

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>	GRADE AB	AFSN/SSAN <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></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
<div style="border: 1px solid black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A95.00 A01.00	INDEX NUMBER A67.50	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 IIE

HEARING DATE 05 Oct 2006	CASE NUMBER FD-2005-00493	
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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

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT	DATE: 10/11/2006
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-2005-00493

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change reason and authority for 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 and change of reason and authority for discharge, and change of reenlistment code are 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: Applicant received a General discharge for Pattern of Misconduct.

Applicant did not submit any issues. The records indicate that the applicant received two Article 15s, two Letters of Reprimand, a Letter of Counseling and four Records of Individual Counseling for misconduct to include failure to obey an order, late for work, failure to properly prepare for career development course test, failure to go, making a false official statement, and financial irresponsibility. The Board concluded the misconduct was a significant departure from conduct expected of all military members, found no inequity or impropriety in his discharge, and concluded the misconduct was appropriately characterized his term of service. The characterization of the discharge received was found to be appropriate.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Maxwell AFB, AL on 15 Jan 03 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority Discharge.

2. **BACKGROUND:**

a. DOB: 27 Sep 78. Enlmt Age: 20 10/12. Disch Age: 24 3/12. Educ: HS DIPL. AFQT: N/A. A-77, E-65, G-64, M-65. PAFSC: 4J032 - Physical Therapy Apprentice. DAS: 3 Jan 00.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 5 Aug 99 for 4 yrs. Svd: 03 Yrs 05 Mo 11 Das, all AMS.

b. Grade Status: AB - 12 Nov 02 (Article 15, 12 Nov 02)
Amn - 27 Mar 02 (Article 15, 27 Mar 02)
A1C - 05 Dec 00
Amn - 06 Feb 00

c. Time Lost: None.

d. Art 15's: (1) 12 Nov 02, Maxwell AFB, AL - Article 86. You did, at Montgomery, Alabama, on divers occasions from on or about 12 Mar 02, until on or about 2 Oct 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: End Violence Effectively Now (E.V.E.N), A Violence Intervention Program, 802 Forest Avenue, Montgomery Alabama. Reduction to AB. (No appeal) (No mitigation)

(2) 27 Mar 02, Maxwell AFB, AL - Article 91. You, having received a lawful order from SMSgt [redacted], a noncommissioned officer, then known by you to be a noncommissioned officer, to vacate the dormitory premises, building 697 by 22 Jan 02, an order which it was your duty to obey, did, on or about 22 Jan 02, willfully disobey the same. You, having received a lawful order from TSgt [redacted], a noncommissioned officer, then known by you to be a noncommissioned officer, to enroll into the mandatory anger-management-program, EVEN, an order which it was your duty to obey, did, from on or about 28 Feb 02, until on or about 6 Mar 02, willfully disobey the same. Reduction to Airman.

(No appeal) (No mitigation)

- e. Additional: LOC, 15 JAN 02 - Financial irresponsibility.
 LOR, 03 JUL 01 - Making a false official statement.
 RIC, 04 APR 01 - Late for work.
 LOR, 18 JAN 01 - Failure to go.
 RIC, 23 JAN 01 - Failure to properly prepare for CDC test.
 RIC, 01 MAY 00 - Late for work.
 RIC, 23 MAY 00 - Failure to obey an order.
- f. CM: None.
- g. Record of SV: 5 Aug 99 - 4 Apr 01 Maxwell AFB 3 (Initial)
 5 Apr 01 - 4 Apr 02 Maxwell AFB 2 (Annual)REF
- h. Awards & Decs: AFOUA W/1 OLC, NDSM, AFTR.
- i. Stmt of Sv: TMS: (03) Yrs (05) Mos (11) Das
 TAMS: (03) Yrs (05) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 May 05
 (Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I would like my discharge changed from general to honorable so that I may join the Navy, as well as continue my education.

ATCH
 None.

09FEB05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 42D AIR BASE WING (AETC)
MAXWELL AIR FORCE BASE ALABAMA

493
FD 2005-00454

MEMORANDUM FOR AB [REDACTED], 42 MDOS

18 DEC 2002
2002 09 01

FROM: 42 MDOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for 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 specific reasons for this action is:

a. On divers occasions from on or about 12 Mar 02, until on or about 2 Oct 02, you failed to go at the time prescribed to your appointed place of duty. As a result, you received an Article 15 dated 12 Nov 02.

b. On or about 28 Feb 02 until on or about 6 Mar 02, you disobeyed a lawful order from TSgt Wood. Also on 22 Jan 02, you disobeyed a lawful order from SMSgt [REDACTED]. As a result, you received an Article 15 dated 27 March 02.

c. On or about 1 Jan 02, you failed to pay a just debt. As a result, you received a Letter of Counseling (LOC) dated 15 Jan 02.

d. On 15 Jun 01, you made and submitted a false official statement. As a result, you received a Letter of Reprimand (LOR) dated 03 Jul 01, and an Unfavorable Information File (UIF) was established.

e. On or about 4 Apr 01, you failed to go at the time prescribed to your appointed place of duty. As a result, you received a Record of Individual Counseling dated 4 Apr 01.

f. On 11 Dec 00, you failed to go at the time prescribed to your appointed place of duty. As a result, you received a Letter of Reprimand LOR dated 18 Jan 01.

g. On 4 May 00, you failed to go at the time prescribed to your appointed place of duty. As a result, you received a Record of Individual Counseling dated 1 May 00.

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.

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 Capt [redacted], the Area Defense Counsel Building 40, Maxwell AFB at 1430 hours. 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 23 Dec 02 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 have been scheduled for a medical examination. You must report to the ^{with} Physical Examinations Section, 42d Medical Group, Maxwell AFB, Alabama at 1330 on 18 Dec 02 for a physical examination.
7. The Privacy Act Statement of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use at the Area Defense Counsel's office.
8. Execute the attached acknowledgment and return it to me immediately.



Commander, 42 MDOS

Attachments:

1. Article 15, 21 Nov 02
2. Article 15, 27 Mar 02
3. LOC, 15 Jan 02
4. LOR, 03 Jul 01
5. Record of Individual Counseling, 4 Apr 01
6. LOR, 18 Jan 01
7. Record of Individual Counseling, 1 May 00
8. Other derogatory data
 - a. Record of Individual Counseling, 23 Jan 01
 - b. Record of Individual Counseling, 23 May 00