

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE A1C	AFSN/SSAN _____
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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YES	No									
	X									

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X**
					X**
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ISSUES A93.01 A93.07 A94.05	INDEX NUMBER A67.10	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 2px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px; text-align: center;">1</td> <td style="padding: 2px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 2px; text-align: center;">2</td> <td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 2px; text-align: center;">3</td> <td style="padding: 2px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px; text-align: center;">4</td> <td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE HE</td> </tr> </tbody> </table>	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
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HEARING DATE 22 Sep 2006	CASE NUMBER FD-2006-00012	
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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.

* Reason and Authority

+ Reenlistment Code

SIGNATURE OF RECORDER _____	SIGNATURE OF BOARD PRESIDENT _____
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00012

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 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. Applicant contends discharge was inequitable because it was too harsh. He has expressed a desire for upgrade to allow for reenlistment into the armed forces. The records indicated the applicant received three Letters of Reprimand, two Letters of Counseling, a Record of Individual Counseling, four AETC Form 341's and an AETC Form 125 for misconduct. While training at Sheppard AFB, the applicant received AETC Form 341's for skipping PC, failed room inspection, failure to follow school guidance and using an electrical device after he was told not to. He was disciplined further with Letters of Reprimand for failing student housing area room inspection, failure to report to duty, dirty clothes under his bed, wearing a soiled uniform during open ranks inspection and a safety violation. He was removed from training (AETC Form 125) for misconduct. 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.

Issue 2. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Sheppard AFB, TX on 13 Sep 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: 28 May 85. Enlmt Age: 18 0/12. Disch Age: 19 3/12. Educ: HS DIPL. AFQT: N/A. A-90, E-88, G-86, M-69. PAFSC: 2A513A - Integrated Avionics Systems Helper. DAS: 3 Mar 04.

b. Prior Sv: (1) AFRes 20 Jun 03 - 22 Sep 03 (3 months 3 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Sep 03 for 6 yrs. Svd: 00 Yrs 11 Mo 21 Das, all AMS.

b. Grade Status: A1C - 14 Nov 03

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AETC 125A, 18 AUG 04 - Removed from training, for misconduct.

LOR, 04 AUG 04 - Safety violation.

LOR, 27 JUL 04 - Failure to go, failed room inspection, and wearing a soiled uniform.

LOC, 15 JUL 04 - Muddy and unshined boots, and uniform needing to be ironed.

RIC, 01 JUL 04 - Lack of military bearing, failure to obey a lawful order.

LOC, 15 JUL 04 - Failure to carry properly filled out AETC Forms 341.

LOR, 03 JUN 04 - Failed Student Housing Area room inspection for the third time.

AETC 341, 20 JUL 04 - Failure to follow school guidance.

AETC 341, 27 MAY 04 - Failed room inspection.

AETC 341, 01 APR 04 - Skipped PC.

AETC 341, 23 MAR 04 - Using an electrical device after he was told not to.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (02) Mos (24) Das
TAMS: (00) Yrs (11) Mos (21) Das

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

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

Issue 1: I request an upgrade so that I can have another chance do (sic) serve my country in the United States Armed Forces.

Issue 2: I respectfully request my injustice in my record my (sic) changed from 2B to an acceptable code enabling me to reenter the United States Armed Forces.

I believe my discharge on my permanent record to be unjust, harsh and to (sic) severe thus disallowing me to reenlist. I used my chain of command and recieved (sic) no assistance towards solving my problems with my spouse. I now understand I was too young and immature and have since divorced. I am saddened and sorry for my behavior and strongly desire to reenter into military service. I know with a second opportunity I will succeed and be a valuable asset to my country's military.

Issue 3: I am writing this letter on my behalf. I am requesting that my Reenlistment Code, of 2B, be changed to a code that will enable me to join the United States Armed Forces.

While I was in the U.S. Air Force, I was going through a lot of marital problems as well as family problems. I admit that I was too immature to cope with the pressures of my problems as well as the military. Since my discharge in September of 2003, I have worked and gone to Job Corps where I have matured into the kind of person I have always wanted to be. I have learned a lot over the past year. I am ready to step up and be the man I have always wanted to be. The military has always been a dream of mine. I lacked the maturity the first time. I now believe I am mature enough to handle the pressure.

I am very grateful for the time and thought that you have given me. Enclosed in this package are DD Form 149, Certificate of completion from leadership training from Job Corps, 3 letter of recommendation from family and supervisors. Once again thank you for your time and consideration.

ATCH

1. DD Form 149.
2. Training Certificate.
3. Three Character References.

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