

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 AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
---	---------------------	---

TYPE GEN	X	PERSONAL APPEARANCE	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 A92.35 A92.21 A93.01	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

HEARING DATE 18 May 2006	CASE NUMBER FD-2006-00053	
------------------------------------	-------------------------------------	--

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED IN THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Washington, D.C.

Advise applicant of the decision of the Board 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.

+ Change RE Code
* Change Reason and Authority

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>
---	--

INDORSEMENT	DATE: 5/30/2006
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-2006-00053

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 18 May 2006.

The following additional exhibits were submitted to the DRB:

Exhibit #5: Character reference from Ms: [REDACTED] (Aunt)

Exhibit #6: Character reference from Mr: [REDACTED] (Employer)

Exhibit #7: Character reference from Mr: [REDACTED] (Former Employer)

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are 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. The applicant cited his desire to enlist with the United States Army. The DRB noted the applicant's desire but concluded that his desire standing alone was not a matter of inequity or impropriety which would warrant an upgrade.

Issue 2. Although not explicitly stated, the applicant suggested that his misconduct was a result of his youth and immaturity. The records indicated the applicant received an Article 15 for failure to obey an order by driving a motor vehicle without a license; derelict in the performance of duty in that he negligently failed to stay awake at work; failed to show up for End of Course Exam in proper uniform; and failed to go to appointed place of duty. He was punished with a suspended reduction to airman, forfeiture of \$289.00 pay, and restriction to the limits of Mildenhall for 14 days. He received a vacation for being derelict in the performance of duty by using his Bank of America government travel card for other than travel purposes; and for writing bad checks. As a result, he was reduced to airman. His misconduct was further documented by four Letters of Reprimand for failure to comply with uniform standards; found sleeping on duty (two separate occasions); failure to go, driving without a valid drivers license; and dereliction of duty. He received a Letter of Admonishment for showing disrespect to an NCO. He also received five Records of Individual Counseling for failure to comply with standards; reporting late for duty; sleeping on duty; violation of a Technical Order; and failure to obey lawful order. 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 3. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Keesler AFB MS, on 27 Sep 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 22 Dec 78. Enlmt Age: 21 10/12. Disch Age: 23 9/12. Educ: HS DIPL. AFQT: N/A. A-40, E-32, G-44, M-49. PAFSC: 2A634 - Aircraft Fuel Systems Apprentice. DAS: 05 May 01.

b. Prior Sv: (1) AFRes 30 Oct 00 - 05 Dec 00 (1 month 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Dec 00 for 6 years. Svd: 01 Yrs 09 Mo 22 Das, all AMS.

b. Grade Status: Amn - 21 Mar 02 (Vacation of Article 15, 8 Aug 02)
A1C - 22 Jan 01

c. Time Lost: None.

d. Art 15's: (1) 8 Aug 02, Vacation, RAF Mildenhall England - Article 92. You, who knew or should have known of your duties, between on or about 7 Jun 02 and 2 Jul 02, were derelict in the performance of those duties in that you willfully failed to use your Bank of America credit card for official travel purposes only, as it was your duty to do. Article 134. You did, on or about 10 Jun 02, make and utter to The Galaxy Club certain checks, in words and figures as follows, to wit: check number 155 in the amount of \$200 and check number 203 in the amount of \$100, for the purpose of receiving goods, and did thereafter dishonorably fail to maintain sufficient funds in the Community Bank for payment of such checks in full upon their presentment for payment. Reduced to Amn. (No appeal) (No mitigation)

(2) 21 Mar 02, RAF Mildenhall, England - Article 92. You did, on or about 22 Feb fail to obey a lawful general regulation, to wit: paragraph 2.1.1.2 AFI 31-204 dated 14 Jul 00, by wrongfully driving a motor vehicle without a valid driver's license. You, who should have known of your duties, on or about 19 Feb 02, were derelict in the performance of those duties in that you negligently

failed to stay awake at work, as it was your duty to do. You, who should have known of your duties, on or about 26 Feb 02, were derelict in the performance of those duties in that you negligently failed to show up for your End of Course Exam in proper uniform as it was your duty to do. Article 86. You did, on or about 27 Feb 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 111. Suspended reduction to Amn. Forfeiture of \$289 pay and restriction to the limits of RAF Mildenhall, for 14 days. Fourteen days extra duty and reprimand.
(No appeal) (No mitigation)

