

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 A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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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 dashed black; height: 100px; width: 100%;"></div>					X**
					X**
					X**
					X**
					X**

ISSUES A01.00 A95.00	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 29 Sep 2006	CASE NUMBER FD-2006-00062	
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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.

+Reenlistment Code
*Reason and Authority

INDORSEMENT	DATE: 9/29/2006
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-2006-00062

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 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, change of reason and authority for discharge, and change of reenlistment code are 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 cited his desire to receive the G.I. Bill benefits as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

Applicant requests that the reason (minor disciplinary infractions) for his discharge and reenlistment (RE) code be changed. Applicant did not submit rationale to support the requested changes. Member received five Letters of Reprimand and three Letters of Counseling. On 11 December 2002, member was caught cheating on a HAZMAT exam. On 11 August 2003, he failed to account for a \$5,000 Radio and failed to account for an M9 pistol the following day. On 16 October 2003, member was late for work and on 29 Oct 03, member failed to wear BDU shirt under Gore-tex Jacket. On 13 July 2004, member failed his room inspection, possessed unauthorized weapons in his dormitory room, and fell asleep on post. The Discharge Review Board opined that the reason for discharge, Minor Disciplinary Infractions, was in accordance with AFI 36-3208, paragraph 5.49, Minor Disciplinary Infractions. The Board concluded the reason and authority and the reenlistment code for 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 Lackland AFB, TX on 21 Sep 04 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 Discharge.

2. **BACKGROUND:**

a. DOB: 14 Jan 83. Enlmt Age: 17 8/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-72, E-64, G-39, M-65. PAFSC: 3P051 - Security Forces Journeyman. DAS: 31 Mar 04.

b. Prior Sv: (1) AFRes 29 Sep 00 - 06 Aug 01 (10 months 08 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Aug 01 for 6 yrs. Svd: 03 Yrs 01 Mo 15 Das, all AMS.

b. Grade Status: A1C - 21 Sep 01

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR/UIF, 13 JUL 04 - Sleeping on post.
LOR/UIF, 13 JUL 04 - Failed room inspection.
LOR/UIF, 13 JUL 04 - Unauthorized weapons in room.
LOC/UIF, 29 OCT 03 - Failed to wear BDU shirt under Gore-Tex Jacket. (Only on UIF Summary).
LOC, UIF, 16 OCT 03 - Late for work second consecutive day.
LOR/UIF, 11 AUG 03 - Dereliction of duty.
LOC, UIF, 11 AUG 03 - Dereliction of duty.
LOR/UIF, 11 DEC 02 - Cheating on exam.

f. CM: None.

g. Record of SV: 7 Aug 01 - 6 Apr 03 RAF Alconbury 2 (Initial) REF
7 Apr 03 - 9 Dec 03 RAF Alconbury 3 (CRO) REF

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (11) Mos (23) Das
TAMS: (03) Yrs (01) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02 Feb 06.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I would like to attend college but I can't use my MGI Bill unless I have an honorable discharge and I can't get a good job without it! I would possibly try to re-enlist in the armed forces. I would also like you to change my Re-enlistment Code to a 1 so I could re-enlist as a Security Forces member in the Air Force. Any help would be greatly appericiated (sic).

ATCH

1. DD Form 214.

24MAR06/ia

FD 2806-00062



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

26 AUG 2004

MEMORANDUM FOR AIC: [redacted]

FROM: 37 SFS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The basis for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable, Under Honorable Conditions (General), or Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On 10 Dec 02, you were caught cheating while taking the HAZMAT Awareness exam. As a result, you received a Letter of Reprimand (LOR), dated 11 Dec 02, and an Unfavorable Information File (UIF) was established.

b. On 6 Aug 03, you failed to account for an M9 pistol. As a result, you received a Letter of Counseling (LOC), dated 11 Aug 03, and this was entered into your UIF.

c. On 7 Aug 03, you failed to account for a Motorola XTS 3000 Radio, valued at \$5,000. As a result, you received an LOR, dated 11 Aug 03, and this was entered into your UIF.

d. On 16 Oct 03, you reported late for duty, for the second consecutive day. As a result, you received an LOC, dated 16 Oct 03, and this was entered into your UIF.

e. On 12 Jul 04, you had the following weapons in your room: 5 inch knife blade, air compressed dart gun with darts. As a result, you received an LOR, dated 13 Jul 04, and this was entered into your UIF.

f. On 12 Jul 04, your dorm room was found to be in total disarray. As a result, you received an LOR, dated 13 Jul 04, and this was entered into your UIF.

g. On 13 Jul 04, you were found asleep on your post. As a result, you received an LOR, dated 13 Jul 04, and this was entered into your UIF.

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, if you are

discharged, 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 for you. I have made an appointment for you to consult the Area Defense Counsel at Building 6119, on WALK IN at _____ hours. You may consult civilian counsel at your own expense. If employed, civilian counsel must be readily available.

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 31 Aug 2004, 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 statement 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 WILFORD HALL on 1 SEP at 0800 hours with your medical, immunization, and dental records for the examination.

8. You have been scheduled for a Transition Assistance Program (TAP) briefing. You must report to the Family Support Center, Bldg 1249, 1561 Stewart Street, on 1 SEP at 1300 hours for an appointment with MS. BRUNA.

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 Commander's Support Staff.



37 SFS, Squadron Section Commander

Attachments:

- 1. LOR, dated 11 Dec 02
- 2. LOC, dated 11 Aug 03
- 3. LOR, dated 11 Aug 03
- 4. LOC, dated 16 Oct 03
- 5. LOR, dated 13 Jul 04
- 6. LOR, dated 13 Jul 04
- 7. LOR, dated 13 Jul 04
- 8. AF Form 1137, annotated w/Atchs