

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE <b>AB</b>		AFSN/SSAN				
TYPE GEN		PERSONAL APPEARANCE				<b>X</b> RECORD REVIEW				
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL				
<b>X</b>										
MEMBER SITTING						VOTE OF THE BOARD				
						HON	GEN	UOTHC	OTHER	DENY
										X
										X
										X
										X
										X
ISSUES <b>A94.05</b>				INDEX NUMBER <b>A67.10</b>				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 <b>14 Sep 2006</b>				CASE NUMBER <b>FD-2006-00001</b>						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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: 9/25/2006					
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					

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2006-00001**

**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:**

Although not explicitly stated, applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, a Vacation, a Letter of Reprimand, a Letter of Counseling, three Records of Individual Counseling and four Memorandums for Record for misconduct. The applicant was disciplined for missing appointments, being late for work, writing a bad check, falling asleep while driving, and driving violations. He was further disciplined with an Article 15 for unauthorized use of his government travel card. He was punished with a suspended reduction in grade to airman basic and restriction to Elmendorf AFB for 60 days. The final disciplinary action leading to his discharge was a Vacation action for sleeping on duty. He was reduced in grade to airman basic. 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.

**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 Elmendorf AFB, AK on 26 Feb 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 28 Feb 77. Enlmt Age: 18 9/12. Disch Age: 19 11/12. Educ: HS DIPL. AFQT: N/A. A-43, E-63, G-74, M-67. PAFSC: 2T231 - Air Transportation Apprentice. DAS: 12 Jun 96.

b. Prior Sv: (1) AFRes 19 Dec 95 - 13 Feb 96 (1 month 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Feb 96 for 4 yrs. Svd: 01 Yrs 00 Mo 13 Das, all AMS.

b. Grade Status: AB - 1 Oct 96 (Vacation of Article 15, 31 Jan 97)  
Amn - 14 Aug 96

c. Time Lost: None.

d. Art 15's: (1) 31 Jan 97, Vacation, Elmendorf AFB, AK - Article 92. You, who knew of your duties, on or about 13 Dec 96, were derelict in the performance of those duties in that you failed to remain awake while on duty, as it was your duty to do. Reduction to AB. (No appeal) (No mitigation)

(2) 1 Oct 96, Elmendorf AFB, AK - Article 92. You, did, at or near Chicago, Il, on divers occasions between on or about 21 Aug 96 and on or about 27 Aug 96, violate a lawful general regulation, to wit: paragraphs 16 and 17.1, AFI 65-104, by wrongfully making Automatic Teller Machine cash withdrawals and unauthorized purchases not related to official travel or travel-related expenses, with your Government American Express Card, of a total value of \$920.39. Suspended reduction to AB. Restriction to Elmendorf AFB, Alaska, for 60 days. (No appeal) (No mitigation)

e. Additional: RIC, 20 JAN 97 - Falling asleep while driving.  
LOC, 30 DEC 96 - Missed appointment.  
MFR, 28 OCT 96 - Late for appointment and writing a bad check.  
RIC, 28 OCT 96 - Late for work.

LOR/UIF, 28 OCT 96 - Missed appointment.  
MFR/UIF, 24 OCT 96 - Missed two appointments.  
MFR/UIF, 16 OCT 96 - Parking ticket, financial  
irresponsibility, and lying.  
RIC, 08 OCT 96 - Failure to keep Recall Roster information  
up to date.  
MFR, 27 SEP 96 - Traffic ticket for failure to have a motor  
vehicle driver's license or a military ID  
Card on his person. He was driving  
without headlights on, and had a female  
minor in the vehicle after city curfew.  
MFR, 25 JUL 96 - Missed appointment.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (01) Yrs (02) Mos (08) Das  
TAMS: (01) Yrs (00) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Dec 05.  
(Change Discharge to Honorable)

Current discharge was unjustified.

**ATCH**

1. DD Form 214.

15FEB06/ia

DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCESMEMORANDUM FOR 632 AMSS/TRP (AB: )

FEB 13 1997

FROM: 632 AMSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions, pursuant to AFD 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 19 Jun 96, you failed to go at the time prescribed to your appointed place of duty, as evidenced by a Memorandum for Record (MFR), dated 25 Jul 96.

b. Between on or about 21 Aug 96 to on or about 27 Aug 96, you wrongfully made Automatic Teller Machine cash withdrawals and unauthorized purchases not related to official travel or travel-related expenses with your Government American Express Card, as evidenced by an Article 15, dated 1 Oct 96.

c. On or about 27 Sep 96, you failed to have on your person a motor vehicle driver's license or military identification, drove without headlights on, and had a female minor in the vehicle after city curfew hours, as evidenced by an MFR, dated 27 Sep 96.

d. On or about 8 Oct 96, you failed to notify supervisors of changes to the recall roster, as it was your duty to do so, as evidenced by a Letter of Counseling (LOC), dated 8 Oct 96.

e. On or about 16 Oct and 24 Oct 96, you failed to go at the time prescribed to your appointed place of duty, as evidenced by a Letter of Reprimand (LOR), dated 28 Oct 96, and an Unfavorable Information File entry, dated 28 Oct 96.

f. On or about 16 Oct 96, you demonstrated financial irresponsibility by delivering checks drawn from a bank account having insufficient funds, as evidenced by an MFR, dated 16 Oct 96.

g. On or about 27 Oct 96, you failed to go at the time prescribed to your appointed place of duty, as evidenced by an LOC, dated 28 Oct 96.

h. On or about 28 Oct 96, you failed to go at the time prescribed to your appointed place of duty. On or about 3 Sep 96, you demonstrated financial irresponsibility by delivering checks

drawn from a bank account having insufficient funds. These offenses are evidenced by an MFR, dated 28 Oct 96.

i. On or about 5 Nov 96, you received a traffic violation by driving too fast for road conditions causing driver to lose control of vehicle, as evidenced by DD form 1408, dated 5 Nov 96.

j. On or about 11 Dec 96, you failed to go at the time prescribed to your appointed place of duty, as evidenced by an LOC, dated 30 Dec 96.

l. On or about 13 Dec 96, you were derelict in the performance of your duties in that you failed to remain awake while on duty, as it was your duty to do, as evidenced by AF Form 366, dated 4 Feb 97.

m. On or about 20 Jan 97, you were derelict in the performance of your duties in that you failed to remain awake while on duty, as it was your duty to do, as evidenced by an LOC, dated 20 Jan 97.

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. \_\_\_\_\_, 552-3887, at bldg 6-920, rm 330 on FEB 13 1997 at 1330 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 days after the date of this letter 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 in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the 3rd Aerospace Medicine Squadron, bldg 24-850 at 0715 on FEB 18 1997 with your medical records. You are to fast (drink water only) for 14 hours, 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 the examination.

8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at FEB 19 1997 on 0930 hrs. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to bldg 2-900 (People Center), rm 247 at FEB 18 1997 on 1400 hrs.

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.

10. The discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g).



Commander

Attachments:

1. MFR, 25 Jul 96
2. Article 15, 1 Oct 96
3. MFR, 27 Sep 96
4. LOC, 8 Oct 96
5. MFR, 16 Oct 96
6. LOR, 28 Oct 96
7. LOC, 28 Oct 96
8. MFR, 28 Oct 96
9. DD Form 1408, 5 Nov 96
10. LOC, 30 Dec 96
11. AF Form 366, 4 Feb 97
12. LOC, 20 Jan 97