

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE AMN	AFSN/SSAN []
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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 A67.90	INDEX NUMBER A92.21 A93.01	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 14 Nov 2006	CASE NUMBER FD-2006-00068	
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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. via video teleconference from Travis AFB, California.

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.

* Reason and Authority
+ Reenlistment Code

SIGNATURE OF RECORDER []	SIGNATURE OF BOARD PRESIDENT []
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INDORSEMENT

DATE: 11/15/2006

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

GENERAL: The applicant appeals for upgrade of discharge to honorable and 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) at Andrews AFB, Maryland, without counsel, via video teleconference from Travis AFB, California, on 14 November 2006. The following witness also testified on the applicant's behalf: Chief Warrant Officer-3 (CW3) Autery, U.S. Coast Guard; the applicant's father.

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. After hearing testimony and following a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

Issue 1. The applicant submitted no issues of impropriety, but contends that his discharge was inequitable because he was young and immature during his short time in the Air Force. The applicant states that he has matured during the four years since his discharge and requests an upgrade so that he can re-enlist in the Air Force. He states he has a strong desire to serve his country and is now mature enough to be a good Airman. The applicant's misconduct includes failure to pay DVD late fees, underage drinking, failure to obey an order to sign out through the Charge of Quarters desk, failure to stay awake during duty hours, a six-day absence without leave, and lying to a noncommissioned officer by stating that he was not talking while waiting for the chaplain when he was talking (during Correctional Custody). The records indicate the applicant received two Article 15s, one Letter of Reprimand, and two Letters of Counseling. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded that, though the applicant's service was honest and faithful, the negative aspects of his conduct outweighed the positive aspects of his military record, especially since he only served for just over one year. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. The DRB was pleased to see that the applicant takes personal responsibility for his actions while in the Air Force, rather than seeking to put the blame elsewhere. The DRB also noted that the applicant has received strong guidance from his father since his discharge and will hopefully learn from his father's good example. The applicant discussed many positive endeavors he has undertaken since his discharge, such as mowing the lawns of families of deployed military members, being a good role model for children, and attempting to start his own business. However, no inequity or impropriety in his discharge was 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

[REDACTED] (Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Fairchild AFB, WA on 17 Sep 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 11 Aug 83. Enlmt Age: 17 7/12. Disch Age: 19 1/12. Educ: HS DIPL. AFQT: N/A. A-59, E-63, G-64, M-60. PAFSC: 2A531G - Aerospace Maintenance Apprentice. DAS: 25 Mar 02.

b. Prior Sv: (1) AFRes 30 Mar 01 - 3 Sep 01 (5 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Sep 01 for 4 yrs. Svd: 01 Yrs 00 Mo 14 Das, of which AMS is 1 Yrs 00 Mo 08 Das (excludes 6 days lost time).

b. Grade Status: Amn - 22 Jul 02 (Article 15, 22 Jul 02)
A1C - 19 Oct 01

c. Time Lost: 25 Jun 02 thru 30 Jun 02 (6 days).

d. Art 15's: (1) 23 Aug 02, Fairchild AFB, WA - Article 107. You, did, on or about 15 Aug 02, with intent to deceive, make to TSgt [REDACTED], an official statement, to wit: that you were not talking while waiting for the chaplain, which statement was false in that you were talking, and was then known by you to be so false. Restriction to the limits of Fairchild AFB, WA for 14 days, and 14 days extra duty. (No appeal) (No mitigation)

(2) 22 Jul 02, Fairchild AFB, WA - Article 86. You, did, on or about 25 Jun 02, without authority, absent yourself from your place of duty, and did remain so absent until on or about 1 Jul 02. Reduction to Airman, and 30 days correctional custody. (No appeal) (No mitigation)

e. Additional: LOC, 03 MAY 02 - Failure to stay awake during duty hours.
LOC, 01 MAY 02 - Financial irresponsibility.
LOR, 27 MAR 02 - Dereliction of duty and disobeying a direct order.

- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: NDSM, AFTR.
- i. Stmt of Sv: TMS: (01) Yrs (05) Mos (12) Das
TAMS: (01) Yrs (00) Mos (08) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

- 1. Applica'n't Issues.
- 2. DD Form 214.

