

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

|   |                         |   |
|---|-------------------------|---|
| <b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b><br><div style="border: 1px solid black; height: 15px; width: 100%;"></div> | <b>GRADE</b><br><br>AMN | <b>AFSN/SSAN</b><br><div style="border: 1px solid black; height: 15px; width: 100%;"></div> |
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|                 |                            |          |                      |
|-----------------|----------------------------|----------|----------------------|
| <b>TYPE GEN</b> | <b>PERSONAL APPEARANCE</b> | <b>X</b> | <b>RECORD REVIEW</b> |
|-----------------|----------------------------|----------|----------------------|

|                |  |   |
|----------------|--|---|
| <b>COUNSEL</b> | <b>NAME OF COUNSEL AND OR ORGANIZATION</b> | <b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b> |
| YES            | No   |   |
|                | <b>X</b>                                   |   |

| <b>MEMBER SITTING</b> | <b>VOICE OF THE BOARD</b> |     |       |       |      |
|-----------------------|---------------------------|-----|-------|-------|------|
|                       | HON                       | GEN | UOTHC | OTHER | DENY |
|                       |                           |     |       |       | X    |
|                       |                           |     |       |       | X    |
|                       |                           |     |       |       | X    |
|                       |                           |     |       |       | X    |
|                       |                           |     |       |       | X    |

|                                   |                               |  |
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| <b>ISSUES</b><br>A95.00<br>A01.00 | <b>INDEX NUMBER</b><br>A67.10 | <b>EXHIBITS SUBMITTED TO THE BOARD</b>                       |
|                                   |                               | 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                     |

|                                    |                                     |  |
|------------------------------------|-------------------------------------|--|
| <b>HEARING DATE</b><br>17 Oct 2006 | <b>CASE NUMBER</b><br>FD-2006-00099 |  |
|------------------------------------|-------------------------------------|--|

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.

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| <b>SIGNATURE OF RECORDER</b><br><div style="border: 1px solid black; height: 20px; width: 100%;"></div> | <b>SIGNATURE OF BOARD PRESIDENT</b><br><div style="border: 1px solid black; height: 20px; width: 100%;"></div> |
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|  |   |
|--|---|
| <b>INDORSEMENT</b>   | <b>DATE: 10/25/2006</b>   |
| <b>TO:</b><br>SAF/MRBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742 | <b>FROM:</b><br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3RD FLOOR<br>ANDREWS AFB, MD 20762-7002 |

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE****FD-2006-00099**

**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 submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant had received two Article 15's and eight AETC Form 341's for misconduct. The first Article 15 was for failure to obey an order. He received a suspended forfeiture of pay for two months and 30 days of correctional custody. The second Article 15 was for failure to obey an order, by driving his vehicle on base while his driving privileges had been suspended. He was punished with a restriction to Goodfellow AFB for 30 days. The applicant had further misconduct as documented by AETC Form 341's. He was driving off base during duty hours, late to formation on three separate occasions, failed room inspection, Phase 1 violation, and failure to obey a lawful order. 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

[REDACTED] (Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Goodfellow AFB, TX on 01 Sep 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 27 Dec 83. Enlmt Age: 19 5/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-76, E-79, G-76, M-67. PAFSC: 3E711 - Fire Protection Helper. DAS: 18 Nov 03.

b. Prior Sv: (1) AFRes 24 Jun 03 - 01 Oct 03 (3 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 02 Oct 03 for 4 yrs. Svd: 00 Yrs 11 Mo 01 Das, all AMS.

b. Grade Status: Amn - 3 Apr 04

c. Time Lost: None.

d. Art 15's: (1) 24 Aug 04, Goodfellow AFB, TX - Article 92. You did, having knowledge of a lawful order issued by Lt Col [REDACTED], to wit: not to drive a vehicle on a military installation during the period of your suspended driving privileges, dated 26 Jun 04, an order which it was your duty to obey, did, at or near Goodfellow AFB, Texas, on or about 18 Jul 04, fail to obey the same by wrongfully driving a vehicle while within the limits of Goodfellow AFB, Texas. Restriction to the limits of Goodfellow AFB, Texas for 30 days. (No appeal) (No mitigation)

(2) 09 Mar 04, Goodfellow AFB, TX - Article 92. You did, having knowledge of a lawful order issued by Lt Col [REDACTED], not to travel to your family reunion the weekend of 13 Feb 04 to 15 Feb 04, an order which it was your duty to obey, did at or near Granbury, Texas, between on or about 13 Feb 04 and on or about 15 Feb 04, fail to obey the same by wrongfully attending your family reunion in Grandbury, Texas. Suspended forfeiture of \$596 pay per month for 2 months. Thirty days correctional custody. (No appeal) (No mitigation)

e. Additional: AETC 341, 08 JUL 04 - Driving off base during duty hours. AETC 341, 02 APR 04 - Late to formation.

AETC 341, 12 MAR 04 - Late to formation.  
 AETC 173, 03 MAR 04 - Verbally reprimanded for not being  
 clean shaven. Failure to obey a  
 lawful order.  
 AETC 341, 11 FEB 04 - Room inspection failure.  
 AETC 341, 12 JAN 04 - Late for formation.  
 AETC 341, 08 JAN 04 - Room inspection failure.  
 AETC 341, 30 NOV 03 - Phase I violation, and lying.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (02) Mos (08) Das  
 TAMS: (00) Yrs (11) Mos (01) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 09 Mar 06.  
 (Change Discharge to Honorable)

Employment for the city Fire Department.

**ATCH**

1. Notification of City of San Angelo Fire Fighter Examination.

07APR06/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR AMN [redacted] 312 TRS

FROM: 312 TRS/CC

*ADD CAP*  
~~AUG 03 2004~~  
AUG 30 2004

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 discharge will be described 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 3 Dec 03, you were assigned Remedial Military Training on 10 Jan 04, for curfew violation and being late to a formation. This is documented on a Memorandum for Record, dated 3 Dec 03.

b. Between on or about 13 Feb 04 and on or about 15 Feb 04, you disobeyed the lawful order of Lt col [redacted] to not to travel to your family reunion in Granbury, Texas, by traveling to Granbury, Texas. For this misconduct, you received an AF Form 3070 (Article 15), dated 9 Mar 04.

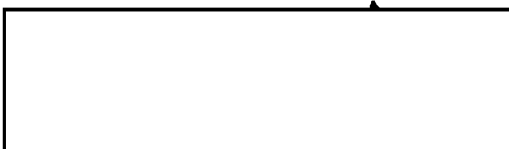
c. On or about 18 Jun 04, you had your driving privileges temporarily suspended due to being apprehended/detained for an intoxicated driving incident. This is documented on a Memorandum for AB [redacted], dated 26 Jun 04.

d. On or about 18 Jul 04, you violated the suspension of your driving privileges by wrongfully driving a vehicle while within the limits of Goodfellow AFB, Texas. For this misconduct, you received an AF Form 3070 (Article 15), dated 24 Aug 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 the Goodfellow AFB, Area Defense Counsel on 30 Aug 04 at 1030 hours in Bldg 308. 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 2 SEP 04 at 0800 hours unless you request and receive an extension for good cause shown. I will submit any statements you choose to 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 must report to the Physical Exams Section of the clinic during walk-in hours, Monday through Thursday from 0730-1530 hours, for your 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 the Unit Orderly Room.



Commander

Attachments:

- 1. Memorandum for Record, dated 3 Dec 03
- 2. AF Form 3070 (Article 15), dated 9 Mar 04
- 3. Memorandum for AB  dated 26 Jun 04
- 4. AF Form 3070 (Article 15), dated 24 Aug 04