- e. Additional: LOR/UIF, 15 AUG 02 - Dereliction of duty.
LOA/UIF, 01 JUL 02 - Showing disrespect towards an NCO.
LOR/UIF, 09 MAY 02 - Failure to go and driving without a valid drivers license.
LOR/UIF, 11 FEB 02 - Found sleeping on duty, twice during the same shift.
LOR/UIF, 16 JAN 02 - Failure to comply with uniform standards.
RIC/UIF, 30 NOV 01 - Failure to obey a lawful order.
RIC/UIF, 16 NOV 01 - Late for duty and violation of a Technical Order.
RIC/UIF, 26 OCT 01 - Sleeping on duty.
RIC/UIF, 17 AUG 01 - Reporting late for duty.
RIC/UIF, 11 JUL 01 - Failure to comply with standards.
- f. CM: None.
- g. Record of SV: 06 Dec 00 - 05 Aug 02 RAF Mildenhall 2 (Initial)REF
- h. Awards & Decs: AFTR, NDSM.
- i. Stmt of Sv: TMS: (01) Yrs (10) Mos (28) Das
TAMS: (01) Yrs (09) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 Jan 06.
(Change Discharge to Honorable, and to Change the RE Code, Reason and Authority for Discharge.)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

22MAR06/day

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

- a. DOCUMENT 1:
- b. DOCUMENT 2:
- c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

The Reason I believe my ~~discharge~~ Discharge should be upgraded is because I am currently in the process of joining the U.S. Army, but it was recently discovered that the Separation Code in which I was given, ~~mainly~~ the reentry code (Separation Code - JKN, (Reentry Code - 2B), prevents the reentry process. I was accepted by the USArmy but was told I had to get the REENTRY CODE CHANGED, I feel during my 2 years and 9 months served in the U.S. Air Force I served to best of my abilities, I am now 26 years of age I was 21 when I joined the Air Force AND MADE SOME MINOR IMMATURE MISTAKES, EVERY DISCIPLINE ACT TOWARD ME WAS VERY MINOR OFFENSES, AND EVEN GREATER THAN THAT, IMMATURE. IF MY RECORDS ARE GRADED HOPEFULLY YOU WILL CONSIDER THIS INFORMATION. I AM NOW MATURE, RESPONSIBLE, AND VERY EXCITED ON THIS NEW CHANCE I WAS GIVEN TO PROTECT OUR UNITED STATES OF AMERICA. PLEASE CONSIDER THE CHANGING OF MY REENLISTMENT REENTRY CODE OR UPGRADING MY CHARACTER OF ~~DISCHARGE~~ SERVICE. I WILL NOT DISPOINT YOUR DECISION.

Thank you all
AIC

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD) January 25, 2006

b. SIGNATURE _____

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200	Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 901 M Street, S.E. Washington, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (WPM-60) U.S. Coast Guard Headquarters Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 100TH AIR REFUELING WING (USAF)

FD 2006-00053

MEMORANDUM FOR AMN [REDACTED]
100th MAINTENANCE SQUADRON

26 AUG 2002

FROM: 100MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct - 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 either honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 7 August 2002 and 8 August 2002, you failed to report to work on time. For your failure, you received a Letter of Reprimand (LOR), dated 15 Aug 02. This LOR was placed in your existing Unfavorable Information File (UIF).

b. Between on or about 7 June 2002 and 2 July 2002, you failed to use your Bank of America government credit card for official travel purposes and you dishonorably failed to maintain sufficient funds in the Community Bank for payment of certain checks to the Galaxy Club. As a result, on 8 August 2002, your suspended nonjudicial punishment was vacated and you were reduced to the grade of Airman (E-2).

