

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
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No			
	X			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[Empty Box]					X
					X
					X
					X
					X

ISSUES A94.53	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-2006-00108	
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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.

SIGNATURE OF RECORDER <i>[Signature]</i>	SIGNATURE OF BOARD PRESIDENT <i>[Signature]</i>
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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

FD-2006-00108

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 an Article 15, a Vacation, six Letters of Reprimand, and one Record of Individual Counseling for misconduct. The applicant was administratively disciplined with Letters of Reprimand and Counseling for failure to obey orders, reckless driving and driving on a suspended license, failure to go, a civil arrest for "Solicitation of Prostitution", minor in possession of alcohol, and being late for duty. He received an Article 15 for failure to go to a mandatory meeting with the First Sergeant. He received a suspended reduction in grade to Airman, restriction to Pope AFB for seven days and fourteen days of extra duty. The applicant had further misconduct with a Vacation action for failure to go to appointed place of duty. He was reduced in grade to Airman. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Pope AFB, NC on 15 May 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Jan 80. Enlmt Age: 18 4/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-56, E-60, G-62, M-42. PAFSC: 1A231 - Aircraft Loadmaster Apprentice. DAS: 24 Jul 99.

b. Prior Sv: (1) AFRes 23 Jun 98 - 11 Nov 98 (4 months 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Nov 98 for 4 yrs. Svd: 01 Yrs 06 Mo 04 Das, all AMS.

b. Grade Status: Amn - 27 Mar 00 (Vacation of Article 15, 3 May 00)
A1C - Unknown
Amn - 12 May 99

c. Time Lost: None.

d. Art 15's: (1) 3 May 00, Vacation, Pope AFB, NC - Article 86. You did, on or about 17 Apr 00, and on or about 18 Apr 00, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 738, Surveyor Street, Pope AFB, NC. Reduction to Airman. (No appeal) (No mitigation)

(2) 27 Mar 00, Pope AFB, NC - Article 86. You did, on or about 8 Mar 00, without authority, failed to go at the time prescribed to your appointed place of duty, to wit: a mandatory meeting with First Sergeant, MSgt [REDACTED], 2d Airlift Squadron. Suspended reduction to Airman. Restriction to Pope AFB, NC for 7 days, and 14 days of extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 07 MAR 00 - Failure to go.
LOR, 20 JAN 00 - Failure to call in.
LOR, 13 JAN 00 - Civil arrest for "Solicitation of Prostitution", "Minor in the Possession of Alcohol", and "Illegal Possession of a Legal Liquor."
LOR, 12 JAN 00 - Failure to go.
RIC, 24 SEP 99 - Failure to obey orders.

LOR, 21 SEP 99 - Cited for reckless driving, and driving
with a suspended license.
LOR, 10 SEP 99 - Failure to go.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (10) Mos (13) Das
TAMS: (01) Yrs (06) Mos (04) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Mar 06.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

18APR06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 43D AIRLIFT WING (AMC)
POPE AIR FORCE BASE NORTH CAROLINA

10 MAY 2000

MEMORANDUM FOR Amn [REDACTED], 2 AS

FROM: 2 AS/CC
3561 Surveyor Street
Pope AFB NC 28308

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. The most severe type of discharge authorized in this case is an under other than honorable conditions discharge, if the convening authority determines such characterization is warranted and directs initiation of a discharge board. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 17 Apr 00 and on or about 18 Apr 00, you did, at or near Fayetteville, North Carolina, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 738, Surveyor Street, Pope Air Force Base, North Carolina as documented by an AF Form 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 5 May 00.

b. On or about 8 Mar 00, you did, at or near Pope AFB NC, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: a mandatory meeting with First Sergeant, Master Sergeant [REDACTED], 2d Airlift Squadron as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 27 Mar 00.

c. On or about 6 Mar 00, you did, without authority, fail to report to the Base Rodeo Detail as directed by MSgt [REDACTED] as documented by a Letter of Reprimand, dated 7 Mar 00. Your excuse for not reporting to the Base Rodeo Detail was because your car broke down in South Carolina and you were attempting to repair it. However, you did not ensure that your Chain of Command was aware of that matter that affected your duty status as it was your duty to do so.

d. On or about 14 Jan 00, you did, without authority, fail to call in between 1430 - 1600 as documented by a Letter of Reprimand, dated 20 Jan 00. You had been counseled on the importance of calling in on two prior occasions.

e. On or about 24 Jul 99, you were arrested by local law enforcement for "Solicitation of Prostitution" and "Possession of Alcohol by a Minor" as documented by a Letter of Reprimand, dated 13 Jan 00.

f. On or about 8 Jan 00, you did, without authority, fail to report to the 2 AS building at 0730 hours as documented by a Letter of Reprimand, dated 12 Jan 00.

g. On or about 19 Sep 99, following an off-duty accident, you failed to go to the flight surgeon's office at the proper time for morning sick call as documented by an AF Form 174, Record of Individual Counseling, dated 24 Sep 99. After being instructed by SMSgt [] on the proper procedures for reporting to sick call, you were instructed to bring your AF Form 1042 to the Loadmaster scheduler and also call him to notify him of your DNIF status. However, you failed to follow proper procedure.

h. On or about 11 Sep 99, you were cited for reckless driving and driving with a suspended license as documented by a Letter of Reprimand, dated 21 Sep 99.

i. On or about 10 Sep 99, you, without authority, failed to report to the 2 AS building at 0600 hours. You failed to make that appointment even though you had direct knowledge of that appointment as documented by a Letter of Reprimand, dated 10 Sep 99.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The 43d Airlift Wing Commander, who exercises Special Court Martial (SPCM) 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.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. Contact SSgt [] (394-2362) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult Capt [], the Area Defense Counsel. You may consult civilian counsel at your own expense. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 15 MAY at 1000 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 in three days**, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a physical examination. **Report to physical exams on 12 May 00 at 0700 hours. In addition, report to physical exams/Lab ASAP for HIV screening.**

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 at the orderly room.



Commander

Attachments:

1. AF Form 366, 5 May 00
2. AF Form 3070, 27 Mar 00
3. LOR, 7 Feb 00
4. LOR, 20 Jan 00
5. LOR, 13 Jan 00
6. LOR, 12 Jan 00
7. AF Form 174, 24 Sep 99
8. LOR, 21 Sep 99
9. LOR, 10 Sep 99