

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		GRADE AB	AFSN/SSAN <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL YES <input type="checkbox"/> No <input checked="" type="checkbox"/>		NAME OF COUNSEL AND OR ORGANIZATION 	
		ADDRESS AND OR ORGANIZATION OF COUNSEL 	
MEMBER SITTING		VOTE OF THE BOARD	
		HON	GEN
		UOTHC	OTHER
		DENY	
			X
			X
			X
			X
			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 17 Oct 2006	CASE NUMBER FD-2006-00094		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE			
<p>Case heard in Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>			
SIGNATURE OF RECORDER		SIGNATURE OF BOARD PRESIDENT	
INDORSEMENT			
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-2006-00094

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

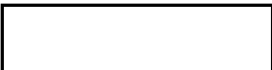
The applicant cited his desire to serve once again in the armed forces. The records indicated the applicant received three Letters of Reprimand, a Letter of Counseling, and three AETC Form 173's for misconduct. The applicant was administratively disciplined with three Letters of Reprimand for driving a privately owned vehicle during Phase 1 and making a false official statement; violating quiet hours in the dormitory, failure to go, and exhibiting public display of affection while in uniform and lying; failure to have phase card, wearing inappropriate clothing while in Phase 1 and dereliction of duty. His misconduct was further documented with a Letter of Counseling for making an inappropriate comment to a female Charge of Quarters. 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

 (Former AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Sheppard AFB, TX on 30 Mar 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Dec 84. Enlmt Age: 18 8/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-50, E-62, G-42, M-44. PAFSC: 2A611D - Aerospace Propulsion Helper. DAS: 5 Apr 04.

b. Prior Sv: (1) AFRes 21 Aug 03 - 17 Feb 04 (5 months 27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Feb 04 for 6 yrs. Svd: 01 Yrs 01 Mo 13 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 01 FEB 05 - Driving a privately owned vehicle during Phase I and making false official statement.

LOR, 18 JAN 05 - Violating quiet hours by playing stereo extremely loud in the dormitory. Failure to go. Driving privately own vehicle during Phase I. Exhibiting public display of affection while in uniform, and lying.

LOR, 21 DEC 04 - Failure to have phase card. Entering a building through a first floor window. Wearing inappropriate clothing while in Phase I. Dereliction of duty.

LOC, 12 OCT 04 - Making an inappropriate comment to a female Charge of Quarters.

AETC 173, 28 JUN 04 - Three negative 341s for uniform violations.

AETC 173, 10 JUN 04 - Unsatisfactory performance.

AETC 173, 06 MAY 04 - Failing three Progress Checks.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM, GWOTSM.

i. Stmt of Sv: TMS: (01) Yrs (07) Mos (10) Das
TAMS: (01) Yrs (01) Mos (13) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 11 Jan 06.
(Change Discharge to Honorable)

Issue 1: I am requesting an upgrade from General to Honorable (sic) so that I may reenter (sic) as a productive member of the Air Force.

ATCH
None.

5APR06/ia



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

MEMORANDUM FOR AB [REDACTED] 361 TRS

24 Mar 05

FROM: 361 TRS/CCQ

SUBJECT: Notification Memorandum

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 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, who knew or should have known of your duties, at or near Sheppard AFB TX, on or about 20 Jan 05, were derelict in the performance of those duties in that you failed to refrain from driving your privately owned vehicle while in Phase I during duty hours, as it was your duty to do. For this misconduct and subparagraph "b" below, you received a Letter of Reprimand (LOR) on 1 Feb 05.

b. You did, on or about 20 Jan 05, at or near Sheppard AFB TX, with intent to deceive, make an official statement, to wit: you had not been driving your vehicle that day, which statement was totally false, and was then known by you to be so false.

c. You, who knew or should have known of your duties, at or near Sheppard AFB TX, on or about 14 Jan 05, were derelict in the performance of those duties in that you failed to refrain from driving your privately owned vehicle while in Phase I during duty hours, as it was your duty to do. For this misconduct and subparagraphs "d," "e," and "f" below, you received a LOR on 18 Jan 05.

d. You, who knew or should have known of your duties, at or near Sheppard AFB TX, on or about 14 Jan 05, were derelict in the performance of those duties in that you willfully failed to refrain from kissing another female airman while in uniform, as it was your duty to do.

e. You did, at or near Sheppard AFB TX, on or about 4 Jan 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Charge of Quarters, at 1300.

f. You, who knew or should have known of your duties, at or near Sheppard AFB TX, on or about 2 Dec 04, were derelict in the performance of those duties in that you willfully failed to refrain from playing your stereo extremely loudly in the dormitory during quiet hours, as it was your duty to do.

g. You, who knew or should have known of your duties, at or near Sheppard AFB TX, on or about 26 Nov 04, were derelict in the performance of those duties in that you failed to show a Sheppard AFB Form 303A, 82 TRW Phase Card, to the Nightingale Team, as it was your duty to do. For this misconduct and subparagraphs "h", "i," and "j" below, you received an LOR on 21 Dec 04.

h. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 26 Nov 04, were derelict in the performance of those duties in that you willfully failed to refrain from entering building 516 through a first floor window, as it was your duty to do.

i. You, who knew or should have known of your duties, at or near Sheppard AFB TX, on or about 26 Nov 04, were derelict in the performance of those duties in that you willfully failed to refrain from wearing PRT gear while in Phase I, as it was your duty to do.

j. You did, at or near Sheppard TX, on or about 8 Dec 04, without authority, fail to go at the time prescribed to you appointed place of duty, to wit: Squadron details.

k. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 12 Oct 04, were derelict in the performance of those duties in that you failed to refrain from making inappropriate comments towards a fellow female airman, specifically, you referred to her as someone's "sex puppet," as it was your duty to do. For this misconduct, you received a Letter of Counseling (LOC) on 12 Oct 04.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 will probably be denied enlistment in any component of the armed forces.

3. 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 Maj Green, Area Defense Counsel, at BLDG 1638, on 24 Mar 05 at 1600 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 29 Mar 05, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult counsel or submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You were scheduled for a medical examination on 25 Mar 05

7. 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 the 361 TRS student administration office.

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



Squadron Section Commander

Attachments:

1. LOR, 1 Feb 05
2. LOR, 18 Jan 05
3. LOR, 21 Dec 04
4. LOC, 12 Oct 04
5. AETC Form 173, 28 Jun 04
6. AETC Form 173, 10 Jun 04
7. AETC Form 173, 6 May 04
8. Student Training Report, 04022
9. LAFB Form 205, 5 Apr 04
10. Airman's Receipt of Notification Memorandum *wd*