

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

SRA

AFSN/SSAN

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

X

X

X

X

X

ISSUES

A95.00/A0.01

INDEX NUMBER

A84.00

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

13 Sep 2006

CASE NUMBER

FD-2006-00028

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.

SIGNATURE OF RECORDER

SIGNATURE OF BOARD PRESIDENT

INDORSEMENT

DATE: 9/13/2006

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-2006-00028

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 stated that he wished to reenlist in the Air National Guard as his justification for upgrade. The records indicated the applicant received three Memorandums for Record for unsatisfactory performance. The unsatisfactory performance included 12 unexcused absences from his Air National Guard unit in a 12-month period. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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 ANG Gowen Field, ID on 10 May 02 UP AFI 36-3208, para 3.13.2 (Unsatisfactory Participation). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 15 Jun 77. Enlmt Age: 18 5/12. Disch Age: 24 10/12. Educ: HS DIPL. AFQT: N/A. A-93, E-51, G-46, M-47. PAFSC: 2W151 - Aircraft Armament System Journeyman. DAS: 30 Aug 01.

b. Prior Sv: (1) AFRes 9 Dec 95 - 6 Feb 96 (1 month 28 days) (Inactive).

(2) Enlisted as AB 7 Feb 96 for 4 yrs. Extended 23 Nov 97 for 12 months. Transferred to USAFR on 6 Feb 01. Svd: 5 yrs 6 months 22 days, of which AMS is 5 yrs 00 months 00 days. Amn - 7 Aug 96. A1C - 7 Jun 97. SrA - 7 Feb 99. EPRs: 5,5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Enlisted ANG as SrA 30 Aug 01 for 6 yrs. Svd: 00 Yrs 08 Mo 11 Das (Inactive).

b. Grade Status: A1C - 16 Jan 02 (Demotion, 26 Feb 02)

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MFR, 16 JAN 02 - Four unexcused absences.
MFR, 12 DEC 01 - Four unexcused absences.
MFR, 15 NOV 01 - Four unexcused absences.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFAM W/2 OLC, AFEM, AFLSAR, AFTR, AFOUA W/V W/2 OLC, AFGCM, AFOSLTR.

i. Stmt of Sv: TMS: (06) Yrs (05) Mos (01) Das
TAMS: (05) Yrs (00) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Jan 06.
(Change Discharge to Honorable)

Issue 1: After active duty I was not able to fulfill my obligation to the Idaho Air National Guard due to my new civilian employment. I would like my discharge to be reconsidered and upgraded to honorable. Because I wish to re-enlist in the Air National Guard.

ATCH

None.

2MAR06/ia



IDAHO AIR NATIONAL GUARD
124TH WING
BOISE AIR TERMINAL (GOWEN FIELD)



06 Feb 02

MEMORANDUM FOR SRA

FROM: 124 AGS/CC

SUBJECT: Letter of Notification (LON) for Recommendation of Involuntary Discharge

1. I am recommending your discharge from the Air National Guard. The authority for this action is AFI 36-3209, chap 3, para 3.13.2.
2. The reason for this action is Unsatisfactory Participation. Unsatisfactory participation is having nine or more unexcused absences from Unit Training Assemblies (UTA) within a 12 month period. You have a total of 12 unexcused absences in the past 12 month period. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached.
3. I am recommending that you receive a General discharge (under honorable conditions). The Adjutant General of the Idaho Air National Guard (IDANG) is the discharge authority for this action.
4. You are entitled to:
 - a. Present your case to an administrative discharge board.
 - b. Consult legal counsel. Military legal counsel has been obtained to assist you. You may contact Maj the IDANG Staff Judge Advocate, at 422-5474, to make arrangements for military counsel. You may consult civilian counsel at your own expense.
 - c. Submit any statements or documents to be considered in disposition of the case. Requests for a waiver of a board hearing does not affect the right to submit statements or documents at anytime.
 - d. Apply for transfer to the Retired Reserve if eligible for such transfer.
5. You may waive the above rights, as well as the right to an administrative discharge board hearing, after having the opportunity to consult with counsel.
6. Return Attachment 1 within 24 hours acknowledging receipt of LON.
7. Return Attachment 2 within 15 days after receipt of LON. Return Attachment 3 if requesting a board hearing.
8. A copy of AFI 36-3209 is available for your use in building NG-400. Attachment 14 to AFI 36-3209 is the Privacy Act Advisory covering any personal information you furnish.

9. Failure to acknowledge receipt or respond regarding selection of rights within 15 days after receipt of LON constitutes a waiver of all rights, resulting in the case being processed without an administrative board hearing on the information available.

For



Commander, 124 AGS

Attachments:

1. 24 Hour Receipt of LON
2. 15 Day Receipt of LON
3. Request For An Administrative Board Hearing
4. Privacy Act Advisory
5. Support Documentation Package