

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	GRADE AMN	AFSN/SSAN <div style="border: 1px solid 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 solid black; height: 100%; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A94.05 A92.17	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 02 Nov 2006	CASE NUMBER FD-2006-00044	

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: 11/13/2006
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-2006-00044

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:

Issue 1. Although not explicitly stated, applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15's, two Letters of Reprimand, and a Letter of Counseling for misconduct. The applicant was administratively disciplined with two Letters of Reprimand and a Letter of Counseling for failures to go. The applicant had further misconduct and received his first Article 15 for failure to go to appointed place of duty. He was punished with a restriction to base for 60 days and restricted from all base facilities that served alcoholic beverages for 60 days. The second Article 15 was for being absent from the 51st Logistics Readiness Squadron for eight days, failure to obey an order to report to his First Sergeant, and writing checks with insufficient funds in his account. He was reduced in grade to airman, restricted to his base for 30 days and restricted from all base facilities that served alcoholic beverages for 30 days. 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.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Hickam AFB, HI on 29 Sep 05 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: 29 Aug 83. Enlmt Age: 17 11/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-61, E-55, G-62, M-47. PAFSC: 2T251 - Air Transportation Journeyman. DAS: 18 May 04.

b. Prior Sv: (1) AFRes 2 Aug 01 - 26 Nov 01 (3 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Nov 01 for 6 yrs. Svd: 03 Yrs 10 Mo 03 Das, all AMS.

b. Grade Status: Amn - 15 Aug 05 (Article 15, 15 Aug 05)
SrA - 11 May 04
A1C - 11 Jan 02

c. Time Lost: None.

d. Art 15's: (1) 15 Aug 05, Osan AB, Korea - Article 86. You did, on or about 18 May 05, without authority, absent yourself from your unit, to wit: 51st Logistics Readiness Squadron, located at Osan AB, Korea, and did remain so absent until on or about 26 May 05. Article 92. You, having knowledge of a lawful order issued by SMSgt [redacted] [redacted], to wit: "to report to the First Sergeant's office", an order which it was your duty to obey, did, on or about 17 May 05, fail to obey the same by wrongfully failing to report to the First Sergeant's office. Article 134. You did, between on or about 7 Jun 05 and on or about 14 Jun 05, make and/or utter to Community Bank certain checks, signed by you, and drawn upon Armed Forces Bank, of a total value of \$2000.00, for the purpose of obtaining lawful currency, and did thereafter dishonorably fail to maintain sufficient funds in said bank account for the payment of said checks in full upon their presentation for payment. Reduction to Airman. Restriction to the limits of Osan AB, Korea for 30 days. Restriction from the Challenger and Mustang Enlisted clubs, the Officer's club, all squadron hooches, the Class VI, and all other base facilities that serve or sell alcoholic beverages for 30

days. (No appeal) (No mitigation)

(2) 28 Jan 05, Osan AB, Korea - Article 86. You, did, on or about 21 Dec 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 661. You, did, on or about 22 Dec 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 661. Suspended reduction to A1C. Restriction to the limits of Osan AB, Korea for 60 days. Restriction from the Challenger and Mustang Enlisted clubs, the Officer's club, all squadron hooches, the Class VI, and all other base facilities that serve or sell alcoholic beverages for 60 days. (No appeal) (No mitigation)

e. Additional: LOR, 01 DEC 04 - Failure to go.
LOR, 14 JUL 04 - Failure to go.
LOC, 30 JAN 04 - Failure to go.

f. CM: None.

g. Record of SV: 28 Nov 01 - 15 Jul 03 Ramstein AB 4 (HAF Dir)
16 Jul 03 - 02 Mar 04 Ramstein AB 5 (CRO)
03 Mar 04 - 02 Mar 05 Osan AB 2 (Annual)REF

h. Awards & Decs: NDSM, AFOSLTR, AFTR, AFOUA W/VALOR W/2 OLCS, AFGCM, GWOTSM, KDSM, A&SCM, AFOSSTR.

i. Stmt of Sv: TMS: (04) Yrs (01) Mos (28) Das
TAMS: (03) Yrs (10) Mos (03) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jan 06.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on incidents during a 5 month span. I feel that I have served 46 months and only 5 months were not honorable. I feel I served the majority of my service honorably.

ATCH
None.