28MAR06/ia

To whom this may concern:

My name is: _____; I am a prior-service individual from the United States Air Force; service number: _____; In September of 2002, I was relieved from my duties due to misconduct which proved to be unbecoming of an airman in the Air Force. Since my General Discharge I have taken time to re-evaluate myself, both in personal maturity and discipline. I also have realized the error of my ways, mainly in the group I chose to socialize with. Though out these years I have labeled my "reflection period", I can now say, I honestly know from experience the true meaning of the Air Force Core Values: **Integrity First, Service Before Self and Excellence In All You Do**

Integrity First: To me this core value is very important, especially now, integrity loosely translated in my mind means being true to yourself and others around you. Even if you mess up, the only way to fix something wrong is to first admit that you have messed up, then if needed go seek the proper aid to remedy the situation.

Service Before Self: I believe that this core value is best explained in example. Put your duties/service to the country before your personal duties. Basically, it is saying there is no personal duty greater than the duties you have been selected to do for your country. Say you have set up a day for you and your friends to go fishing, coincidentally you are called back to base for an emergency deployment. It may even be your day off, but you were called in. Due to this core value you are obligated to go back to your base and attend to the matter there. For all you know that same issue could be one of the deciding factors in the future of your country's freedom which so many service-men before you fought so hard to keep in tack.

Excellence In All You Do: I believe this core value is more or less saying the military is a well-oiled machine, and like other machines it takes the effort of every little piece to be successful in it's goal. No matter what your job may be from fry-cook to Chief Master Sergeant of the Air Force, everyone is a vital part in the survival of all. So with that in mind you should do the best at your job that you possibly can, be excellent in it. See your job as if it meant that if you were to slack on your duties that could mean the death of another if not many other service-men.

In conclusion, I would have to say that I openly admit to the fact that I was both mentally not mature enough for the tasks at hand; nor did I take my position as seriously as I should have. Being from a military family I have also taken time to realize that I had indignantly abandoned my country at a time when it was in need of the services I had sworn an oath to, only just over a year ago.

I humbly ask the members of the board to consider me for re-enlistment in to the United States Air Force. I ask to be allowed the opportunity fulfill prior contract of enlistment, thus showing both myself and my country that I have what it takes to be an American Citizen.





DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 92D AIR REFUELING WING (AMC)
FAIRCHILD AIR FORCE BASE WASHINGTON

29 Aug 02

MEMORANDUM FOR Amn: [redacted]

FROM: 92 AGS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct in accordance with AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service can be characterized as honorable, general, or under other than honorable conditions. I recommend your service be characterized as general.

2. My reasons for this action are:

a. On or about 22 Mar 02 you were derelict in the performance of your duties, in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21, as it was your duty to do. You also disobeyed a direct order by not signing out of the dormitory Charge of Quarters office. For this action, you received a letter of reprimand dated 27 Mar 02.

b. On or about 26 Apr 02 you dishonorably failed to pay your debts, which were then due and payable to the base Shoppette for the amount of \$22.50 for video rental late fees and \$15.89 for a damaged DVD. For this action, you received a letter of counseling dated 1 May 02.

c. On or about 3 May 02 you were derelict in the performance of your duties, in that you negligently failed to stay awake and show learning initiative during your duty hours. For this action, you received a letter of counseling dated 3 May 02.

d. You did, on or about 25 Jun 02, without authority, absent yourself from your place of duty at which you were required to be, to wit: 92d Aircraft Generation Squadron located at building 2097, and did remain so absent until on or about 1 Jul 02. For this action, you received an Article 15 dated 22 Jul 02. The punishment included 30 days correctional custody and reduction to the grade of Amn.

e. You did, at Fairchild AFB WA, on or about 15 Aug 02, with the intent to deceive, make to TSgt: [redacted], an official statement, to wit: that you were not talking while waiting for the chaplain, which statement was false in that you were talking, and was then known by you to be so false. For this action, you received an Article 15 dated 23 Aug 02. The punishment included restriction to the limits of Fairchild AFB for 14 days and 14 days extra duty.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial 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 reenlistment in the Air Force.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt. [redacted] Area Defense Counsel, at 247-2918 for an appointment on 29 Aug 02 at 1000. 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 4 Sept 02 / 10⁰⁰45 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 are scheduled for a medical examination with Family Practice on 3 Sept at 0930. Report 30 minutes prior to your appointment to Physical Exams to complete a DD form 2697. Ensure that you complete this form prior to your appointment. Complete all follow up appointments.

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 unit orderly room.

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



Commander

5 Attachments:

- 1. LOR dated 27 Mar 02 (2 pages)
- 2. LOC dated 1 May 02 (2 pages)
- 3. LOC dated 3 May 02 (2 pages)
- 4. Article 15 dated 22 Jul 02 (3 pages)
- 5. Article 15 dated 23 Aug 02 (3 pages)