

**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 <b>AB</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN <input type="checkbox"/>	PERSONAL APPEARANCE <input checked="" type="checkbox"/>	X	RECORD REVIEW <input type="checkbox"/>
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COUNSEL YES <input type="checkbox"/> No <input checked="" type="checkbox"/>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
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MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES <b>A94.53</b>	INDEX NUMBER <b>A67.90</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 5px; text-align: center;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HE</td> </tr> </tbody> </table>	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
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HEARING DATE <b>21 Nov 2006</b>	CASE NUMBER <b>FD-2006-00104</b>	
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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.

INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 12/8/2006 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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2006-00104**

**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 the applicant received two Article 15's, a Vacation, a Letter of Reprimand, and a Record of Individual Counseling for misconduct. The applicant was administratively disciplined for dereliction of duty and missing dental appointments. His first Article 15 was for driving under the influence of alcohol. He was reduced in grade to Airman Basic, performed 45 days of extra duty and a reprimand. His second Article 15 was for altering a leave form. He received a suspended reduction in grade to Airman Basic, forfeited pay for two months, performed 45 days extra duty and a reprimand. The Vacation action was for failure to go. This action resulted in his reduction in grade to Airman Basic. 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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Dover AFB, DE on 24 Jan 01 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 30 May 74. Enlmt Age: 23 11/12. Disch Age: 26 7/12. Educ: HS DIPL. AFQT: N/A. A-79, E-57, G-57, M-54. PAFSC: 2A634 - Aircraft Fuels Systems Apprentice. DAS: 23 Feb 99.

b. Prior Sv: (1) AFRes 29 May 98 - 27 Sep 98 (3 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Sep 98 for 4 yrs. Svd: 02 Yrs 03 Mo 27 Das, all AMS.

b. Grade Status: AB - 7 Sep 00 (Vacation, Article 15, 27 Oct 00)  
Amn - 8 Jun 00  
AB 8 Dec 99 (Article 15, 8 Dec 99)  
Amn - 28 Mar 99

c. Time Lost: None.

d. Art 15's: (1) 27 Oct 00, Vacation, Aviano AB, Italy - Article 86. You did, on or about 23 Sep 00, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1181. Reduction to AB. (No appeal) (No mitigation)

(2) 7 Sep 00, Aviano AB, Italy - Article 86. You did, on or about 8 Aug 00, without authority, absent yourself from your unit, to wit: the 31<sup>st</sup> Maintenance Squadron, located at Aviano AB, Italy, and did remain so absent until on or about 10 Aug 00. Article 134. You did, within the continental United States, on or about 7 Aug 00, wrongfully and falsely alter a military pass, to wit: a DD Form 988, Leave Request/Authorization, in figures as follows: in block 9 you lined through the number 18 and wrote the number 21 next to it and in block 13 you wrote over the number 07 and replaced it with the number 10. Suspended reduction to AB. Forfeiture of \$250.00 pay per month for 2 months; 45 days extra duty; and a reprimand. (No appeal) (No mitigation)

(3) 8 Dec 99, Aviano AB, Italy - Article 111. You did, on or about 6 Nov 99, physically control a vehicle, to wit: a passenger car, while drunk. Reduction to AB; 30 days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 23 FEB 00 - Broken appointments.  
LOR, 21 JAN 99 - Dereliction of duty.

f. CM: None.

g. Record of SV: 28 Sep 98 - 27 May 00 Aviano AB 3 (Initial)REF

h. Awards & Decs: AFTR, NATOM, AFOUA, AFOSLTR, KCM.

i. Stmt of Sv: TMS: (02) Yrs (07) Mos (26) Das  
TAMS: (02) Yrs (03) Mos (27) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 10 Mar 06.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH  
None.

19APR06/ia

FD 2006-00109



**DEPARTMENT OF THE AIR FORCE**  
**31ST FIGHTER WING (USAF)**

MEMORANDUM FOR AB: [REDACTED] 31 MXS

FROM: 31 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically, conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, para. 5.50.2. If my recommendation is approved, your service will be characterized as honorable or as under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are as follows:

- a. On or about 23 Sep 00, you failed to go at the time prescribed to your appointed place of duty. For this offense, your suspended nonjudicial punishment from your Article 15 dated 7 Sep 00, consisting of a reduction to the rank of airman basic, was vacated on 30 Oct 00.
- b. On or about 8 Aug 00, you were absent, without authority, from your unit; and
- c. On or about 7 Aug 00, you wrongfully altered a military pass. For this offense and for the offense listed in 2(b), you received nonjudicial punishment under Article 15, UCMJ, on 7 Sep 00 consisting of: a reduction to the rank of airman basic (suspended); forfeiture of \$250.00 pay per month for 2 months; 45 days extra duty; and a reprimand.
- d. Between on or about 7 Jan 00 and on or about 4 Feb 00, you missed two scheduled appointments. For these offenses, you received a Record of Individual Counseling (ROIC) on 23 Feb 00;
- e. On or about 6 Nov 99, you drove drunk. For this offense, you received nonjudicial punishment under Article 15, UCMJ, on 8 Dec 99 consisting of: a reduction to the rank of airman basic; 30 days extra duty; and a reprimand.
- f. On or about 21 Jan 99, you failed to out-process from technical school in a timely manner. For this offense, you received a Letter of Reprimand (LOR) on 21 Jan 99.

3. I have attached copies of the documents that will be forwarded to the separation authority. 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, the characterization of your service. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably will be denied enlistment in any component of the armed forces. In addition, any special pay, bonus, or education assistance funds may be subject to recoupment.

**"Return With Honor"**

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. [redacted] Area 2, at Building 224, on 11 Dec 2000, at 1600 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements that you want the separation authority to consider must reach me by \_\_\_\_\_ hours on 1600 14 Dec 00 2000, unless you request and receive an extension for good cause shown. I will send them 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 two medical examinations. You must report to 31MDG/SGOAF (Physical Exams) on 12 Dec, 2000, at 0900 hours. Your second appointment is on 19 Dec, 2000, at 1340 hours. You will need to report 15 minutes prior to your appointments and pick up your medical records.

8. Any personal information that 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 as well as in the Area Defense Counsel's office.

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

[Redacted signature box]

Commander

Date: 11 Dec 00

Attachments:

- 1. AF Form 366, 30 Oct 00 w/atch  
Article 15, 7 Sep 00 w/atch  
ROIC, 23 Feb 00  
Article 15, 8 Dec 99 w/atch  
LOR, 21 Jan 99
- 2. Member's Acknowledgment of Receipt of Notification Memorandum
- 3. EPR
- 4. Member's Response