

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD									
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>					GRADE AB		AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		
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				
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					HON	GEN	UOTHC	OTHER	DENY
								*	X
								*	X
								*	X
								*	X
ISSUES A95.00 A01.00					INDEX NUMBER A67.30				
					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 16 Nov 2006			CASE NUMBER FD-2006-00095						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE									
<p>Case heard at Washington, D.C.</p> <p>* Change reason for discharge to Minor Disciplinary Infractions</p> <p>Advise applicant of the decision of the Board 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> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>									
INDORSEMENT					DATE: 11/16/2006				
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.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Travis AFB via video-teleconference with Andrews AFB, MD, on 16 Nov 2006.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied. Reason for discharge should be changed to Minor Disciplinary Infractions.

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. However, the Board determined that the applicant's reason for discharge was inappropriate and should be changed to Minor Disciplinary Infractions.

ISSUE: The records indicated the applicant received an Article 15 for being absent without leave (AWOL). He was also charged and found guilty by a Summary Court Martial for being AWOL from his unit. The evidence found in the record indicated that the applicant was AWOL from his unit on two occasions. The first occasion he was absent for 2 days. On the second occasion, he was absent for 10 days. The DRB opined that the applicant had ample opportunities to contact the appropriate personnel in his chain of command to secure military leave. The applicant understood proper leave procedures and chose to leave on impulse instead of following these procedures. 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. However, the Board determined that the applicant's reason for discharge was inappropriate and should be changed to read Minor Disciplinary Infractions because the applicant had not committed an offense which could have resulted in a punitive discharge as required by AFI 36-3208, paragraph 5.52. His absence would have to have lasted for more than 30 days to make him subject to a punitive discharge at a court martial.

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.

However, the applicant's reason for discharge should be changed to Minor Disciplinary Infractions under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Luke AFB, AZ on 23 Dec 03 UP AFI 36-3208, para 5.52.3 (Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 3 Mar 81. Enlmt Age: 18 10/12. Disch Age: 22 9/12. Educ: HS DIPL. AFQT: N/A. A-67, E-54, G-48, M-34. PAFSC: 2W151 - Aircraft Armament System Journeyman. DAS: 22 Aug 03.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Jan 00 for 6 yrs. Svd: 03 Yrs 10 Mo 27 Das, of which AMS is 03 yrs 10 months 9 days (excludes 18 days lost time).

b. Grade Status: AB - 25 Nov 03 (Summary Court Martial, 25 Nov 03)
SrA - 28 Jul 02
A1C - 10 Mar 00

c. Time Lost: 22 Sep 03 thru 1 Oct 03 & 25 Nov 03 thru 4 Dec 03 (18 days).

d. Art 15's: (1) 23 Jun 00, Sheppard AFB, TX - Article 86. You did, on or about 2 Jun 00, without authority, absent yourself from your unit, to wit: 363rd Training Squadron, and did remain so absent until on or about 4 Jun 00. Forfeiture of \$150.00 pay per month for 2 months. Thirty days correctional custody (suspended). (No appeal) (No mitigation)

e. Additional: None.

f. CM: Summary Court Martial - 25 Nov 03

CHARGE: Article 86. Plea: Guilty. Finding: Guilty.

Specification: Did, on or about 22 Sep 03, without authority, absent himself from his unit, to wit: 56th Aircraft Maintenance Squadron, located at Luke AFB, Arizona, and did remain so absent until on or about 1 Oct 03. Plea: Guilty. Finding: Guilty. Sentence adjudged on 25 Nov 03: Confinement for 10 days, forfeiture of \$532.00 pay per month for 1 month, and reduction to AB.

g. Record of SV: 27 Jan 00 - 26 Sep 01 Eielson AFB 4 (Initial)
27 Sep 01 - 26 Sep 02 Eielson AFB 4 (Annual)
27 Sep 02 - 01 Jun 03 Eielson AFB 4 (CRO)

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

i. Stmt of Sv: TMS: (03) Yrs (10) Mos (09) Das
TAMS: (03) Yrs (10) Mos (09) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Mar 06.
(Change Discharge to Honorable)

I would like to have my General Discharge changed to Honorable.

ATCH
None.

6APR06/ia



DEPARTMENT OF THE AIR FORCE
56 Aircraft Maintenance Squadron (AETC)
Luke Air Force Base, Arizona

FD 2006-00095

DATE: 17 Dec 03

MEMORANDUM FOR AB [REDACTED], 56 AMXS

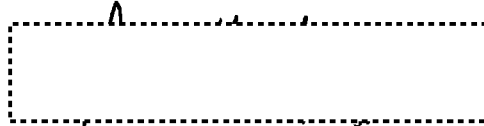
FROM: 56 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense (Other Serious Offenses). The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.52.3. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reason for this action is that on 25 Nov 03, you were convicted in a Summary Court-Martial of being absent without leave. Your sentence included 10 days confinement, forfeiture of \$532.00 pay for one month, and reduction to airman basic.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation will be provided to you. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. 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 the Area Defense Counsel, Building 1150, Suite 3015, Luke Air Force Base, Arizona, Extension 6701, on 18 Dec. 03 at 11:00 hours. 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 22 Dec 03, unless you request and receive, in writing, an extension for good cause. I will send any statements you submit 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 retrieve your medical records from 56th Medical Group Hospital Outpatient Records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this discharge file for the medical 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 unit orderly room.

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



Commander