

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; width: 150px; height: 20px; margin-top: 5px;"></div>		GRADE A1C	AFSN/SSAN <div style="border: 1px dashed black; width: 100px; height: 20px; margin-top: 5px;"></div>
TYPE GEN		PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL	
	X		
MEMBER SITTING		VOTE OF THE BOARD	
		HON	GEN
		UOTHC	OTHER
		DENY	
			X
			X
			X
			X
			X
ISSUES 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 HE	
HEARING DATE 14 Sep 2006	CASE NUMBER FD-2005-00499		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE			
<p>Case heard in Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>			
SIGNATURE OF RECORDER		SIGNATURE OF BOARD PRESIDENT	
INDORSEMENT		DATE: 9/18/2006	
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-2005-00499
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUE:</p> <p>Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15's, five Letters of Reprimand, two Letters of Counseling, and a Record of Individual Counseling for misconduct. The applicant was administratively disciplined for multiple infractions for failure to go and being late for work. He was further disciplined with an Article 15 for sleeping on his post. He was punished with a restriction to Barksdale AFB for 30 days and 15 days of extra duty. His second Article 15 was for unlawfully grabbing an airman on her body with his hand. He was reduced in grade to airman first class and 30 days of extra duty. 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.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Barksdale AFB, LA on 5 Nov 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 4 May 82. Enlmt Age: 19 7/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-63, E-65, G-44, M-33. PAFSC: 3P051 - Security Forces Journeyman. DAS: 14 Aug 01.

b. Prior Sv: (1) AFRes 8 Feb 01 - 5 Mar 01 (28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Mar 01 for 6 yrs. Svd: 03 Yrs 08 Mo 00 Das, all AMS.

b. Grade Status: A1C - 04 Oct 04 (Article 15, 04 Oct 04)
SrA - 20 Aug 03
A1C - 20 Apr 01

c. Time Lost: None.

d. Art 15's: (1) 04 Oct 04, Barksdale AFB, LA - Article 128. You, did, on or about 21 Aug 04, unlawfully grab A1C [] on her body with your hand. Reduction to A1C, and 30 days extra duty. (No appeal) (No mitigation)

(2) 10 Dec 02, Barksdale AFB, LA - Article 113. You, on or about 15 Nov 02, while posted as a sentinel at Venom 2, Weapons Storage Area, were found sleeping upon your post. Suspended reduction to AB. Restriction to the limits of Barksdale AFB, LA for 30 days, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: CR, 16 NOV 02 - Continuing lateness for work.
LOR/UIF, 07 NOV 02 - Late for work.
LOR, 20 OCT 02 - Late for work.
LOR/UIF, 12 MAR 02 - Failure to maintain control of equipment required in the performance of duties.
RIC, 07 MAR 02 - Failure to maintain control of equipment required in the performance of duties.
LOR/UIF, 08 FEB 02 - Failure to go.
LOC, 25 JAN 02 - Failure to go.
LOR, 08 JAN 01 - Failure to go.

LOC, 05 JAN 01 - Failure to go.

f. CM: None.

g. Record of SV: 6 Mar 01 - 5 Nov 02 Barksdale AFB 5 (Initial)
6 Nov 02 - 5 Nov 03 Barksdale AFB 3 (Annual)REF

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

i. Stmt of Sv: TMS: (03) Yrs (08) Mos (29) Das
TAMS: (03) Yrs (08) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Dec 05.
(Change Discharge to Honorable)

Issue 1: The discharge I got is improper because the incident that caused it was not that severe and 1 day after it happened, my significant other and I were back together, 3 months later on October 4th 2004, we got married and in March 2005, we had a daughter. My wife begged the 2 SFS Squadron Commander to not discharge me. I had overcome the cause of my improper discharge very soon after the incident.

ATCH

1. Character Reference.
2. Marriage License.
3. Training Certificate.
4. DD Form 214.

14FEB06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING
BARKSDALE AFB, LOUISIANA 71110

20 Oct 04

MEMORANDUM FOR A1C: [REDACTED]

FROM: 2 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct: minor disciplinary infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. On 21 Aug 04, you unlawfully grabbed Airman First Class [REDACTED] on her body with your hand. For this incident, you received Nonjudicial Punishment, dated 4 Oct 04.

b. On 15 Nov 02, while posted as sentinel in the Weapons Storage Area (WSA), you were found sleeping on duty. For this incident, you received Nonjudicial Punishment, dated 10 Dec 02.

c. On 7 Nov 02, you failed to go at the time prescribed to your appointed place of duty. For this incident, you received a Letter of Reprimand, dated 7 Nov 02.

d. On 19 Oct 02, you failed to go at the time prescribed to your appointed place of duty. For this incident, you received a Letter of Reprimand, dated 20 Oct 02.

e. On 12 Mar 02, you failed to maintain control of your assigned weapon ammunition by leaving three 30-round magazines in your "A" bag, which was left unsecured in the bed of a truck. For this incident, you received a Letter of Reprimand, dated 12 Mar 02.

f. On 7 Mar 02, you failed to maintain control of your assigned weapon by leaving it unsecured in a corner of the guard mount room and not properly slung over your shoulder. For this incident, you received a Record of Individual Counseling, dated 7 Mar 02.

g. On 7 Feb 02, you failed to go at the time prescribed to your appointed place of duty. For this incident, you received a Letter of Reprimand, dated 8 Feb 02.

h. Between on or about 17 Jan 02 and on or about 24 Jan 02, you failed to go at the time prescribed to a mandatory appointment. In addition, you failed to notify anyone of your conflict with this appointment. For these incidents, you received a Letter of Counseling, dated 25 Jan 02.

i. On 3 Jan 02, you failed to go at the time prescribed to a mandatory makeup QC training. This was the second QC study session that you had missed. For this incident, you received a Letter of Reprimand, dated 8 Jan 02.

j. On 3 Jan 02, you failed to go at the time prescribed to your mandatory QC training. For this incident, you received a Letter of Individual Counseling, dated 5 Jan 02.

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 Captain: _____ at Bldg. 4714, Third Floor, on _____, at _____ hours. You may consult civilian counsel at your own expense.

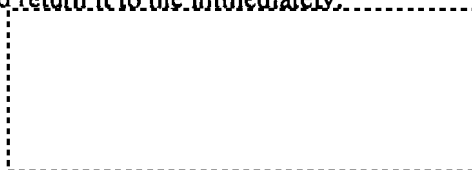
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 26 Oct 04 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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 2d Medical Group, 243 Curtiss Rd., Suite 100 on 21 Oct 04, at 1015-1100 hours for the examination. Bring medical records to appointments. 21 Oct 04 1015-1100 hours 1330

7. 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 AF PUBS site.

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



Commander, 2d Security Forces

Attachments:

1. Receipt of Notification Memorandum
2. Supporting Documents