

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%; margin-top: 5px;"></div>	GRADE A1C	AFSN/SSAN <div style="border: 1px solid black; height: 15px; width: 100%; margin-top: 5px;"></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: 100px; width: 100%;"></div>					X
<div style="border: 1px solid black; height: 100px; width: 100%;"></div>					X
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<div style="border: 1px solid black; height: 100px; width: 100%;"></div>					X
<div style="border: 1px solid black; height: 100px; width: 100%;"></div>					X

ISSUES A95.00 A01.00	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 02 Nov 2006	CASE NUMBER FD-2006-00084	
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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.

SIGNATURE OF RECORDER <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>
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INDORSEMENT		DATE: 11/13/2006
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-2006-00084

GENERAL: The applicant appeals for upgrade of discharge to honorable.

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 is 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. The records indicated the applicant received two Article 15's for misconduct. The first was for being derelict in his duties by failing to guard an F-117A, Stealth Fighter. He received a suspended reduction to Airman, forfeiture of pay and 21 days of extra duty. The second Article 15 was for negligently failing to secure locks on a weapon rack and for failure to conduct a proper inventory upon assuming post as an armorer. He was punished with a reduction in grade to Airman First Class and a reprimand. The applicant had further misconduct and received three Letters of Reprimand and a Letter of Counseling for being late for duty. 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 applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on October 25, 1999) that he understood he must receive an Honorable discharge to receive future educational entitlements. 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.

Issue 3. The applicant stated he was told his discharge would automatically be upgraded in six months. While a discharge may be upgraded after six months, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal.

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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Columbus AFB, MS on 31 May 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Aug 81. Enlmt Age: 18 1/12. Disch Age: 23 9/12. Educ: HS DIPL. AFQT: N/A. A-32, E-54, G-42, M-52. PAFSC: 3P051 - Security Forces Journeyman. DAS: 26 Mar 00.

b. Prior Sv: (1) AFRes 22 Sep 99 - 12 Oct 99 (21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Oct 99 for 6 yrs. Svd: 05 Yrs 07 Mo 19 Das, all AMS.

b. Grade Status: A1C - 13 May 05 (Article 15, 13 May 05)
SrA - 10 Jul 02
A1C - 10 Mar 00

c. Time Lost: None.

d. Art 15's: (1) 13 May 05, Columbus AFB, MS - Article 92. You, who knew of your duties, on or about 2 May 05, were derelict in the performance of those duties in that you negligently failed to secure locks on the weapons racks, as it was your duty to do. You, who knew of your duties, on or about 2 May 05, were derelict in the performance of those duties in that you negligently failed to conduct a proper inventory upon assuming post as armorer, as it was your duty to do. Reduction to A1C and a reprimand. (No appeal) (No mitigation)

(2) 06 Aug 01, Columbus AFB, MS - Article 92. You, who knew of your duties, on or about 20 Jul 01, were derelict in the performance of those duties in that you willfully failed to properly guard an F-117A, Stealth Fighter, as it was your duty to do. Suspended reduction to Airman. Forfeiture of \$200.00 pay per month for 2 months. Twenty one days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 01 JUL 03 - Late for duty.
LOR, 11 FEB 03 - Late for duty.
LOR, 28 JAN 03 - Late for duty.

LOC, 19 OCT 02 - Late for duty.

f. CM: None.

g. Record of SV: 13 Oct 99 - 15 Apr 01 Columbus AFB 5 (HAF Dir)
16 Apr 01 - 15 Apr 02 Columbus AFB 3 (Annual)
16 Apr 02 - 15 Apr 03 Columbus AFB 4 (Annual)
16 Apr 03 - 15 Apr 04 Columbus AFB 4 (Annual)
16 Apr 04 - 15 Apr 05 Columbus AFB 4 (Annual)

h. Awards & Decs: SAEMR W/1 OLC, AFTR, NDSM, AFLSAR, HSM, GWOTSM, AFOUA
W/2 OLCS.

i. Stmt of Sv: TMS: (05) Yrs (08) Mos (10) Das
TAMS: (05) Yrs (07) Mos (19) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 19 Feb 06.
(Change Discharge to Honorable)

Issue 1: To recieve (sic) my G.I. Bill for an apprenticeship (sic) & I was
told that this was possible after six months of my discharge.

ATCH

None.

3APR06/ia

FD 2006-00084



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 14TH FLYING TRAINING WING
COLUMBUS AIR FORCE BASE MISSISSIPPI

24 May 2005

MEMORANDUM FOR A1C

FROM: 14 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, paragraph 5.49. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. On or about 2 May 2005, you were derelict in the performance of your duties while assigned as a flight armorer. As a result of your dereliction, you received nonjudicial punishment dated 11 May 2005. As a result of the nonjudicial punishment, you received a reduction to A1C and a reprimand. (Atch 1)

b. On 1 July 2003, you reported to work forty-five minutes late. For this incident, you received a Letter of Reprimand (LOR) dated 1 July 2003. (Atch 2)

c. On 5 February 2003 and 11 February 2003, you failed to report to work at the time prescribed. For these incidents, you received an LOR dated 11 February 2003. (Atch 3)

d. On 28 January 2003, you failed to report to work at the time prescribed. For this incident, you received an LOR dated 28 January 2003. (Atch 4)

e. On 19 October 2002, you failed to report to work at the time prescribed. For this incident, you received a Letter of Counseling (LOC) dated 19 October 2002. (Atch 5)

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 higher authority, will decide whether you will be discharged or retained in the United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. Please contact the Area Defense Counsel at Keesler AFB at DSN 597-2429 or (228) 377-2429. 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 27 May 05, unless you request and receive an extension for good cause. 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 have been scheduled for a medical examination. You must report to 14 MDSS, 201 Independence Drive, on 24 May 2005 at 0900 hours 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 at the unit personnel office.
9. Execute the attached acknowledgment and return it to me immediately.

[Redacted Signature Box]

Commander

Attachments:

1. Article 15, dated 11 May 2005
2. LOR, dated 1 July 2003
3. LOR, dated 11 February 2003
4. LOR, dated 28 January 2003
5. LOC, dated 19 October 2002
6. Receipt of Notification Memorandum