

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	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UO/HC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A92.01 A94.05	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-2006-00098	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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 	SIGNATURE OF BOARD PRESIDENT
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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-2006-00098

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. Although not explicitly stated, the applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15's, three Letters of Reprimand, two Letters of Counseling, a Record of Individual Counseling and two Memorandums for Record for misconduct. The applicant was administratively disciplined for losing his military identification card on four separate occasions, financial irresponsibility, and dereliction of duty. He had further misconduct and received his first Article 15 for failing to keep his dorm room in good order. He was reduced in grade to Airman First Class and received 30 days of extra duty which was suspended. His second Article 15 was for failing to obey an order from a Security Forces member to return to his dormitory room, argued with provoking speeches and gestures. He received a reduction in grade to Airman and fourteen days of extra 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. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF McGuire AFB, NJ on 21 Feb 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 21 Feb 72. Enlmt Age: 17 5/12. Disch Age: 24 0/12. Educ: HS DIPL. AFQT: N/A. A-96, E-47, G-66, M-23. PAFSC: 2R051 - Maintenance Data Systems Analysis Journeyman. DAS: 16 Nov 90.

b. Prior Sv: (1) AFRes 26 Jul 89 - 12 Jun 90 (10 months 17 days) (Inactive).

(2) Enlisted as AB 13 Jun 90 for 4 yrs. Svd: 3 yrs 1 month 12 days, all AMS. AMN - 13 Dec 90. A1C - Unknown. SrA - 13 Jun 93. EPRs: 4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 26 Jul 93 for 4 yrs. Svd: 02 Yrs 06 Mo 25 Das, all AMS.

b. Grade Status: Amn - 07 Dec 95 (Article 15, 07 Dec 95)
A1C - 11 Jul 95 (Article 15, 11 Jul 95)

c. Time Lost: None.

d. Art 15's: (1) 07 Dec 95, McGuire AFB, NJ - Article 92. You, having knowledge of a lawful order issued by Amn [redacted], a Security Policeman in the performance of his duties, to return to your dormitory room, an order which it was your duty to obey, did, on or about 18 Nov 95, fail to obey the same by wrongfully not returning to your dormitory room. Reduction to Airman, and 14 days extra duty. (No appeal) (No mitigation)

(2) 11 Jul 95, McGuire AFB, NJ - Article 92. You, who knew of your duties at McGuire AFB, to keep your dormitory room in good order at all times, between on or about 13 Mar 95 and on or about 15 May 95, were derelict in the performance of those duties by failing to keep your dormitory room in good order at all times, as it was your duty to do. Reduction to A1C. Thirty days extra duty (suspended). (No appeal) (No mitigation)

e. Additional: LOR, 01 FEB 96 - Financial irresponsibility.

LOR, 01 DEC 95 - Lost fourth military ID card.
 LOC, 14 NOV 95 - Dereliction of duty.
 LOC, 14 NOV 95 - Dereliction of duty.
 MFR, 03 OCT 95 - Financial irresponsibility.
 LOR/UIF, 16 MAY 95 - Lost third military ID card.
 RIC, 13 SEP 94 - Lost second military ID card.
 MFR, 29 JUL 94 - Lost military ID card.
 VBC, 26 SEP 94 - Lost line badge.

f. CM: None.

g. Record of SV: 13 Feb 93 - 12 Feb 94 McGuire AFB 4 (Annual)
 13 Feb 94 - 12 Feb 95 McGuire AFB 4 (Annual)
 13 Feb 95 - 12 Feb 96 McGuire AFB 2 (Annual)REF

h. Awards & Decs: AFLSAR, AFTR, NDSM, NCOPMER, AFGCM.

i. Stmt of Sv: TMS: (06) Yrs (06) Mos (16) Das
 TAMS: (05) Yrs (08) Mos (09) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 28 Feb 06.
 (Change Discharge to Honorable)

Issue 1: I feel my discharge was inequitable considering my dedicated service up until my last year of service. I participated in numerous base projects (self-help details, equipment removal), community events (Special Olympics), and 2 years as an Honor Guard member. My EPRs were above satisfaction and showed a serviceman dedicated to his job.

ATCH
 None.

