

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>  [ ]		<b>GRADE</b>  AB	<b>AFSN/SSAN</b>  [ ]					
<b>TYPE</b>	<b>GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>				
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<b>YES</b>	<b>No</b>							
	<b>X</b>							
<b>MEMBER SITTING</b>  [ ]			<b>VOTE OF THE BOARD</b>					
			<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>	
							X**	
							X**	
							X**	
							X**	
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
A93.01		A67.10						
				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				
<b>HEARING DATE</b>		<b>CASE NUMBER</b>						
14 Sep 2006		FD-2006-00018						
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>								
<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>								
<b>SIGNATURE OF RECORDER</b>				<b>SIGNATURE OF BOARD PRESIDENT</b>				
[ ]				[ ]				
<b>INDORSEMENT</b>				<b>DATE: 9/18/2006</b>				
<b>TO:</b>				<b>FROM:</b>				
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				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

FD-2006-00018

**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 authority for discharge inequitable.

**ISSUE:**

Issue 1. The applicant cited his desire to serve once again in the armed forces. The records indicated the applicant received an Article 15, one Vacation, seven Letters of Reprimand, and one Memorandum for Record for misconduct. The Article 15 was for failure to comply with Phase Program by violating curfew. He was punished with a suspended reduction in grade to airman basic and 30 days of correctional custody. The Vacation action was for being absent from his place of duty resulting in a reduction in grade to airman basic. The applicant was further disciplined with seven Letters of Reprimand for being disrespectful to a commissioned officer and student leader, breaking Phase, failure to attend mandatory formations, demonstrating a lack of military bearing and using tobacco during duty hours. 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 mistakes he made when young. The DRB recognized the applicant was 21 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Goodfellow AFB, TX on 22 Aug 97 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: 10 Jul 76. Enlmt Age: 19 7/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-68, E-39, G-59, M-21. PAFSC: 3E711 - Fire Protection Apprentice. DAS: 18 Nov 96.

b. Prior Sv: (1) AFRes 21 Feb 96 - 17 sep 96 (6 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Sep 96 for 4 yrs. Svd: 00 Yrs 11 Mo 05 Das, all AMS.

b. Grade Status: AB - 16 May 97 (Vacation of Article 15, 22 Jul 97)  
 Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 22 Jul 97, Vacation, Goodfellow AFB, TX - Article 86. You, did, on or about 24 Jun 97, without authority, absent yourself from your place of duty, at which you were required to be, to wit: building 3453. Reduction to AB. (No appeal) (No mitigation)

(2) 16 May 97, Goodfellow AFB, TX - Article 92. You, who knew or should have known of your duties, were, on or about 26 Apr 97, derelict in the performance of those duties in that you willfully failed to comply with the curfew hours, required by the Phase Program, as it was your duty to do. Suspended reduction to AB. Thirty days correctional custody. (No appeal) (No mitigation)

e. Additional: LOR, 23 JUL 97 - Unknown (missing from file).

MFR, 12 JUL 97 - Breaking Phase.

LOR, 17 JUN 97 - Using tobacco during duty hours.

LOR, 22 APR 97 - Failure to go.

LOR, 21 MAR 97 - Demonstrated a lack of military bearing displaying a lackadaisical attitude towards student leader, failing to have 341's filled out properly, and flash didn't work.

LOR, 21 MAR 97 - Failure to go on two occasions.  
LOR, 14 FEB 97 - Breaking Phase.  
LOR, 13 FEB 97 - Disrespect to a commissioned officer and  
student leader.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (06) Mos (02) Das  
TAMS: (00) Yrs (11) Mos (05) 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: I would like for my reentry code to be changed to a 1B so that I  
can re-enter the military. When I separated from the military, I was young and  
did not understand anything on my DD-214. All I would like to do is have a  
chance to re-enter and serve the rest of my term that I signed up for. Thank  
you.

ATCH

1. DD Form 214.

28FEB06/ia

MEMORANDUM FOR AB: [redacted]

4 AUG 1997

FROM: 312 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for 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 discharge will be described as honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are:
  - a. On 13 Dec 96, you failed your room inspection, for which you received verbal counseling.
  - b. On 9 Jan 97, you broke phase by not having any 341's in your possession, for which you received verbal counseling.
  - c. On 22 Jan 97, you failed your room inspection, for which a AETC form 341 was pulled.
  - d. On 25 Jan 97, you broke phase by wearing civilian clothes, for which a AETC form 341 was pulled.
  - e. On 13 Feb 97, you refused to give a 341 to a student leader, then showed disrespect to a commissioned officer. You received a Letter of Reprimand from SSgt: [redacted]
  - f. On 14 Feb 97, you broke phase by driving in a privately owned vehicle. You received a Letter of Reprimand from Lt. [redacted]
  - g. On 19 Mar 97, you displayed a disrespectful attitude towards your student leader and MTM. You received a Letter of Reprimand from Lt. [redacted]
  - h. On 18 and 19 Mar 97, you missed two mandatory military formations. You received a Letter of Reprimand from Lt. [redacted]
  - i. On 15 Apr 97, you missed a mandatory military formation. You received a Letter of Reprimand from myself.
  - j. On or about 26 Apr 97, you were derelict in the performance of your duties and willfully failed to comply with the curfew hours. You received Article 15 punishment.
  - k. On 17 Jun 97, you used tobacco products during duty hours. You received a Letter of Reprimand from TSgt: [redacted]

- l. On or about 12 Jul 97, you broke phase by not being in your room past curfew. You received a Letter of Reprimand from Lt. [REDACTED]
- m. Based on your poor attitude and lack of motivation, I believe it is in the Air Force's best interest to separate you and not invest additional time and resources.
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 Air Force, and if you are discharged, how your service will be characterized.
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 the Area Defense Counsel, Bldg 339 on 9 AUG 97 at 1530 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 7 Aug 97 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. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208, attachment 2. A copy of AFI 36-3208 is available for your use in building 3453, Room 178, Goodfellow AFB, TX.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

Commander

Attachments:

1. AF Form 3070, 6 May 97
2. Letter of Reprimand, 13 Feb 97
3. Letter of Reprimand, 14 Feb 97
4. Memo For Record, 19 Mar 97
5. Letter of Reprimand, 21 Mar 97
6. Letter of Reprimand, 21 Mar 97
7. Letter of Reprimand, 22 Apr 97
8. Letter of Reprimand, 17 Jun 97
9. AF Form 366, 11 Jul 97
10. Memo For Record, 12 Jul 97
11. Letter of Reprimand, 23 Jul 97