

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;">YES</td> <td style="width:50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					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 28 Sep 2006	CASE NUMBER FD-2006-00022	
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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.

INDORSEMENT	DATE: 10/2/2006
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, 3RD FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00022

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 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 submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received four Article 15's and a Letter of Reprimand for misconduct. He received the Letter of Reprimand for using a personal cell phone on the flight line. The first Article 15 was for wrongfully appropriating a pool stick and pool stick case. He received a suspended reduction in grade to airman, forfeiture of pay, and restriction to Tinker AFB. The second Article 15 was for stealing meals from the dining facility resulting in 30 days of correctional custody and forfeiture of pay. The third Article 15 was for unlawfully touching another airman with a knife. He received a suspended reduction to airman, forfeiture of pay, and a reprimand. The fourth and final Article 15 was for assault by head butting a female. He was reduced in grade to airman first class and required to perform forty-five 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 Tinker AFB, OK on 10 Jun 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 21 Nov 83. Enlmt Age: 17 4/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-49, E-59, G-57, M-49. PAFSC: 2A654 - Aircraft Fuel Systems Journeyman. DAS: 24 Jan 02.

b. Prior Sv: (1) AFRes 21 Mar 01 - 16 Sep 01 (5 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Sep 01 for 6 yrs. Svd: 03 Yrs 08 Mo 24 Das, all AMS.

b. Grade Status: A1C - 21 Apr 05 (Article 15, 21 Apr 05)
SrA - 05 Mar 04
A1C - 05 Nov 01

c. Time Lost: None.

d. Art 15's: (1) 21 Apr 05, Tinker AFB, OK - Article 128. You, did, at or near Oklahoma City, Oklahoma, on or about 26 Feb 05, assault [REDACTED], by headbutting her. Reduction to A1C, and 45 days extra duty. (No appeal) (No mitigation)

(2) 07 Jul 03, Tinker AFB, OK - Article 128. You did, on or about 8 May 03, unlawfully touch A1C [REDACTED] on the arm with a knife. Suspended reduction to Airman. Forfeiture of \$100.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

(3) 05 Jun 02, Tinker AFB, OK - Article 121. You, did, on divers occasions between on or about 27 Feb 02 and on or about 26 Mar 02, steal meals, military property, of a value of \$100.00 or less, the property of the Vanwey Dining Facility. Thirty days correctional custody, and forfeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)

(4) 02 May 02, Tinker AFB, OK - Article 121. You, did, on or about 6 Mar 02, wrongfully appropriate a pool stick and a pool stick case, of a value of about \$30.00, the

property of SrA [REDACTED]. Suspended reduction to Airman. Forfeiture of \$100.00 pay per month for 2 months. Restriction to the limits of Tinker AFB, Oklahoma for fourteen (14) days. Fourteen days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 05 AUG 04 - Using a personal cell phone on the flight line.
- f. CM: None.
- g. Record of SV: 11 Sep 01 - 10 May 03 Tinker AFB 3 (Initial)
11 May 03 - 10 May 04 Tinker AFB 5 (Annual)
- h. Awards & Decs: NDSM, GWOTSM, AFOUA W/VALOR W/3 OLCS.
- i. Stmt of Sv: TMS: (04) Yrs (02) Mos (20) Das
TAMS: (03) Yrs (08) Mos (24) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01 Jan 06.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

17MAR06/ia



DEPARTMENT OF THE AIR FORCE
552d COMPONENT MAINTENANCE SQUADRON (ACC)
TINKER AIR FORCE BASE OKLAHOMA

23 MAY 2005

MEMORANDUM FOR AIC: _____

FROM: 552 CMS/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, 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 reasons for this action are:

a. On or about 6 Mar 02, you did, wrongfully appropriate a pool stick and a pool stick case, of a value of about \$30, from another Air Force member. You were given an Article 15 dated 2 May 02, with a reduction to the grade of Airman suspended until 1 Nov 02, after which time it would be remitted without further action, unless sooner vacated. You were also given a forfeiture of \$100 pay per month for 2 months, restriction to the limits of Tinker Air Force Base for fourteen (14) days and fourteen (14) days extra duty. See Attachment 1.

b. On divers occasions between on or about 27 Feb 02 and on or about 26 Mar 02, you did, steal meals, military property, of a value of \$100 or less, the property of the Vanwey Dining Facility. You were given an Article 15 dated 3 Jun 02, with thirty (30) days correctional custody and forfeiture of \$100 pay per month for 2 months. See Attachment 2.

c. On or about 8 May 03, you did, unlawfully touch another Airman on the arm with a knife. You were given an Article 15 dated 7 Jul 03, with a reduction to the grade of Airman, suspended through 6 Jan 04, after which time it would be remitted without further action, unless sooner vacated. You also received a forfeiture of \$100 pay per month for 2 months and a reprimand. See Attachment 3.

d. On or about 2 Aug 04, you were derelict in the performance of your duties in that you left your cell phone in a work vehicle parked on the flight line. You had been briefed about this violation 2 other times. This is documented in a Letter of Reprimand (LOR) dated 5 Aug 04. An Unfavorable Information File (UIF) was established. See Attachment 4.

e. On or about 26 Feb 05, you assaulted another Air Force member's wife at a night club, by head-butting her. You were given an Article 15 dated 21 Apr 05, with a reduction to the grade of Airman First Class, with a new dated of rank of 21 Apr 05 and 45 days extra duty. This Article 15 was added to an already established UIF. See Attachment 5.

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).

- 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; [redacted] at Building One, on 24 May 2005, at 0900 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 24 May 2005 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 Family Practice, Tinker AFB Hospital on 25 May 05, at 1715 hours for the examination.
- 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 Orderly Room.
- 8. Execute the attached acknowledgment and return it to me immediately.

[Redacted Signature Box]

Commander

Attachments:

- 1. Supporting Documents
- 2. Receipt of Notification Memorandum