

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 SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
---	---------------------	---

TYPE	GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No			
	X			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A93.01	INDEX NUMBER A67.90	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 29 Sep 2006	CASE NUMBER FD-2006-00027	
------------------------------------	-------------------------------------	--

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: 9/29/2006
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-2006-00027

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:

Applicant contends that his wrong doing was based on immaturity and bad choices. Applicant was discharged with an under honorable conditions (general) discharge for conduct prejudicial to good order and discipline. Member received two Letters of Reprimand, one Record of Counseling, one Letter of Admonishment, one Article 15, and one Vacation of Article 15. The record reflects in February 2002 member lied to an Non-Commissioned Officer about his available leave balance and willfully violated the commander's leave policy by traveling out of the local area, more than the maximum eight hours drive. On 18 March 2002, member received an Article 15, suspended until 17 September 2002, for dishonorably failing to pay \$1,554.10 due to the Veterans Administration Federal Credit Union. On 24 July 2002, member failed to show up for class and was late for the class within the same week. On 1 August 2002, member was involved in domestic altercation in which the local police was called, resulting in a civil arrest for an outstanding warrant. On 24 August 2002, member assaulted a senior airmen by striking him with his fist, thereby, vacating his Article 15. The Discharge Review Board noted that member's commander only vacated the Article 15 after repeated instances of misconduct. The DRB recognized the applicant was 23 years of age when the discharge took place. However, there is no evidence he did not know right from wrong. The Board opined the applicant was the same age as 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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Whiteman AFB, MO on 20 Sep 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 24 Jun 79. Enlmt Age: 19 10/12. Disch Age: 23 2/12. Educ: HS DIPL. AFQT: N/A. A-79, E-76, G-53, M-93. PAFSC: 2A533C - Communication, Navigation & Defense Avionic Journeyman. DAS: 29 Mar 00.

b. Prior Sv: (1) AFRes 18 May 99 - 22 Jun 99 (1 month 5 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Jun 99 for 6 yrs. Svd: 03 Yrs 02 Mo 28 Das, all AMS.

b. Grade Status: A1C - 18 Mar 02 (Vacation of Article 15, 5 Sep 02)
SRA - 06 Dec 01
A1C - 06 Aug 99

c. Time Lost: None.

d. Art 15's: (1) 5 Sep 02, Vacation, Whiteman AFB, MO - Article 128. You, did, in or near Warrensburg, Missouri, on or about 24 Aug 02, assault SrA [REDACTED] by striking him with your fist. Reduction to A1C. (No appeal) (No mitigation)

(2) 18 Mar 02, Whiteman AFB, MO - Article 134. You, being indebted to Veterans Administration Federal Credit Union in the sum of \$1554.10 for cash, which amount became due and payable on or about 15 Jun 01, did, from 15 Jun 01 to 4 Mar 02, dishonorably fail to pay said debt. Suspended reduction to A1C. Fourteen days extra duty. (Appeal/Granted) (No mitigation)

e. Additional: LOR, 01 AUG 02 - Involved in a domestic altercation which resulted in civil arrest for an outstanding warrant.
RIC, 24 JUL 02 - Late to class one day and failure to show up for class the next day.
LOR, 27 FEB 02 - Lying to an NCO about available leave balance.
LOA, 01 FEB 02 - Willfully violate the commander's levy policy.

f. CM: None.

g. Record of SV: 23 Jun 99 - 15 Jan 01 Whiteman AFB 4 (HAF Dir)
16 Jan 01 - 15 Jan 02 Whiteman AFB 4 (Annual)

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (03) Yrs (04) Mos (03) Das
TAMS: (03) Yrs (02) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Jan 06.
(Change Discharge to Honorable)

Issue 1: I would like a (sic) upgrade to honorable because I feel all of the wrong doing on my part was based on immaturity, and bad choices. It has been over 3 years since I seperated (sic) from the US Air Force.

ATCH

None.

1MAR06/ia



DEPARTMENT OF THE AIR FORCE
509 AIRCRAFT MAINTENANCE SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

SEP 13 2002

MEMORANDUM FOR A1C: [REDACTED]

FROM: 509 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct prejudicial to good order and discipline. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved your service may be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

- a. On or about 24 August 2002, you assaulted A1C: [REDACTED] by striking him with your fist. For this misconduct, you received an Article 15 vacation action dated 9 Sep 02.
- b. On or about 1 Aug 02, you were involved in a domestic altercation in Raytown, MO. Responding officers ran your license and uncovered an outstanding warrant for your arrest due to an unpaid traffic violation. For this misconduct, you received an LOR dated 1 Aug 02.
- c. On 24 July 02, you failed to show up for class. For this misconduct, you received a RIC dated 24 Jul 02.
- d. You were indebted to the Veterans Administration Federal Credit Union in the amount of \$1554.10. You failed to pay this amount. For this misconduct, you received an Article 15 dated 28 Mar 02.
- e. You willfully lied to an NCO about your available leave balance. For this misconduct, you received an LOR dated 27 Feb 02.
- f. On 31 Jan 02, you willfully violated the commander's leave policy. For this misconduct, you received an LOA dated 1 Feb 02.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial convening authority or a 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. 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.

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 Captain [redacted] in Bldg 509 on SEP 13 2002 at 1300 Hours. You may also 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 18 Sep 02 unless you request and receive an extension for good cause shown. I will forward your statements 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 rights to do so.

7. You have been scheduled for a medical examination. You must report to Physical Exams at _____ on _____ for the examination.

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 in your unit's Orderly Room.

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

Commander

Attachments:

1. Supporting documents --for the reason for discharge

- a. LOR, dated 1 Aug 02
- b. RIC, dated 24 Jul 02
- c. Article 15, dated 28 Mar 02
- d. LOR, dated 27 Feb 02
- e. LOA, dated 1 Feb 02
- f. Article 15 Vacation Action dated 9 Sep 02

2. Documents containing derogatory information -- which are not listed in the notification memorandum. None.

3. Airman's receipt of notification memorandum, dated SEP 13 2002.