16MAR06/ia



DEPARTMENT OF THE AIR FORCE
51st Logistics Readiness Squadron
UNIT 2089
APO AP 96278-2069

FD 2006-000 44

7 Sep 05

MEMORANDUM FOR AMN [REDACTED], 51 LRS

FROM: 51 LRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force based upon a Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, paragraph 5.50.2. If my recommendation is approved, then your service will be characterized as Honorable or Under Honorable Conditions (General). I am recommending that you receive an Under Honorable Conditions (General) discharge.

2. My reasons for this discharge action are as follows:

a. You did, at or near Osan Air Base, Republic of Korea, on or about 30 June 2004, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Mandatory Physical Training. For this misconduct you received a Letter of Counseling dated 30 June 2004. (Atch 1a).

b. You did, at or near Osan Air Base, Republic of Korea, on or about 13 July 2004, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 661.

c. You did, at or near Osan Air Base, Republic of Korea, on or about 13 July 2004, with intent to deceive, make to Technical Sergeant [REDACTED], an official statement, to wit: you went to the dental office and they couldn't book you an appointment because they were full and couldn't get you in until Aug, which statement was totally false and was known by you to be so false.

d. You, having knowledge of a lawful order issued by Technical Sergeant [REDACTED], to wit: to email her and SSgt [REDACTED] once you report to duty, an order which it was your duty to obey, did, at or near Osan Air Base, Republic of Korea, on or about 13 July 2004, fail to obey the same by wrongfully failing to email TSgt [REDACTED] or SSgt [REDACTED], as directed. For the misconduct in paragraphs (b), (c) and (d), you received a Letter of Reprimand dated 14 July 2004. (Atch 1b).

e. You did, at or near Osan Air Base, Republic of Korea, on or about 1 December 2004, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Mandatory Physical Training. For this misconduct you received a Letter of Reprimand dated 1 December 2004. (Atch 1c).

f. You did, at or near Osan Air Base, Republic of Korea, on or about 21 December 2004, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 661.

g. You did, at or near Osan Air Base, Republic of Korea, on or about 22 December 2004, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 661. For the misconduct in paragraphs (f) and (g), you received an Article 15 dated 28 January 2005. (Atch 1d).

h. You did, on or about 18 May 2005, without authority, absent yourself from your unit, to wit: 51st Logistics Readiness Squadron located at Osan Air Base, Republic of Korea, and did remain so absent until on or about 26 May 2005.

i. You, having knowledge of a lawful order issued by Senior Master Sergeant [redacted] [redacted], to wit: "to report to the First Sergeant's office", an order which it was your duty to obey, did, at or near Osan Air Base, Republic of Korea, on or about 17 May 2005, fail to obey the same by wrongfully failing to report to the First Sergeant's office.

j. You did, at or near Osan Air Base, Republic of Korea, between on or about 7 June 2005 and on or about 14 June 2005, make and/or utter to Community Bank certain checks, signed by you, and drawn upon Armed Forces Bank, in words and figures as follows:

Date	Draft #	Amount
7 June 2005	551	\$500.00
8 June 2005	553	\$500.00
14 June 2005	542	\$500.00
11 June 2005	555	\$500.00

of a total value of \$2000.00, for the purpose of obtaining lawful currency, and did thereafter dishonorably fail to maintain sufficient funds in said bank account for the payment of said checks in full upon their presentment for payment. For the misconduct in paragraphs (h), (i) and (j), you received an Article 15 dated 15 August 2005. (Atch 1e).

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. Any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel is available to assist you. You have been scheduled an appointment at the Office of the Area Defense Counsel at Bldg 745 on 8 Sep at 1830 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements that you want the separation authority to consider must reach me by 1730 hours on 12 Sep 05 (three duty

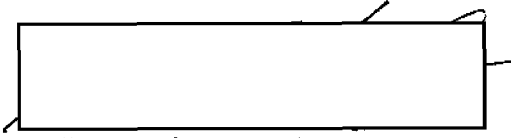
days) unless you request and receive an extension for good cause. I will forward any such statements to the separation authority.

6. If you fail to consult or submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the hospital at 0945 hours on 12 Sep 05.

8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available at the Orderly Room.

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



Commander

Attachments:

1. Supporting documents
 - a. LOC dated 30 Jun 04 (2 pgs)
 - b. LOR dated 14 Jul 04 (3 pgs)
 - c. LOR dated 1 Dec 04 (2 pgs)
 - d. Article 15 w/atchs, dated 28 Jan 05 (5 pgs)
 - e. Article 15 w/atchs, dated 15 Aug 05 (6 pgs)
2. Acknowledgment of Receipt of Notification Memorandum
3. Discharge under AFI 36-3208 Memorandum
4. Personnel Information