6APR06/ia



DEPARTMENT OF THE AIR FORCE
305TH LOGISTIC SUPPORT (AMC)

FEJ 06-20098

12 Feb 96

MEMORANDUM FOR Amn [REDACTED]

FROM: 305-LSS/CC

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 general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

(a) On or about 23 July 1994, you lost your military ID Card (DD Form 2AF). For this, you received counseling as per letter dated 29 July 94.

(b) On or about 2 Sep 94, you lost your military ID Card (DD Form 2AF). For this you received counseling as per letter dated 8 Sep 94.

(c) On or about 13 Sep 94, you lost your military ID Card (DD Form 2AF). For this you were given a letter of counseling as per Record of Individual Counseling form (AF Form 170) dated 13 Sep 94.

(d) On or about 21 Jul 94, you had your tote bag stolen containing your line badge. For this you were verbally counseled by SSgt [REDACTED] on the importance of properly securing your line badge at all times as per letter dated 26 Sep 94.

(e) On or about 8 May 1995, you lost your military ID Card (DD Form 2AF). For this you received a Letter of Reprimand as per letter dated 16 May 1995. You also had an Unfavorable Information File (UIF) established and were placed on a Control Roster.

(f) On or about 13 Mar 95 and between on or about 15 May 95, you knew of your duties at McGuire AFB, to keep your dormitory room in good order at all times, and were derelict in the performance of those duties, as it was your duty to do. For this, you received an Article 15, under the Uniform Code of Military Justice, consisting of a reduction in grade of (E-3) (Airman First Class), and 30 days extra duty, suspended until 10 Jan 96. This action was take on 11 Jul 95.

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(g) On or about 3 Oct 95, the First Sergeant received a "past due" notice on your AAFES Deferred Payment Plan, dated 21 Sep 1995. For this you were verbally counseled and referred to the Family Support Center for Personal Financial Management Planning.

(h) On or about 7 Nov 95, you lost the keys to the 621 AMOS EZ-Go and failed to notify anyone of the loss. This was a major security violation of government equipment. For this you received a Letter of Counseling, dated 14 Nov 95.

(i) On or about 8 Nov 95, you did not perform your analysis duties to the standards established for all maintenance data and briefings. For this you received a Letter of Counseling, dated 14 Nov 95.

(j) On or about 18 Nov 95, you lost your military ID Card, DD Form 2AF. For this you received a Letter of Reprimand, dated 1 Dec 95.

(k) On or about 18 Nov 95, you were placed under apprehension for Failure to Obey an Order or Regulation, Interfering with the Duties of a Security Policeman, and Provoking Speeches and Gestures. For this you received an Article 15, under the Uniform Code of Military Justice, consisting of a reduction in grade to (E-2) (Airman) and 14 day extra duty. This action was taken on 7 Dec 95.

(l) On or about 24 Jan 96, the First Sergeant received a "past due" notice from your AAFES Deferred Payment Plan, dated 21 Jan 96. For this, you were given a Letter of Reprimand, dated 1 Feb 96.

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.

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 Capt [redacted] at building 2906 on 13 February 1996 at 0900. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me by 16 February 1996 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 to submit matters in your own behalf, your failure will constitute a waiver of your right to do so.
6. You have been scheduled for a medical examination. You must reported to Walson Air Force Hospital on Fort Dix at 0745 on 5 February 1996 for the examination.
7. Any personal information you furnish in your rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, is available for your use in the squadron orderly room.

[redacted signature box]

Commander

FD06-0098

12 Attachments

1. Letter, Lost ID Card, 29 Jul 94
2. Letter, Lost ID Card, 8 Sep 94
3. Record of Individual Counseling (AF Form 174), 13 Sep 94
4. Report of Investigation/Lost Restricted Area Badge, 26 Sep 94
5. Letter of Reprimand, 16 May 95 with Attachments
6. UIF Action (AF Form 1058) and UIF Summary (AF 1137) 16 May 95
7. Record of Nonjudicial Punishment Proceedings (AF Form 3070), 11 Jul 95, with Attachments
8. Delinquent AAFES DPP Notice, 21 Sep 95 with Attachment
9. Letter of Counseling, 14 Nov 95
10. Letter of Counseling, 14 Nov 95
11. Letter of Reprimand, 1 Dec 95
12. Record of Nonjudicial Punishment Proceedings (AF Form 3070), 7 Dec 95, with Attachments
13. Delinquent AAFES DPP Notice, 21 Jan 96
14. Letter of Reprimand, 1 Feb 96