

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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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 A93.07	INDEX NUMBER A67.00	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:20px; 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 HE</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 HE
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HEARING DATE 05 Oct 2006	CASE NUMBER FD-2005-00492	
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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.

X - Upgrade, Reason and Authority, and RE Code

INDORSEMENT	DATE: 10/12/2006
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-2005-00492

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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: Applicant received a General discharge for Pattern of Misconduct

Applicant contends that he was immature and not emotionally able to handle the situation he was in. He states that two weeks prior to his departure for BMTS his wife was shot in a random act of violence. He kept his departure and tried to make it work. Due to seriousness of injuries his wife and daughter were not able to join him in the service. These stresses led to his misconduct and discharge. The records indicate applicant received an Article 15, three Letters of Reprimand and a Record of Individual Counseling for misconduct including late for duty, failure to complete career development course, failure to report back to work on time and dereliction of duty--for underage drinking. After thorough review of the record the Board found no inequity or impropriety and concluded that the characterization of the discharge was appropriate.

The Board notes that if the applicant 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 Board 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Cannon AFB, NM on 13 Jan 97 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 27 Nov 77. Enlmt Age: 17 8/12. Disch Age: 19 1/12. Educ: HS DIPL. AFQT: N/A. A-41, E-39, G-36, M-52. PAFSC: 2A333C - Tactical Aircraft Maintenance Apprentice. DAS: 14 Jan 96.

b. Prior Sv: (1) AFRes 8 Aug 95 - 15 Aug 95 (8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Aug 95 for 4 yrs. Svd: 01 Yrs 04 Mo 29 Das, all AMS.

b. Grade Status: AB - 22 Nov 96 (Article 15, 22 Nov 96)
Amn - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 22 Nov 96, Cannon AFB, NM - Article 92. You, who knew of your duties, on or about 8 Nov 96, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the age of 21, as it was your duty to do. Reduction to AB, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 03 JAN 97 - Late for duty.
LOR, 30 DEC 96 - Failure to report back to work on time.
RIC, 24 OCT 96 - Failure to complete CDC.
LOR/UIF, 15 JUL 96 - Failure to contact anyone that he would be late for duty.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (05) Mos (06) Das
TAMS: (01) Yrs (04) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Dec 05.

(Change Discharge to Honorable Discharge, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I am asking that my reentry code be upgraded to one that is suitable for me to reenlist into the Armed Services. I feel that when I enlisted in Aug 95' that I was to (sic) immature and not emotionally able to handle the situation I was in. Two weeks before I left to BMT my then wife was shoot (sic) in a random act of violence. I kept my departure date and tried to make it work. Due to the seriousness of the injury she and my daughter were not able to join me in the service. Not knowing how to cope and being to immature at the time, I felt compelled to find a way out of the Air Force. That is what led me to the misconduct and wrong judgements that I made. Now ten years later I am asking for a second chance to better myself through a career in the Armed Services.

ATCH

None.

08FEB06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 27th FIGHTER WING (ACC)
CANNON AIR FORCE BASE, NEW MEXICO

MEMORANDUM FOR AB: _____ 8 Jan 97
429 ECS

FROM: 429 ECS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50. 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 or about 3 Jan 97, you failed to go to your appointed place of duty at the prescribed time, as evidenced by a Letter of Reprimand, dated 3 Jan 97 (Atch 1a).

b. Between on or about 26 Dec 96 and on or about 30 Dec 96, you failed to go to your appointed place of duty at the prescribed time, as evidenced by a Letter of Reprimand, dated 30 Dec 96 (Atch 1b).

c. On or about 8 Nov 96, you consumed alcoholic beverages while under the legal drinking age, as evidenced by an Article 15, dated 22 Nov 96 (Atch 1c).

d. On or about 24 Oct 96, you still had not completed Volume III of your CDC which were due on 10 Oct 96, as evidenced by a Record of Individual Counseling, dated 24 Oct 96 (Atch 1d).

e. On or about 15 Jul 96, you failed to go to your appointed place of duty at the prescribed time, as evidenced by a Letter of Reprimand, dated 15 Jul 96, and UIF dted 24 Jul 96. (Atch 1e).

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 will be 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. Special pay, bonuses, or education assistance funds may be subject to recoupment.

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 building 327, ext. 2915 on WAIIVED hours. 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 3 workdays from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.
7. You completed a medical examination at the 27th Medical Group on 8 Jan 97.
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 in your unit orderly room.

Commander, 429 ECS

Attachments

1. Supporting Documents
2. Other Derogatory Data
3. Airman's Acknowledgment

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