 Apr 97 and restriction to Malmstrom AFB, MT for 14 days. This Article 15 was placed in your existing UIF.

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 your service will be characterized as General.

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 the Area Defense Counsel, 6944 Goddard Drive, Bldg 160, Room 6 on 29 Apr 97 at 0900. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1 May 97 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. You must receive a medical examination. You are scheduled for a medical examination at the 341st Medical Group Physical Examination Section on 30 Apr 97 at 0730 hours. You **MUST** be in uniform for this appointment.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208, Atch 6. A copy of AFI 36-3208 is available for your use at your Orderly Room.



Squadron Section Commander

Attachments:

1. Supporting documents:
 - a. LOC, 28 Mar 96
 - b. LOR, 19 Apr 96
 - c. LOR, 23 Apr 96
 - d. Article 15, 2 Jul 96
 - e. LOR, 12 Dec 96
 - f. LOC, 13 Mar 97
 - g. Article 15, 17 Apr 97
2. Airman's Receipt of Notification Memorandum