c. On or about 17 June 2002, you were disrespectful to SSgt [REDACTED]. For your misconduct, you received a Letter of Admonishment (LOA), dated 1 July 2002. This LOA was placed in your existing Unfavorable Information File (UIF).

d. On or about 15 March 2002, you failed to go to your appointed place of duty at the appointed time and you wrongfully drove a motor vehicle without a driver's license. For your misconduct, you received a Letter of Reprimand, dated 9 May 2002. This LOR was placed in your existing Unfavorable Information File (UIF).

e. Between on or about 19 February 2002 and 27 February 2002, you failed to stay awake a work, wrongfully drove a motor vehicle without a driver's license, failed to wear the proper uniform for your End of Course Exam, and failed to go to your appointed place of duty at the appointed time. For your many failures, you received nonjudicial punishment on 21 March 2002 for violation of Article 92 and Article 86. As a result, your punishment consisted of a suspended reduction to the grade of Airman (E-2), forfeiture of \$289 pay, restriction to the limits of RAF Mildenhall, United Kingdom for 14 days, 14 days extra duty and a reprimand.

f. On or about 29 January 2002, you were found sleeping while performing fireguard duty. For your misconduct, you received a Letter of Reprimand, dated 11 February 2002. This LOR created an Unfavorable Information File.

g. On or about 10 January 2002, you reported to your duty section without wearing the required uniform. For your failure, you received a Letter of Reprimand, dated 16 January 2002.

h. On or about 24 November 2001, you failed to wear your BDU hat. For your failure, you received a Record of Individual Counseling (RIC), dated 30 November 2001.

i. On or about 14 November 2001, you arrived late for duty and were found in the aircraft cell dock with a mobile phone. For your misconduct, you received a Record of Individual Counseling, dated 16 November 2001.

j. On or about 25 October 2001, you were found on a couch in the locker area of hangar 769 asleep. For your misconduct, you received a Record of Individual Counseling, dated 26 November 2001.

k. On or about 17 August 2001, you failed to report for duty at the required time. For your failure, you received a Record of Individual Counseling, dated 17 August 2001.

l. On or about 11 July 2001, you failed to wear a protective supplied air respirator while performing your duties. For your failure, you received a Record of Individual Counseling, dated 11 July 2001.

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 how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the **Area Defense Counsel, at building 948, RAF Lakenheath, DSN 226-3608 on Thursday, 29 August 2002 at 1000 hours with Capt Rodrigues.** 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 within three (3) duty days of the date of this letter unless you request and 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 have been scheduled for a **Separations Briefing**. Please report to **Building 436, Room 205, RAF Mildenhall, DSN 238-5322** on **Tuesday, 27 August 2002** at **1000 hours**.

8. You are scheduled for a medical examination. You must report, with your medical records to **Building 954, RAF Lakenheath, Family Practice** on **Wednesday, 11 September 2002** at **0730**. You must be in uniform. If you have been prescribed glasses, you must wear your glasses to the appointment.

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 the unit orderly room or the Area Defense Counsel office.



Commander

Attachments:

1. Airman's receipt of notification memorandum
2. Letter of Reprimand w/UIF, dtd 15 Aug 02
3. Record of Vacation of Nonjudicial Punishment, dated 8 August
4. Letter of Admonishment, dtd 1 Jul 02
5. Letter of Reprimand w/UIF, dtd 9 May 02
6. Record of Nonjudicial Punishment Proceedings, dated 21 Mar 02
7. Letter of Reprimand w/UIF, dtd 11 Feb 02
8. Letter of Reprimand, dtd 16 Jan 02
9. Record of Individual Counseling, dtd 30 Nov 01
10. Record of Individual Counseling, dtd 16 Nov 01
11. Record of Individual Counseling, dtd 26 Nov 01
12. Record of Individual Counseling, dtd 17 Aug 01
13. Record of Individual Counseling, dtd 11 Jul 01
14. Record of Individual Counseling, dtd 14 Jan 99
15. EPR (1)
16. Records Review RIP