

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	<b>GRADE</b> <b>AB</b>	<b>AFSN/SSAN</b> <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>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>	
	<b>X</b>	

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>					X
					X
					X
					X
					X

<b>ISSUES</b> <b>A94.05</b>	<b>INDEX NUMBER</b> <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> 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> <b>24 Oct 2006</b>	<b>CASE NUMBER</b> <b>FD-2006-00100</b>	
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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.

The applicant was scheduled for a personal appearance before the Discharge Review Board at Andrews AFB, Maryland, but failed to appear or notify the board.

Advise applicant of the decision of the Board 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.

<b>SIGNATURE OF RECORDER</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<b>SIGNATURE OF BOARD PRESIDENT</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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<b>INDORSEMENT</b>	<b>DATE: 10/31/2006</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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 was offered a personal appearance before the Discharge Review Board (DRB) at Andrews Air Force Base, Maryland, but failed to appear or notify the Board.

No exhibits were submitted on the applicant's behalf.

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:**

Applicant contends discharge was inequitable because it should have been characterized as "Honorable" versus "General" for misconduct. The records indicated the applicant received an Article 15 for driving while intoxicated; seven Letters of Reprimand—four for "failure to go" and three for failure to progress on the Weight Management Program; two Letters of Counseling—both for "failure to go"; one Letter of Admonishment for failure to progress on the Weight Management Program and one Memorandum for Record for financial irresponsibility. 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Elmendorf AFB, AK on 21 Mar 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 4 Oct 80. Enlmt Age: 19 6/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-59, E-63, G-42, M-51. PAFSC: 2S031 - Supply Management Apprentice. DAS: 5 Sep 00.

b. Prior Sv: (1) AFRes 15 Apr 00 - 30 May 00 (1 month 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 31 May 00 for 4 yrs. Svd: 01 Yrs 09 Mo 21 Das, all AMS.

b. Grade Status: AB - 11 Feb 02 (Article 15, 11 Feb 02)

c. Time Lost: None.

d. Art 15's: (1) 11 Feb 02, Elmendorf AFB, AK - Article 111. You, did, on or about 17 Jan 02, on Fighter Drive, operate a vehicle, to wit: a passenger car while drunk. Reduction to AB, and 30 days extra duty. Suspended forfeiture of \$250.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 19 FEB 02 - Failure to go.  
LOR/UIF, 19 FEB 02 - Failed the Weight and Body Fat Management Program check.  
LOR/UIF, 15 FEB 02 - Failure to go.  
LOR/UIF, 22 JAN 02 - Failure to go.  
LOC, 22 JAN 02 - One hour late for an appointment.  
LOR/UIF, 22 JAN 02 - Failure to go.  
LOR/UIF, 20 DEC 01 - Failed the Weight and Body Fat Management Program check.  
LOC, 20 NOV 01 - Failure to go.  
LOR/UIF, 20 NOV 01 - Failed the Weight and Body Fat Management Program check.  
LOA, 19 OCT 01 - Failed the Weight and Body Fat Management Program check.

f. CM: None.

- g. Record of SV: 31 May 00 - 30 Jan 02 Elmendorf AFB 2 (Initial)REF
- h. Awards & Decs: AFTR, AFOSLTR.
- i. Stmt of Sv: TMS: (01) Yrs (11) Mos (07) Das  
TAMS: (01) Yrs (09) Mos (21) Das

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

Issue 1: My discharge was inequitable due to under Honorable Conditions but classified as Misconduct. Further more making it no longer accessible (sic) to re enlist (sic).

**ATCH**  
None.

07APR06/ia

FD 2006-00100



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

MAR 4 2002

MEMORANDUM FOR 90 FS/MAFS

FROM: 90 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct based on 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 general.

2. My reasons for this action are:

a. On 13 Feb 02, you did, without authority fail to go to at the time prescribed to your appointed place of duty, to wit: follow up dental appointment. For this offense, you received an LOR, dated 19 Feb 02 and a Unfavorable Information File (UIF) entry was accomplished.

b. On or about 17 Jan 02, you did, at or near Elmendorf Air Force Base, on Fighter Drive operate a vehicle, to wit: a passenger car while drunk. For this offense, you received an Article 15, dated 11 Feb 02, reduction to the grade of airman basic, with a new date of rank of 11 Feb 02, 30 days extra duty, a suspended forfeiture of \$250.00 pay per month for 2 months, and a UIF entry was accomplished.

c. On or about 14 Feb 02, you did, without authority fail to go at the time prescribed to your appointed place of duty, to wit: mandatory financial management session. Furthermore, on 15 Feb 02, you did, without authority fail to go at the time prescribed to your appointed place of duty, to wit: appointment with the First Sergeant. For these offenses, you received an LOR, dated 15 Feb 02 and a UIF entry was accomplished.

d. On 18 Jan 02, you did, without authority fail to go at the time prescribed to your appointed place of duty, to wit: second mandatory appointment with the First Sergeant. For this offense, you received an LOR, dated 22 Jan 02 and a UIF entry was accomplished.

e. On 18 Jan 02, you did, without authority fail to go at the time prescribed to your appointed place of duty, to wit: mandatory appointment at Health and Wellness Center. For this offense, you received a Letter of Counseling (LOC), dated 22 Jan 02.

f. On 17 Jan 02, you did, without authority fail to go at the time prescribed to your appointed place of duty, to wit: mandatory appointment with the First Sergeant. For this offense, you received an LOR, dated 22 Jan 02 and a UIF entry was accomplished.

g. On or about 20 Nov 01, you did, without authority fail to go at the time prescribed to your appointed place of duty, to wit: FTD Bldg. For this offense, you received an LOC, dated 20 Nov 01.

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 are 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 legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt Forte, 552-3887, at Bldg 10480, Rm 330 on 4 MAR 02 at 1100. 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 within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide 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 medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 5595, at 0730 on 7 MAR 02 for your first exam, at which time you will be notified of the time for your second exam. You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.
8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 1000 on 5 MAR 02. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Rm 247 at 0730 on 6 MAR 02. You must be in uniform for all appointments.
9. 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 your Squadron Orderly Room.

Commander

Attachments listed on a separate page.

Continued, Notification Memorandum, AB Ryan, dated 4 MAR 02

Attachments:

1. LOR, 19 Feb 02
2. AF Form 1058
3. AF Form 3070, 11 Feb 02
4. LOR, 15 Feb 02
5. AF Form 1058
6. LOR, 22 Jan 02
7. LOC, 22 Jan 02
8. LOR, 22 Jan 02
9. AF Form 1058
10. LOC, 20 Nov 01
11. AF Form 1137
12. AF Form 393
13. LOR, 19 Feb 02
14. LOR, 20 Dec 01
15. AF Form 1058
16. LOR, 20 Nov 01
17. MFR, 5 Nov 01
18. LOA, 19 Oct 01