

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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|--|----------------------------|---|--|--|--|-------------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> | | GRADE A1C | AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> | | | |
| TYPE GEN | PERSONAL APPEARANCE | X | RECORD REVIEW | | | |
| COUNSEL | | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | | |
| YES | No | | | | | |
| | X | | | | | |
| MEMBER SITTING | | VOTE OF THE BOARD | | | | |
| | | HON | GEN | UOTHC | OTHER | DENY |
| | | | | | | X** |
| | | | | | | X** |
| | | | | | | X** |
| | | | | | | X** |
| ISSUES A94.53 | | 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-2006-00008 | | | | |
| 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> <p>* Reason and Authority + Reenlistment Code</p> | | | | | | |
| SIGNATURE OF RECORDER | | | SIGNATURE OF BOARD PRESIDENT | | | |
| <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> | | | <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> | | | |
| 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-2006-00008

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 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:

The applicant acknowledged that he made mistakes and has learned his lesson. He has expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The records indicated the applicant received two Article 15's, two Letters of Reprimand, and two Records of Individual Counseling for misconduct. He was disciplined on several occasions for failure to go and being late for work. He had further disciplinary actions whereas he received two Article 15's for underage drinking. He was punished on both occasions with a reduction in grade to airman first class and 14 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.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Seymour-Johnson AFB, NC on 24 Nov 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 25 Oct 83. Enlmt Age: 17 9/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-55, E-68, G-59, M-43. PAFSC: 2W051 - Munitions Systems Journeyman. DAS: 15 Apr 02.

b. Prior Sv: (1) AFRes 7 Aug 01 - 18 Nov 01 (3 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Nov 01 for 6 yrs. Svd: 03 Yrs 00 Mo 06 Das, all AMS.

b. Grade Status: A1C - 20 Oct 04 (Article 15, 20 Oct 04)
SrA - 15 Jul 04
A1C - 04 Jan 02

c. Time Lost: None.

d. Art 15's: (1) 20 Oct 04, Seymour-Johnson AFB, NC - Article 92. You, who knew of your duties at or near Andrews AFB, MD, on or about 4 Sep 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21 years, as it was your duty to do. Reduction to A1C, and 14 days extra duty. (No appeal) (No mitigation)

(2) 07 Oct 04, Seymour-Johnson AFB, NC - Article 92. You, who knew of your duties, on or about 14 Sep 02, were derelict in the performance of those duties in that you willfully consumed alcoholic beverages while under the legal age of twenty-one, as it was your duty not to do. Forfeiture of \$100.00 pay per month for 2 months, and 14 days correctional custody. (No appeal) (No mitigation)

e. Additional: RIC, 06 JAN 03 - Late to work.
RIC, 28 AUG 03 - Failure to go.
LOR, 17 OCT 03 - Dereliction of duty.
LOR, 24 SEP 03 - Failure to go.

f. CM: None.

g. Record of SV: 19 Nov 01 - 15 Jul 03 Seymour-Johnson AFB 2 (HAF Dir)REF
16 Jul 03 - 15 Jul 04 Seymour-Johnson AFB 4 (Annual)

h. Awards & Decs: NDSM, AFTR, AFOUA W/VALOR W 3/DEVS, AFESR W/GB, GWOTEM.

i. Stmt of Sv: TMS: (03) Yrs (03) Mos (18) Das
TAMS: (03) Yrs (00) Mos (06) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Dec 05.

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

Issue 1: The reason I am requesting my discharge to be changed to a Honorable discharge is to once again serve my country in the United States Air Force. I know I have made mistakes in the past but I have grown and learned from them. I would like to finsih (sic) what I started, to serve my country and be a valuable member of the United States Air Force.

ATCH

1. Thirteen Character References.

16FEB06/ia



DEPARTMENT OF THE AIR FORCE
4th FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

FD 2006-00008

12NOV04

MEMORANDUM FOR A1C: [REDACTED]

FROM: 4 EMS/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 AFD 36-32 and AFI 36-3208, para. 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 or about 14 Sep 2002, you were derelict in the performance of those duties in that you willfully consumed alcoholic beverages while under the age of 21 years. This action is documented in an AF Form 3070, dated 7 Oct 2002 (Tab 1a).

b. On or about 6 Jan 2003, you called into work at 0640 stating you were going to be late for work due to your alarm not going off. It took you more than 45 minutes to make it to your duty section. This was your second time within 2 months being tardy. This action is documented in a Record of Individual Counseling, dated 6 Jan 2003 (Tab 1b).

c. On or about 28 Aug 2003, you failed to show at the appointed time to your place of work. This action is documented in a Record of Individual Counseling, dated 28 Aug 2003 (Tab 1c).

d. On or about 23 Sep 2003, you failed to report to the EMS Squadron mobility at the prescribed time of your appointment. Additionally, you were instructed by SSgt [REDACTED] to report back to squadron mobility by 1215 and you did not return until 1223. This action is documented in a Letter of Reprimand, dated 24 Sep 2003 (Tab 1d).

e. On or about 9 Oct 2003, you disobeyed SSgt [REDACTED] instructions to go to Munitions Flight Training to take a CDC pre-test. You arrived at the flight training without your training records, which are required, and you were late. Additionally, you were asked why you were there and you stated it was to get your leave signed off. This action is documented in a Letter of Reprimand, dated 17 Oct 2003 (Tab 1e).

f. On or about 4 Sep 2004, you were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21 years. This action is documented in an AF Form 3070, dated 20 Oct 2004 (Tab 1f).

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 higher authority will decide whether you will be discharged or retained in the United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 at ADC, on 15 Nov 04, at 0800 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 by 17 Nov 2004 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 Gold Team on 12 Nov 04, at 1400 hours for the examination. 1367
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 at Area Defense Counsel's Office or Orderly Room.
9. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 15 NOV 2004 at 1000 hours. You must report to building 3602 for your TAPs counseling.
10. Execute the attached acknowledgment and return it to me immediately.

Commander

Attachments:

1. Supporting Documents
 - a. AF Form 3070, dated 7 Oct 2002
 - b. Record of Individual Counseling, dated 6 Jan 2003
 - c. Record of Individual Counseling, dated 28 Aug 2003
 - d. Letter of Reprimand, dated 24 Sep 2003
 - e. Letter of Reprimand, dated 17 Oct 2003
 - f. AF Form 3070, dated 20 Oct 2004
2. Airman's Receipt of Notification Memorandum
3. Airman's Statement
4. Medical Examination
5. EPRs/LOE
6. Statement of Understanding Regarding Recoupment of Education Assistance, Special Pay, or Bonuses