

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD														
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE		AFSN/SSAN							
<div></div>					A1C		<div></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		UOTIC		OTHER		DENY	
													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			CASE NUMBER											
19 Sep 2006			FD-2006-00039											
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.														
SIGNATURE OF RECORDER					SIGNATURE OF BOARD PRESIDENT									
<div></div>					<div></div>									
INDORSEMENT					DATE: 9/25/2006									
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-2006-00039

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 three Letters of Reprimand and three AETC Form 341's for misconduct. The applicant was administratively disciplined for violation of dress and appearance standards, insubordinate conduct and disrespect towards NCO's, Phase Violations, failure to obey an order, failure to go and failed room inspection. 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Sheppard AFB, TX on 22 Dec 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Oct 85. Enlmt Age: 18 4/12. Disch Age: 19 2/10. Educ: HS DIPL. AFQT: N/A. A-71, E-82, G-62, M-46. PAFSC: 2A311A - Avionics Systems Attack Control Helper. DAS: 20 Aug 04.

b. Prior Sv: (1) AFRes 20 Feb 04 - 19 Apr 04 (1 month 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 20 Apr 04 for 4 yrs. Svd: 00 Yrs 08 Mo 03 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 16 NOV 04 - Failure to go and failed room inspection.
LOR, 04 NOV 04 - Failure to obey an order or regulation.
AETC 341, 4 NOV 04 - Phase violation.
AETC 341, 3 NOV 04 - Found in room during lunch hour.
LOR, 29 OCT 04 - Violation of dress and appearance standards, insubordinate conduct and disrespect towards two NCOs.
AETC 341, 13 SEP 04 - Phase III violation.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (00) Yrs (10) Mos (03) Das
TAMS: (00) Yrs (08) Mos (03) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Jan 06.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

10MAR06/ia



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

MEMORANDUM FOR A1C: [REDACTED], 365 TRS

DEC 1 8 2004

FROM: 365 TRS/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 AFD 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. You did, at or near Sheppard AFB TX, on or about 16 Nov 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: morning formation. For this misconduct and subparagraph "b" below, you received a Letter of Reprimand (LOR) on 16 Nov 04.

b. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 16 Nov 04, were derelict in the performance of those duties in that you failed to keep your room in inspection order, as it was your duty to do.

c. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 3 Nov 04, were derelict in the performance of those duties in that you failed to refrain from being in your dormitory room during lunch as it was your duty to do. For this misconduct, you received an LOR Nov 04.

d. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 29 Oct 04, were derelict in the performance of those duties in that you failed to refrain from sleeping in the lobby outside of MSgt: [REDACTED] office, as it was your duty to do. For this misconduct and subparagraph "e" below, you received an LOR on 29 Oct 04.

e. You, at or near Sheppard AFB TX, on or about 29 Oct 04, were disrespectful in deportment toward SSgt: [REDACTED], a non-commissioned officer, then known by you to be superior non-commissioned officer, who was then in the execution of her office, by ignoring her and picking up a magazine when she addressed you about your un-polished boots and your un-shaven face.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM 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 will probably be denied enlistment in any component of the armed forces.

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 Maj [redacted], extension 6-2186, the ADC, at building 1638 on 14 Dec 04 at 0930 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 16 Dec 04, 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 the 82d Medical Group, Bldg 1200, Student Health, at 0800 on 14 Dec 04.

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 in the 365 TRS Military Training Flight Personnel Office.

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

[Redacted Signature Box]
Commander

Attachments: (listed on next page)

Attachments:

1. LOR, 16 Nov 04
2. Response to LOR,
3. LOR, 4 Nov 04
4. Response to LOR, undated
5. LOR, 29 Oct 04
6. No Contact Order, 10 Nov 04
7. MFR, SSgt [redacted], 22 Sep 04
8. 365 TRS RMT Evaluation, 22 Sep 04
9. AETC Form 341, 13 Sep -6 Nov 04 (3)
10. AETC Form 125A, 6 Dec 04

11. Student Training Report, 04I01
12. MFR, SrA: [redacted], 2 Dec 04
13. Lackland AFB Form 205, 7 Jun 04
14. Airman's Receipt to Notification Memorandum *wd*