

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	GRADE AMN	AFSN/SSAN <div style="border: 1px solid black; height: 15px; width: 80%; margin-left: auto;"></div>
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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
<div style="border: 1px solid black; height: 100%; width: 100%;"></div>					X**
					X**
					X**
					X**
					X**

ISSUES A92.21 A93.01	INDEX NUMBER A67.90	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-2006-00081	
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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.

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
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INDORSEMENT	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

CASE NUMBER

FD-2006-00081

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:

Issue 1. Although not explicitly stated, the applicant contends that he should not be penalized indefinitely for mistakes he made when he was young. The applicant also cited his desire to serve once again in the armed forces. The records indicated the applicant received an Article 15, a Vacation, two Letters of Reprimand, a Letter of Counseling, and a Letter of Admonishment for misconduct. He received an Article 15 for underage drinking and failing to refrain from using alcohol while on a six-ring alert. He was punished with a suspended reduction in grade to airman, forfeiture of pay, and 15 days of extra duty. The Vacation action on his reduction to airman was for failure to go. Prior to applicant's Article 15, he was administratively disciplined for leaving assigned duties without authority, financial irresponsibility, and a civilian arrest for failing to pay traffic tickets. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. 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 2. 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 F.E. Warren AFB, WY on 13 Apr 04 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: 5 Jul 84. Enlmt Age: 17 7/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-50, E-53, G-50, M-36. PAFSC: 3P031 - Security Forces Apprentice. DAS: 3 Feb 03.

b. Prior Sv: (1) AFRes 9 Feb 02 - 15 Jul 02 (5 months 7 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 16 Jul 02 for 6 yrs. Svd: 01 Yrs 08 Mo 29 Das, all AMS.

b. Grade Status: Amn - 13 Feb 04 (Vacation of Article 15, 10 Mar 04)
A1C - 30 Aug 02

c. Time Lost: None.

d. Art 15's: (1) 10 Mar 04, Vacation, F.E. Warren AFB, WY - Article 86. You, did, on divers occasions between on or about 20 Feb 04 and on or about 22 Feb 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 244, dorm managers office. Reduction to Airman. (No appeal) (No mitigation)

(2) 13 Feb 04, F.E. Warren AFB, WY - Article 92. You, who knew of your dutes at or near Cheyenne, Wyoming, between on or about 10 Jan 04 and on or about 11 Jan 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal drinking age of twenty-one years, as it was your duty to do. You, who knew of your duties at or near Cheyenne, Wyoming, between on or about 10 Jan 04 and on or about 11 Jan 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while on six-ring alert, as it was your duty to do. Suspended reduction to Airman. Forfeiture of \$150.00 pay per month for 2 months. Fifteen days extra duty. (No appeal) (No mitigation)

e. Additional: LOC, 11 DEC 03 - Leaving assigned duties without authority.
LOR/UIF/CR, 24 SEP 03 - Financial irresponsibility.
LOA, 18 AUG 03 - Financial irresponsibility.
LOR, 28 JUL 03 - Civil arrest for not paying traffic ticket fines.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (02) Mos (05) Das
TAMS: (01) Yrs (08) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 13 Feb 06.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

31MAR06/ia

Item 6

Dear Air Force Review Boards Agency,

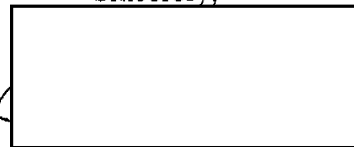
I am not sure where I would like to start with this letter, let alone finish. My explanation on why I should be granted an upgrade on my discharge could be translated into a book called, "[] Life Story". In consideration of the person reviewing my request, I will try to summarize to the best of my ability.

I've made some mistakes in my adult beginning. With great appreciation, I can say that the Air Force was not one of them. Unfortunately, these poor misfortunes ruined something I was extremely proud to be apart of. There is not a day that goes by where I am not reminded of my downfall in the United States Air Force. For quite some time after my discharge I was in a slum of depression. Thanks to my strong personality, I was able to overcome it and move on. Of course I still look back and ponder the good times and of course the bad, but it does not get me down anymore. If I could do it all over again, I would have made my decisions with a little more maturity. The reason why I am applying for this upgrade is for career purposes. My current discharge is not holding me back from regular average Joe jobs. I actually was instructed to do this from a Staff Sergeant recruiter for the United States Marine Corp. As much as I'd like to rejoin the Air Force and show that I truly did love my job and cared about it, I don't think that is possible. At least that is what I was told when I was getting out. I am able to rejoin other services though and I think marines would be the best choice. Considering I joined the Air Force to fight for my country, I don't think sitting in Cheyenne Wyoming fulfilled that goal. I have no regrets as to where I was stationed, but I would have preferred the front lines of our war.

