

**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 <b>AB</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	<b>X</b>		

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

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		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 <b>22 Sep 2006</b>	CASE NUMBER <b>FD-2006-00033</b>
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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 <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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INDORSEMENT	DATE: <b>9/25/2006</b>
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-2006-00033**

**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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

**ISSUE:**

Although not explicitly stated, the applicant contends his discharge was inequitable because it was too harsh. He contends that he was told he was being discharged because of CDC failure. The records indicated the applicant received an Article 15, a Vacation, six Letters of Reprimand, and five Letters of Counseling for misconduct. He was administratively disciplined with six Letters of Reprimand for making inappropriate comments about another airman's religion, being disorderly on duty, failure to go, failure to progress satisfactorily in OJT, failure to complete CDC Volumes by established completion dates, and for being incapacitated for the proper performance of duties as a result of previous overindulgence of alcohol. He received Letters of Counseling for failure to progress in OJT, failure to have his boots cleaned and polished, and being derelict in the performance of duties. The applicant received an Article 15 for failure to go to appointed place of duty. He was disciplined with a suspended reduction in grade to airman basic and forfeiture of pay for two months. The Vacation action was for failure to go to appointed place of duty. This action resulted in his reduction in grade to airman basic. 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Hickam AFB, HI on 6 Jul 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Sep 85. Enlmt Age: 17 3/12. Disch Age: 18 10/12. Educ: HS DIPL. AFQT: N/A. A-69, E-61, G-70, M-58. PAFSC: 2A733 - Aircraft Structural Maintenance Apprentice. DAS: 29 Aug 03.

b. Prior Sv: (1) AFRes 19 Dec 02 - 17 Feb 03 (1 month 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Feb 03 for 6 yrs. Svd: 01 Yrs 04 Mo 19 Das, all AMS.

b. Grade Status: AB - 22 Apr 04 (AF Form 366, 26 May 04)  
Amm - 22 Apr 04 (Article 15, 22 Apr 04)  
A1C - 25 Jan 04

c. Time Lost: None.

d. Art 15's: (1) 26 May 04, Vacation, RAF Lakenheath, UK - Article 86. You did, on or about 10 May 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Aircraft Structural Maintenance shop. Reduction to AB. (No appeal) (No mitigation)

(2) 22 Apr 04, RAF Lakenheath, UK - Article 86. You did, on or about 2 Apr 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Aircraft Structural Maintenance shop. You did, on or about 5 Apr 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Aircraft Structural Maintenance shop. Reduction to AB (reduction below Airman suspended). Forfeiture of \$150.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 08 APR 04 - Incapacitated for the proper performance of duties as a result of previous overindulgence in intoxicating liquor.

LOR, 02 APR 04 - Dereliction of duty.

LOC, 01 MAR 04 - Dereliction of duty.

LOC, 25 FEB 04 - Dereliction of duty.

LOR, 24 FEB 04 - Failure to complete CDC.  
LOC, 17 FEB 04 - Failure to have boots cleaned and polished.  
LOR, 17 FEB 04 - Failure to go.  
LOC, 10 FEB 04 - Failure to progress in OJT.  
LOR/UIF, 11 JUL 03 - Disorderly on duty.  
LOR/UIF, 07 JUL 03 - Making inappropriate comments.  
LOC, 10 JUN 03 - Making inappropriate comments. (Mentioned on LOR, 07 Jul 03, but missing from file).

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (01) Yrs (06) Mos (18) Das  
TAMS: (01) Yrs (04) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Jan 06.  
(Change Discharge to Honorable)

Issue 1: I believe my discharge is improper because the reason I was told I would be discharged was because I failed my Career Development Course (CDC), yet the reason on my discharge is "Bad Conduct". (sic) I cannot possibly see how failing my CDC's (sic) can be seen as immoral, unethical, and wounding to the United States Air Force. I understand that my former Commander made the choice to not give me a second chance to study and take my test again, and decided that it would be in the best interest of the Air Force not to do so. But I believe that "Bad Conduct" is not an applicable or acceptable reason for my discharge, and I don't think that I should have my service in the United States Air Force smeared because of one person's error.

**ATCH**

None.

