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# 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

AlC)

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).

#### 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) AlC - 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.

 ${
m LOR},\ {
m 25~MAR}\ {
m 96}$  - 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 Spanqdahlem 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 520 FIGHTER WING (USAFE)

SEP 2 0 1999

MEMOR	ANDUM	EOD	4 3 4 3 1
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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 AFPD 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

F02006-00063

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, Spangdahlem AB, Germany, DSN 452-6607, on 215EP 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 FUGAT 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.
Section Commander
7 Attachments:

- 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