

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AMN

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

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 HE

HEARING DATE

17 Oct 2006

CASE NUMBER

FD-2006-00063

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.

\*Reason and Authority

+Reenlistment Code

SIGNATURE OF RECORDER

SIGNATURE OF BOARD PRESIDENT

ENDORSEMENT

DATE: 10/23/2006

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

FD-2006-00063

**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 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:**

Although not explicitly stated, applicant contends that he should not be penalized indefinitely for mistakes he made when he was young and immature. He also cited his desire for upgrade of his discharge to allow for reenlistment into the armed forces. The DRB recognized the applicant was 22 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The records indicated the applicant received an Article 15, four Letters of Reprimand, and a Record of Individual Counseling for misconduct. In reverse order of occurrence, the applicant received four Letters of Reprimand for failure to follow orders, tampering with a fire alarm and setting off a false alarm, failing a dorm room inspection and sleeping on duty. He had further misconduct documented by a Record of Individual Counseling for misplacing an Apex tool. Finally, through his own neglect, applicant missed the movement of two scheduled aircrafts deploying for Aviano in support of Operation ALLIED FORCE. He was punished with a reduction in grade to airman. 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

[REDACTED] (Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Andrews AFB, MD on 21 Oct 99 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: 3 Sep 77. Enlmt Age: 19 3/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-39, E-60, G-52, M-68. PAFSC: 2A333B - Tactical Aircraft Maintenance Apprentice. DAS: 14 Nov 97.

b. Prior Sv: (1) AFRes 27 Dec 96 - 4 Mar 97 (2 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 5 Mar 97 for 4 yrs. Svd: 02 Yrs 07 Mo 17 Das, all AMS.

b. Grade Status: Amn - 29 Jul 99 (Article 15, 29 Jul 99)  
A1C - 6 Jul 98  
Amn - 6 Sep 97

c. Time Lost: None.

d. Art 15's: (1) 29 Jul 99, Spangdahlem AB, Germany - Article 87. You did, on or about 6 Jun 99, through neglect miss the movement of two scheduled aircraft deploying to Aviano AB, Italy, in support of Operation Allied Force, with which you were required in the course of duty to move. Reduction to Airman. (No appeal) (No mitigation)

e. Additional: LOR, 05 AUG 99 - Sleeping on duty.  
LOR, 05 AUG 99 - Failed dorm room inspection.  
RIC, 20 MAY 99 - Misplaced tools.  
LOR, 25 MAR 96 - Tampering with fire alarm and setting off a false fire alarm.  
LOR, 06 MAR 98 - Failure to follow orders.

f. CM: None.

g. Record of SV: 5 Mar 97 - 4 Nov 98 Spangdahlem AB 4 (Initial)

h. Awards & Decs: AFTR, AFOSLTR.

i. Stmt of Sv: TMS: (02) Yrs (09) Mos (05) Das  
TAMS: (02) Yrs (07) Mos (17) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 04 Feb 06.

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

Issue 1: I want to be able to reenlist in the Air Force. I feel I have grown in muturity (sic) seince (sic) I was discharged.

ATCH

1. DD Form 214.

24MAR06/ia



DEPARTMENT OF THE AIR FORCE  
52D FIGHTER WING (USAFE)

SEP 20 1999

MEMORANDUM FOR AMN [REDACTED]  
22D FIGHTER SQUADRON

FROM: 22 FS/CCQ

SUBJECT: Notification Letter

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 for discharge is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).

2. My reasons for this action are:

- a. On or about 6 Mar 98, you failed to obey an order when you failed to maintain personal hygiene and a clean and sanitary dormitory room. For this infraction, you received a Letter of Reprimand (LOR) on 6 Mar 98. (Atch 1)
- b. On 19 Mar 98, you violated SABI 32-1, attachment 21, paragraph 8-21.1 when you disconnected the fire detector in your dormitory room. For this infraction, you received a second LOR on 25 Mar 98. (Atch 2)
- c. On 18 May 99, you misplaced an apex tool and failed to return it to the appropriate place. For this infraction, you received a Record of Individual Counseling (RIC) on 20 May 99. (Atch 3)
- d. On or about 6 Jun 99, you missed the movements of two scheduled deployments to Aviano Air Base, Italy, in support of Operation Allied Force. For this infraction, you received Article 15 Nonjudicial Punishment on 29 Jul 99. You were reduced to the grade of E-2 (Airman), with a new date of rank of 29 Jul 99. (Atch 4)
- e. On 3 Aug 99, you failed your dormitory room inspection when you failed to maintain a clean and sanitary room. For this infraction, you received a third LOR on 5 Aug 99. (Atch 5)
- f. On 5 Aug 99, you were found sleeping on duty. For this infraction, you received a fourth LOR on 5 Aug 99. (Atch 6)

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 you are discharged, how your service will be characterized. If you are discharged, you will be ineligible

for re-enlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you with Capt [REDACTED], Spangdahlem AB, Germany, DSN 452-6607, on 21 SEP 99 at 0815 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three duty days, unless you request and receive an extension in writing for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements on your own behalf within the time period prescribed, it will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the 52d Medical Group, Physical Exams Element on 30 SEP 99 at 0815 hours. An appointment has also been made at FLIGHT MEDICINE on 30 SEP 99 at 0900 hours.

8. 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 your Commander's Support Staff office.

9. Execute the attached acknowledgment at Tab 2 and return it to me immediately.

[REDACTED]

Section Commander

7 Attachments:

1. LOR, 6 Mar 98.
2. LOR, 25 Mar 98.
3. AF Form 174, 20 May 99.
4. AF Form 3070, 29 Jul 99.
5. LOR, 5 Aug 99.
6. LOR, 5 Aug 99.
7. Airman's receipt of Notification Letter, located at Tab 2