

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 AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL YES No <input type="checkbox"/> <input checked="" type="checkbox"/>		NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
		X				
		X				
						X
		X				
		X				
ISSUES A94.06	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 19 Sep 2006	CASE NUMBER FD-2006-00026					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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: 9/26/2006			
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-2006-00026

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: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's discharge was too harsh and approved an upgrade of discharge to Honorable.

ISSUE:

After a thorough and complete consideration of the information provided by the applicant and contained in the records, the DRB concluded there was sufficient mitigation to substantiate upgrading the discharge. Specifically, the Board found that the characterization was too harsh. Although the DRB did not condone the misconduct of the applicant, an Honorable discharge was deemed appropriate and equitable.

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.

However, in view of the foregoing findings, the Board further concluded that the overall quality of applicant's service is more accurately reflected by an Honorable discharge.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Lackland AFB, TX on 12 Mar 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 26 Apr 82. Enlmt Age: 18 0/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-44, E-34, G-53, M-42. PAFSC: 1C131 - Air Traffic Controller Apprentice. DAS: 19 Mar 01.

b. Prior Sv: (1) AFRes 11 May 00 - 11 Sep 00 (4 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Sep 00 for 6 yrs. Svd: 01 Yrs 06 Mo 01 Das, all AMS.

b. Grade Status: Amn - 3 Dec 01 (Vacation of Article 15, 12 Feb 02)
A1C - 1 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 12 Feb 02, Vacation, Lackland AFB, TX - Article 86. You, did, on or about 19 Jan 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 37th Operations Support Squadron, building 1161. You did, on or about 20 Jan 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 37th Operations Support Squadron, building 1161. You did, on or about 22 Jan 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 37th Operations Support Squadron, building 1161. Reduction to Airman. (No appeal) (No mitigation)

(2) 30 Nov 01, Lackland AFB, TX - Article 92. You, having knowledge of a lawful order issued by SSgt [redacted], to wit: Put on your uniform and report to me at work, an order which it was your duty to obey, did, on or about 11 Nov 01, fail to obey the same by wrongfully failing to report to work. Suspended reduction to Airman. Forfeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 6 FEB 02 - Late for duty.

- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (01) Yrs (10) Mos (02) Das
TAMS: (01) Yrs (06) Mos (01) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Jan 06.
(Change Discharge to Honorable)

Issue 1: It has been more than 3 yrs since I have been discharge (sic) from the United States Air Force. I feel that since my Departure I have matured greatly. I have never been involved with the law in anyway (sic). I am currently employed as a dealer at MGM Grand Casino in Detroit, Mi (sic). After leaving the Air Force I have taken cleases that help me deal with conflicts and communication skills, all in which help me to become a better person. I also have been through Job Corps business technologies program to receive my certificate as a Data Entry Clerk. While in the Air Force I was an Honor Graduate out of basic training and was on the drill team at Tech School. Overall I am a good person who just happens to have made a couple mistakes at a young age. I would deeply appreciate if you would consider upgrading my discharge from a general to an honorable. It (sic) there is any questions that I can help you with then you can reach me at (313)895-6339. Thank you for your help.

ATCH
None.

1MAR06/ia

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

4 MAR 2002

MEMORANDUM FOR AMN: [REDACTED]

FROM: 37 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The basis for this action is AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending your service be characterized as General.

2. My reasons for this action are:

a. You, having knowledge of a lawful order issued by Staff Sergeant [REDACTED], to wit: "Put on your uniform and report to me at work," an order which it was your duty to obey, did, at or near Lackland Air Force Base, Texas, on or about 11 November 2001, fail to obey the same by wrongfully failing to report to work. For this misconduct, you received an Article 15 dated 30 November 2001. Your punishment was a suspended reduction to the grade of E-2 (Amn) and forfeiture of \$100.00 pay per month for two months.

b. You did, at or near Lackland Air Force Base, Texas, on or about 5 February 2002, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 37th Operations Support Squadron, bldg 1161. For this misconduct, You received a Letter of Reprimand, dated 6 February 2002.

c. You did, at or near Lackland Air Force Base, Texas, on divers occasions between on or about 19 January 2002 and 22 January 2002, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 37th Operations Support Squadron, bldg 1161. For this misconduct, the commander vacated your previously suspended reduction in grade to E-2 (Amn) on 12 Feb 02.

3. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces, and any special pay and bonus or education assistance funds may be subject to recoupment.

4. You have been scheduled for a medical examination. You must report to Building 6612, Rm 502, Monday through Friday, between 1300 - 1500 with your medical, immunization, and dental records for the examination.

5. Military Legal Counsel has been obtained to assist you. An appointment has been scheduled for you to consult Capt: [REDACTED] at Building Number 1000 on 5 Mar 02 at 1030hrs. Instead of the

appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

6. Confer with your counsel and reply, in writing, within 3 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. You may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to consult 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 of 1974. A copy of AFI 36-3208 is available for your use at the Squadron Commander Support Staff.

8. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, those funds may be subject to recoupment.

9. Execute the attached acknowledgment and return it to me immediately.



Commander

Attachments:

1. AF Fm 3070 dated 30 Nov 01
2. LOR, dated 6 Feb 02
3. AF Fm 366, dated 12 Feb 02