

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 A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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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 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 24 Aug 2006	CASE NUMBER FD-2005-00482	
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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: 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: 8/28/2006

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-2005-00482

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. Applicant contends discharge was inequitable because it was too harsh. He was discharged with an under honorable conditions (general) discharge for minor disciplinary infractions after 10 months, 26 days of active duty service. The applicant requests upgrade of his discharge in order to improve his chances of employment upon graduation from ITT Technical Institute. The records indicated the applicant received three Letters of Reprimand, two Letters of Counseling, and placement on the Control Roster for misconduct. His Letters of Reprimand were for reckless driving; failure to go; and for operating a POC off a maintained road, being argumentative with a police officer and wearing an earring. He was also counseled on two separate occasions for failure to go and receipt of a citation for illegal parking. 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 and is currently enrolled at ITT Technical Institute. 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 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 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.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Elmendorf AFB, AK on 22 Jun 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 27 May 81. Enlmt Age: 17 9/12. Disch Age: 19 0/12. Educ: HS DIPL. AFQT: N/A. A-48, E-53, G-48, M-77. PAFSC: 2A634 - Aircraft Fuel Systems Apprentice. DAS: 20 Nov 99.

b. Prior Sv: (1) AFRes 12 Mar 99 - 27 Jul 99 (4 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Jul 99 for 6 yrs. Svd: 00 Yrs 10 Mo 26 Das, all AMS.

b. Grade Status: A1C - 5 Nov 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: CR, 23 MAY 00 - Substandard off duty conduct.
LOR/UIF, 18 MAY 00 - Citation for operating a POV off a maintained road, argumentative with the issuing officer, and wearing an earring.

LOR, 04 APR 00 - Failure to go.

LOC, 23 MAR 00 - Citation for illegal parking.

LOC, 16 MAR 00 - Failure to go.

LOR, 03 MAR 00 - Reckless driving.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (03) Mos (11) Das
TAMS: (00) Yrs (10) Mos (26) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Character Reference.

28FEB06/ia

To Whom It May Concern:

I [] am applying for an upgrade from my current discharge of General to Honorable. Admittedly I have made some mistakes during my time in the service, but I believe I tried hard to do my best. The problems I have had are relatively minor in nature and do not warrant depriving me of an Honorable Discharge. I am currently enrolled at ITT Technical Institute in Oxnard CA, and strongly believe after graduation if given an upgrade in my discharge it would greatly improve my chances of gainful employment in the field of study I am currently enrolled.

Though my service to our country has not been perfect, I do not believe that it must be in order to be characterized as honorable. I have done my best and done my duty. I have had some minor problems, but nothing too significant. Each of my problems has been handled by counseling or reprimand and I think that is important. I believe it shows that my unit also viewed them as minor in nature. I have no excuse for what I have done and I take responsibility for my actions, I simply don't believe further punishment through a general discharge is warranted.

Thank you for your time and consideration. I hope you will see that I am not a bad airman and am deserving of an honorable discharge



FD 7005-00482

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

JUN 6 2000

MEMORANDUM FOR 3 CRS/LGMCF (A1C: [redacted])

FROM: 3 CRS/CC

SUBJECT: Notification Memorandum

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

2. My reasons for this action are:

a. On or about 24 Apr 00, you were issued a citation for operating a POV off a maintained road, you were argumentative with the issuing officer, and were observed wearing an earring. For these offenses you received a Letter of Reprimand (LOR), dated 18 May 00, and an Unfavorable Information File (UIF) was established.

b. On or about 4 Apr 00, you failed to go at the prescribed time to your appointed place of duty. For this offense you received an LOR, dated 4 Apr 00.

c. On or about 22 Mar 00, you were issued a citation for your second instance of parking in a no parking zone. For this offense you received a Letter of Counseling (LOC), dated 23 Mar 00.

d. On or about 8 Mar 00, you failed to go at the prescribed time to your appointed place of duty. For this offense you received an LOC, dated 16 Mar 00.

e. On or about 3 Mar 00, you operated your POV in a reckless and dangerous manner. For this offense you received an LOR, dated 3 Mar 00.

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 a higher authority will decide whether you are discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. 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. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [redacted] 552-3887, at Bldg 10480, Rm 330 on 7 Jun 00 at 1100 hrs. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide 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 have been scheduled for medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 5595, at 0700 hrs on 8 Jun 00 for your first exam, at which time you will be notified of the time for your second exam. You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.

8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 1030 hrs on 9 Jun 00. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Rm 247 at 0730 hrs on 12 Jun 00. You must be in uniform for all appointments.

9. 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 your Squadron Orderly Room.

[Redacted Signature]

Commander

Attachments:

1. AF Form 1058, 24 May 00
2. LOR, 18 May 00
3. LOR, 4 Apr 00
4. LOC, 23 Mar 00
5. LOC, 16 Mar 00
6. LOR, 3 Mar 00