Now that I've explained why I request my discharge. I'd like to explain what I've been doing with myself after the Air Force. Basically I've been working hard to patch up my old mistakes and have been doing a great job at that. I am currently working two full time jobs to assist in those obligations that need fixing. My primary job is a place called Mountain Regional Services Inc (MRSI). Pretty much I supervise and care for mentally challenged and people with psychotic disorders. It is an easy job, but can be stressful at times due to the client's lack of sanity. But I care about them anyway. My second job is a waiter at Applebee's Neighborhood Bar and Grill. The job can be frustrating and stressful at times, but it brings in pretty decent tips that I can take home daily. I am working hard and attempting to make my mother and myself proud. Never did I ever imagine that I would be working two full time jobs. I guess that's a sacrifice you make if you want to be successful in life.

In conclusion of this request, I hope that my request for discharge upgrade is in correct format and I hope that I am greatly considered for this upgrade. Thank you for your time and hope to hear from you soon.

Sincerely,





DEPARTMENT OF THE AIR FORCE
90TH SPACE WING (AFSPC)

30 Mar 04

MEMORANDUM FOR AMN

FROM: 790 MSFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You did, at or near Cheyenne, Wyoming, on or about 19 Jun 03, fail to pay a traffic ticket and were taken into custody by the Laramie County Sheriff's department. For this misconduct you received a Letter of Reprimand (LOR), dated 28 Jul 03.

b. You did, at or near Cheyenne, Wyoming, on or about 15 Aug 03, fail to pay your just debt, Qwick Check, for which you assured your commander you had taken care of. For this misconduct you received a Letter of Admonishment (LOA), dated 18 Aug 03.

c. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 1 Dec 03, leave your assigned work area without permission. For this misconduct you received a Letter of Counseling (LOC), dated 11 Dec 03, and

d. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 10 Dec 03, fail to complete your assigned duties and left your work area without permission. For this misconduct you received a LOC, dated 11 Dec 03.

e. An investigation disclosed that you failed to pay you just debts to various creditors, to include Rocky Mountain Financial and the Air Force Federal Credit Union. For this misconduct you received an LOR, dated 24 Sep 03. An Unfavorable Information File (UIF) was created and this information was placed in it.

f. You, who knew of your duties at or near Cheyenne, Wyoming, between on or about 10 Jan 04 and on or about 11 Jan 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal drinking age of twenty-one years, as it was your duty to do. For violation on Article 92 of the UCMJ, you received an Article 15, dated 13 Feb 04. This information was placed in your UIF.

g. You, who knew of your duties at or near Cheyenne, Wyoming, between on or about 10 Jan 04 and on or about 11 Jan 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while on six-ring alert, as it was your duty to do. For violation of Article 92 of the UCMJ, you received an Article 15, dated 13 Feb 04. This information was placed in your UIF.

h. You did, at or near Francis E. Warren Air Force Base, Wyoming, on divers occasions between on or about 20 Feb 04 and on or about 22 Feb 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 244, dorm managers office. For violation of Article 86 of the UCMJ, you received a Vacation Action, dated 10 Mar 04.

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 reenlistment 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 to consult with an attorney at the Area Defense Counsel's Office at Building 292, extension 3248, on 30 Mar 04 at 1430. 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 workdays after receipt of the notification memorandum, that date being 2 Apr 04, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.

6. If you fail to consult counsel or to submit statements on 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 Family Practice at 1330 hours, on 31 Mar 04 for the examination.

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 Command Support Staff office.

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



Commander, 790th Missile Security
Forces Squadron

Attachments:

1. LOR, dated 28 Jul 03
2. LOA, dated 18 Aug 03
3. LOC, dated 11 Dec 03
4. LOR, dated 24 Sep 03
5. Article 15, dated 13 Feb 04
6. Vacation Action, dated 10 Mar 04
7. Other derogatory data not listed in the Notification Memorandum: Armed Forces Traffic Ticket (fail to stop @ red light), dated 9 May 03 and UIF Summary