9MAR06/ia



DEPARTMENT OF THE AIR FORCE  
48th FIGHTER WING (USAFE)

08 JUN 2004

MEMORANDUM FOR AB [REDACTED] 48 EMS

FROM: 48 EMS/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 service will 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. At or near RAF Lakenheath, UK, on or about 10 May 04 you did, without authority, fail to go at the time prescribed to your appointed place of duty and received a Vacation of Non-judicial Punishment (NJP), dtd 26 May 04;

b. At or near RAF Lakenheath, UK, on or about 5 Apr 04 you did, without authority, fail to go at the time prescribed to your appointed place of duty and received NJP, dtd 22 Apr 04;

c. At or near RAF Lakenheath, UK, on or about 2 Apr 04 you did, without authority, fail to go at the time prescribed to your appointed place of duty and received the same as in paragraph 2b;

d. At or near RAF Lakenheath, UK, on or about 2 Apr 04 you were, as a result of wrongful previous overindulgence in intoxicating liquor incapacitated for the proper performance of your duties and received a Letter of Reprimand (LOR), dtd 8 Apr 04;

e. At or near RAF Lakenheath, UK, on or about 29 Mar 04 you were derelict in the performance of your duties in that you failed to complete volume 5 of your Career Development Course (CDC) and received an LOR, dtd 2 Apr 04;

f. At or near RAF Lakenheath, UK, on or about 27 Feb 04, you were derelict in the performance of your duties in that you failed to comply with your shops established break schedules and received a Letter of Counseling (LOC), dtd 1 Mar 04;

g. At or near RAF Lakenheath, UK, on or about 23 Feb 04, you were derelict in the performance of your duties in that you failed to comply with AFI 21-101 by failing to properly document a tool inventory and received an LOC, dtd 25 Feb 04;

h. At or near RAF Lakenheath, UK, on or about 23 Feb 04 you were derelict in the performance of your duties in that you failed to complete volume 3 of your Career Development Course (CDC) and received an LOR, dtd 24 Feb 04;

- i. At or near RAF Lakenheath, UK, on or about 17 Feb 04, you failed to comply with the standards of AFI 36-2903 by not having your boots within standards and received an LOC, dtd 17 Feb 04;
- j. At or near RAF Lakenheath, UK, on or about 6 Feb 04 you were derelict in the performance of your duties in that you failed to complete volume 3 of your Career Development Course (CDC) and received an LOC, dtd 10 Feb 04;
- k. At or near RAF Lakenheath, UK, on or about 4 Feb 04 you did, without authority, fail to go at the time prescribed to your appointed place of duty and received an LOR, dtd 17 Feb 04;
- l. At or near RAF Lakenheath, UK, on or about 3 Feb 04 you did, without authority, fail to go at the time prescribed to your appointed place of duty and received the same as in paragraph 2k;
- m. At or near Sheppard Air Force Base, TX, on or about 11 Jul 03 you were disorderly while on duty and received an LOR/Unfavorable Information File (UIF), dtd 11 Jul 03; and
- n. At or near Sheppard Air Force Base, TX, on or about 7 Jul 03 you were found to have made inappropriate comments towards another Airman about his religion and received an LOR/UIF, dtd 7 Jul 03. Furthermore, you were denied promotion to E-3 on 25 Jul 03 because of this misconduct.
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 jurisdiction 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, \_\_\_\_\_, Bldg. 977, DSN 226-3608, has been obtained to assist you. An appointment has been scheduled for you to consult them at \_\_\_\_\_. 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 11 Jun 04 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
- 6. You are ordered to report to the Separations section at the MPF within two days of the date your acknowledgement of this notification.**
7. 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.
8. You must schedule an appointment with your Primary Care Manager, who will provide you with a DD Form 2697, Assessment of Health Care. You should then report to the Physical Exams Section at the 48<sup>th</sup> Medical Group during walk-in hours, with your DD Form 2697. Walk-in hours for Physical Exams are 0900-1400, Monday thru Friday. If you wear eyeglasses, you must bring them with you. If you are unable to make any of your scheduled appointments, you must contact the First Sergeant immediately.

9. 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 your unit orderly room.

10. The separation authority will make the findings and recommendation required under 10 U.S.C 2005 (g).

11. Execute the attached acknowledgement and return it to me immediately.



Commander

**Attachments:**

1. Vacation NJP, dtd 26 May 04
2. NJP, dtd 22 Apr 04, w/Atch
3. LOR, dtd 8 Apr 04, w/Atch
4. LOR, dtd 2 Apr 04, w/Atch
5. LOC, dtd 1 Mar 04
6. LOC, dtd 25 Feb 04
7. LOR, dtd 24 Feb 04
8. LOC, dtd 17 Feb 04
9. LOC, dtd 10 Feb 04
10. LOR, dtd 17 Feb 04
11. LOR, dtd 11 Jul 03, w/Atch
12. LOR, dtd 7 Jul 03, w/Atchs
13. Member's Acknowledgement and Recoupment Statement
14. Records Review RIP