

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE A1C	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	A94.53	INDEX NUMBER	A67.50		
				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	
28 Sep 2006	FD-2006-00045	

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.

--	--

ENDORSEMENT	DATE: 10/2/2006
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-2006-00045

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 cited his desire for upgrade to improve job opportunities. The records indicated the applicant received an Article 15, a Vacation, a Letter of Reprimand, and three Records of Individual Counseling for misconduct. He was administratively disciplined for financial irresponsibility and failure to attend mandatory appointments. The Article 15 was for being derelict in the performance of duties by failing to have necessary technical data with him to launch/recover an aircraft. He received a suspended reduction in grade to airman first class and thirty days of extra duty. The Vacation was for being derelict in the performance of duty by failing to have necessary technical data available prior to commencing an aircraft jacking procedure. He was reduced in grade to airman first class. 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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Luke AFB, AZ on 27 Jan 95 UP AFI 36-3208, Para 5.50 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 15 Jun 72. Enlmt Age: 18 7/12. Disch Age: 22 7/12. Educ: HS DIPL. AFQT: N/A. A-74, E-82, G-74, M-78. PAFSC: 2A333B - Tactical Aircraft Maintenance Apprentice - F-16. DAS: 10 Nov 93.

b. Prior Sv: (1) AFRes 12 Feb 91 - 5 May 91 (2 mos 24 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 6 May 91 for 4 years Svd: 03 Yrs 08 Mo 22 Das, all AMS.

b. Grade Status: A1C - 7 Oct 94 (Vacation of Suspension, 9 Dec 94)
SrA - 6 May 94
A1C - 6 Mar 92

c. Time Lost: None.

d. Art 15's: (1) 9 Dec 94 - Vacation, Luke AFB, AZ - Article 92. You, who knew of your duties, on or about 23 Nov 94, were derelict in the performance of those duties in that you negligently failed to have the necessary technical data available prior to commencing an aircraft jacking procedure, as it was your duty to do. Reduction to A1C. (No appeal) (No mitigation)

(2) 7 Oct 94 - Luke AFB, AZ - Article 92. You, who knew of your duties, on or about 26 Sep 94, were derelict in the performance of those duties in that you negligently failed to have the necessary technical data with you to launch/recover an aircraft, as it was your duty to do. Suspended reduction to A1C. Thirty days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 17 DEC 93 - Missed Appointment.
RIC, 15 MAR 94 - Missed Appointment.
LOR, 16 MAR 94 - Failure to go.
RIC, 21 JUL 94 - Financial Irresponsibility.

f. CM: None.

g. Record of SV: 06 May 91 - 05 Jan 93 Misawa ABS 3 (Initial)
06 Jan 93 - 01 Oct 93 Misawa ABS 4 (CRO)
02 Oct 93 - 01 Oct 94 Luke AFB 4 (Annual)

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

i. Stmt of Sv: TMS: (03) Yrs (11) Mos (16) Das
TAMS: (03) Yrs (08) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Jan 06.
(Change Discharge to Honorable)

Issue 1: I wish to have my records reviewed for upgrade to Honorable to improve job opportunities. I thank you for taking the time to review my records and consider me for this upgrade.

ATCH

None.

13Mar06/day

**DEPARTMENT OF THE AIR FORCE
62ND FIGHTER SQUADRON (AETC)
LUKE AIR FORCE BASE ARIZONA**

MEMORANDUM FOR A1C:

FROM: CC

09 JAN 1995

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct. The authority for this action is AFI 36-3208, Section H, paragraph 5.50. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. On or about 23 November 1994, you were derelict in the performance of your duties, as evidenced by the vacation of suspended nonjudicial punishment, dated 9 December 1994.
 - b. On or about 26 September 1994, you were derelict in the performance of your duties, as evidenced by an Article 15, dated 7 October 1994.
 - c. Between 28 March 1994 and 9 June 1994, you failed to maintain sufficient funds in your checking account, as evidenced by a Letter of Counseling, dated 21 July 1994.
 - d. On or about 8 March 1994, you failed to go to a dental appointment, as evidenced by a Letter of Reprimand, dated 16 March 1994.
 - e. On or about 15 February 1994, you failed to go to a dental appointment, as evidenced by a Letter of Counseling, dated 15 March 1994.
 - f. On or about 14 December 1993, you failed to go to a mandatory training class, as evidenced by a Letter of Counseling, dated 17 December 1993.
3. 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 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 subjected to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment for you to consult the Area Defense Counsel at Building 1150, Suite 2076, Luke AFB, AZ, extension 6701 has been scheduled for 9 JAN. 95 at 1400. 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 1100/12 JAN 95 unless you receive an extension for good cause shown. I will send them 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 right to do so.

7. You must retrieve your medical records from the 56th Medical Group Hospital Outpatient records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this AFI 36-3208 discharge package for medical review and/or examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208 is available for your use in your unit orderly room.

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

Commander

6 Atchs:

1. AF Form 366, dtd 9 Dec 94
2. AF Form 3070, dtd 7 Oct 94
3. Ltr of Counseling, dtd 21 Jul 94
4. Ltr of Reprimand, dtd 16 Mar 94
5. Ltr of Counseling, dtd 15 Mar 94
6. Ltr of Counseling, dtd 17 Dec 93