

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE AMN	AFSN/SSAN _____
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<b>TYPE</b>	<b>GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>		<b>RECORD REVIEW</b>								
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<b>YES</b>	<b>No</b>												
	<b>X</b>												

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
_____					X
_____					X
_____					X
_____					X
_____					X

ISSUES <b>A94.53</b> <b>A93.01</b> <b>A01.17</b> <b>A01.47</b>	INDEX NUMBER <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
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HEARING DATE <b>25 Apr 2006</b>	CASE NUMBER <b>FD-2005-00497</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 at Washington, D.C.

Advise applicant of the decision of the Board 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 of discharge, Change of Reason and Authority and Change of RE Code are denied

SIGNATURE OF RECORDER _____	SIGNATURE OF BOARD PRESIDENT _____
INDORSEMENT	
DATE: 4/25/2006	

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**

**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 appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 25 Apr 2006. The applicant's father also testified on the applicant's behalf. No additional exhibits were submitted at the hearing.

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:**

Issue 1. The applicant cited his desire to attend college, earn a commission in the medical field and serve with either the Air Force or the Navy. The DRB noted the applicant's desires but concluded that his desire standing alone was not a matter of inequity or impropriety which would warrant an upgrade.

Issue 2. Although not explicitly stated the applicant suggested that his misconduct was a result of his youth and immaturity. There is no evidence he did not know right from wrong and although there was some indication from the applicant that communication problems or conflicts with his supervisor existed, the applicant also stated that this did not cause or provide a justification for his misconduct. The Board opined the applicant was just as old as the vast majority of first-term members who properly adhere to the Air Force's standards of conduct and concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

Issue 3. The applicant suggested that he did not receive probation and rehabilitation or sufficient command assistance to overcome his difficulties. The DRB, however, concluded that there was sufficient pre-processing rehabilitation of the applicant, that the applicant failed to reach out for assistance and that the command otherwise acted appropriately in his discipline and discharge.

Issue 4. Finally, the applicant stated that the commander's legal review wrongfully stated that he had hit an aircraft on the flight line and failed to report the incident. The DRB reviewed the case file and saw no other documentation for this incident other than the reference in the legal review and considered the reference to be error. However, the DRB determined that the error was not prejudicial as it believed that the discharge would have remained the same if the error had not been made.

**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 Eglin AFB, FL on 17 May 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Feb 82. Enlmt Age: 18 6/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-50, E-37, G-36, M-37. PAFSC: 3P031 - Security Forces Apprentice. DAS: 4 Dec 00.

b. Prior Sv: (1) AFRes 28 Apr 00 - 27 Jun 00 (2 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Jun 00 for 6 yrs. Svd: 01 Yrs 10 Mo 20 Das, all AMS.

b. Grade Status: AMN - 22 Apr 02 (Article 15, 22 Apr 02)  
A1C - 11 Aug 00

c. Time Lost: None.

d. Art 15's: (1) 22 Apr 02, Eglin AFB, FL - Article 86. You did, on or about 26 Mar 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 251. You did, on or about 27 Mar 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 272. Reduction to Airman, 30 days restriction to Eglin AFB, FL, and 30 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: CR, 15 MAR 02 - Pattern of Misbehavior.  
LOR/UIF, 27 FEB 02 - Failure to obey a direct order.  
LOR/UIF, 25 JAN 02 - POV accident and Operating a motor vehicle without proper insurance.  
LOC, 02 APR 01 - Reporting to duty in the wrong uniform on two occasions.  
LOR, 11 JUL 01 - Failure to report to duty at the appropriate time on two occasions.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (00) Mos (20) Das  
TAMS: (01) Yrs (10) Mos (20) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 21 Dec 05.  
(Change Discharge to Honorable)

Issue 1: Plan on attending college and earning a commission to become an officer in the medical field of the Navy.

ATCH  
None.

14FEB06/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 96TH AIR BASE WING (AFMC)  
EGLIN AIR FORCE BASE FLORIDA

MAY 3 2002

MEMORANDUM FOR Amn: [redacted] 96 SFS (AFMC)

FROM: 96 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically 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 that your service be characterized as general. *[Signature]*

2. My reasons for this action are:

a. On 10 Jul 01 and 11 Jul 01, you failed to report to duty. For these offenses you received a Letter of Reprimand, dated 11 Jul 01.

b. You failed to obey a lawful order issued by MSgt [redacted] that as part of the 96 SFS, on Wednesdays all personal assigned within the Support Group are to wear BDUs. On 28 Feb 01 and 28 Mar 01, you failed to report to duty to in proper uniform. For these offenses you received a Letter of Counseling, dated 2 Apr 01.

c. On 18 Dec 01, you were involved in a POV/POV accident. You provided the responding Security Forces Patrolman invalid insurance information. Your insurance was terminated in Aug 01 and therefore, you were operating a vehicle without proper insurance. For this offense you received a Letter of Reprimand, dated 25 Jan 02, with an Unfavorable Information File and Control Roster Entry, dated 4 Feb 02.

d. Between 19 Feb 02 and 27 Feb 02, you failed to report to the LRC to study for QC. For these offenses you received a Letter of Reprimand, dated 27 Feb 02, with an Unfavorable Information File and Control Roster Entry, dated 22 Mar 02.

e. On 26 Mar 02 and 27 Mar 02, you failed to report to duty. For these offenses you received an Article 15, dated 22 Apr 02. *[Signature]*

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. **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 Capt [redacted] at building 451, 882-4185, on **7 May 02 at 0900 hours**. You may consult civilian counsel at your own expense. *[Signature]*

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. *JM*

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. *JM*

7. You will complete a medical examination with the 96th Medical Group on **8 May 02** at **0715 hours**.

8. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on **7 May 02** at **1030 hours**. **Immediately after completion of your 96<sup>th</sup> Mission Support Squadron separations briefing report to the 96<sup>th</sup> Traffic Management Office** with a completed AFDTC Form 4134 or LGTT Office Form B133 and Authorization Letter (provided by Separations) to schedule your TMO pickup. If you have a TMO pickup it must be **17 May 02**.

9. You are required to receive a briefing from the Family Support Center prior to your separation. You were scheduled to receive your Transition Assistant Management Program (TAMP) briefing on **14 May 02** at **0800 hours**.

10. 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. *JM*

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

[Redacted Signature Area]

Commander, 96 SFS

**Attachments:**

1. Supporting Documents
  - 1a. LOR, dated 11 Jul 01
  - 1b. LOR, dated 2 Apr 01
  - 1c. LOR, dated 25 Jan 02, with UIF and Control Roster dated 4 Feb 02
  - 1d. LOR, dated 27 Feb 02, with UIF and Control Roster, dated 22 Mar 02
  - 1e. Article 15 dated 22 Apr 02
2. Airman's Acknowledgment