

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	GRADE AMN	AFSN/SSAN <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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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	UOTHC	OTHER	DENY
<div style="border: 1px solid black; height: 100%; width: 100%;"></div>					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-2006-00112	
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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.

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-2006-00112

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, applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15's, a Vacation, five Letters of Reprimand, a Letter of Counseling, and four Records of Individual Counseling for misconduct. The applicant was administratively disciplined for being late for work, failure to go, failure to obey direct orders, striking an aircraft with a speed handle and being disrespectful to an NCO. His first Article 15 was for failure to go to his appointed place of duty. He received a suspended reduction to Airman, thirty days of extra duty, and a reprimand. The Vacation action was for failure to go to his appointed place of duty. He was reduced in grade to Airman. His second Article 15 was for failure to go to his appointed place of duty and for negligently failing to follow a Technical Order (failed to document maintenance performed on an aircraft). He received a suspended reduction in grade to Airman Basic and restricted to the limits of Seymour Johnson AFB for thirty days. 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

[REDACTED] (Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Seymour Johnson AFB, NC on 23 Aug 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Dec 84. Enlmt Age: 17 10/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-80, E-89, G-85, M-82. PAFSC: 2A331A - Avionics systems Attack Control Apprentice. DAS: 3 Apr 04.

b. Prior Sv: (1) AFRes 22 Nov 02 - 30 Jun 03 (7 months 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Jul 03 for 6 yrs. Svd: 02 Yrs 01 Mo 23 Das, all AMS.

b. Grade Status: Amn - 11 May 05 (Vacation of Article 15, 23 Jun 05)
A1C - 15 Aug 03

c. Time Lost: None.

d. Art 15's: (1) 8 July 05, Seymour Johnson AFB, NC - Article 86. You did, on or about 22 Jun 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Forms Documentation, Building 5015 and Aircraft Maintenance Squadron, Building 4537. Article 92. You, who knew or should have known of your duties, on or about 9 Jun 05, were derelict in the performance of those duties in that you negligently failed to follow Technical Order 00-20-1 section 5.9.4.17.3 by failing to document the maintenance you performed on aircraft 89-0496, as it was your duty to do. Suspended reduction AB. Restriction to the limits of Seymour-Johnson AFB, NC for 30 days. (No appeal) (No mitigation)

(2) 23 Jun 05, Vacation, Seymour Johnson AFB, NC - Article 86. You did, on or about 5 Jun 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 335th Aircraft Maintenance Squadron, Building 4537. Reduction to Airman. (No appeal) (No mitigation)

(3) 11 May 05, Seymour Johnson AFB, NC - Article 86. You did, on or about 14 Apr 05, without authority, fail to go at the time prescribed to your appointed place of

duty, to wit: Annual Refresher Maintenance Orientation, Building 5015, Seymour Johnson AFB, NC. Suspended reduction to Airman. Thirty days extra duty, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOC, 06 JUN 05 - Failure to go.
 LOR, 08 OCT 04 - Striking an aircraft with a speed handle, and disrespect to an NCO.
 LOR, 07 JUN 04 - Late for work.
 RIC, 04 JUN 04 - Failure to obey.
 RIC, 03 JUN 04 - Late for work.
 RIC, 03 JUN 03 - Failure to obey.
 LOR, 10 FEB 04 - Failure to go and failure to obey direct orders from an NCO.
 LOR, 30 JAN 04 - Failure to go.
 LOR, 26 JAN 04 - Uniform violation.
 RIC, 23 JAN 04 - Late for class.
- f. CM: None.
- g. Record of SV: 01 Jul 03 - 15 Jan 05 Seymour-Johnson AFB 2 (HAF Dir)REF
- h. Awards & Decs: NDSM, AFTR.
- i. Stmt of Sv: TMS: (02) Yrs (09) Mos (02) Das
 TAMS: (02) Yrs (01) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Feb 06.
 (Change Discharge to Honorable)

Issue 1: My General discharge was improper because it did not involve, mainly with my performance at work, only what the results of actions I made off-duty.

ATCH
 None.

20APR06/ia



DEPARTMENT OF THE AIR FORCE
4th FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

FD 2006-00112

27 July 2005

MEMORANDUM FOR AMN [REDACTED]

FROM: 4 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) discharge or as an Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) discharge.

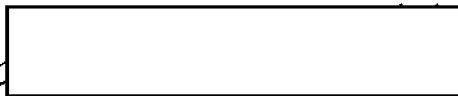
2. My reason for this discharge:

- a. On or about 21 Jan 2004, you were one hour late arriving to class. This action is documented in a Record of Individual Counseling, dated 23 Jan 2004 (tab 1a).
- b. On or about 26 Jan 2004, you failed to comply with AFI 36-2903, *Air Force Dress and Personal Appearance*, by ensuring you had the correct rank on your field jacket. This action is documented in a Letter of Reprimand, dated 26 Jan 2004 (tab 1b).
- c. On or about 26 Jan 2004, you failed to show for mandatory formation and to report to your MTL within the required 24 hours. This action is documented in a Letter of Reprimand, dated 30 Jan 2004 (tab 1c).
- d. On or about 9 Feb 2004, you failed to report to mandatory study. This action is documented in a Letter of Reprimand, dated 10 Feb 2004 (tab 1d).
- e. On or about 2 Jun 2004, you failed to obey a direct order to turn in your Vol 1 Career Development Course. This action is documented in a Record of Individual Counseling, dated 3 Jun 2004 (tab 1e).
- f. On or about 3 Jun 2004, you failed to show for roll call at the appointed time. This action is documented in a Record of Individual Counseling, dated 3 Jun 2004 (tab 1f).
- g. On or about 4 Jun 2004, you failed to report to work with your line badge. This action is documented in a Record of Individual Counseling, dated 4 Jun 2004 (tab 1g).
- h. On or about 7 Jun 2004, you failed to show up at the prescribed time to your place of duty. This action is documented by a Letter of Reprimand, dated 7 Jun 2004 (tab 1h).

- i. On or about 27 Aug 2004, you were observed striking aircraft 88-1695 with a speed handle. This action is documented by a Letter of Reprimand, dated 8 Oct 2004 (tab 1i).
- j. On or about 14 Apr 2005, you failed to go at the time prescribed to your appointed place of duty. This action is documented in an AF Form 3070, dated 11 May 2005 (tab 1j).
- k. On or about 5 Jun 2005, you failed to report to your place of duty at the appointed time. This action is documented in a Letter of Counseling, dated 6 Jun 2005 (tab 1k).
- l. On or about 5 Jun 2005, you failed to go at the time prescribed to your appointed place of duty. This action is documented in an AF Form 366, dated 23 Jun 2005 (tab 1l).
- m. On or about 22 Jun 2005, you failed to go at the time prescribed to your appointed place of duty and on or about 9 Jun 2005, you were derelict in the performance of your duties. This action is documented in an AF Form 3070, dated 8 Jul 2005 (tab 1m).
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 higher authority will decide whether you will be discharged or retained in the United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).
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 ADC at 1125 Cameron on 28 July 2005 at 10:00 hours. 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 1 Aug 05 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 a medical examination. You must report to Blue Team on 3 Aug '05, at 08:15 hours for the 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 at Area Defense Counsel's Office or Orderly Room.

9. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 1 Aug 2005 at 13:00 hours. You must report to building 3602 for your TAPs counseling.

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



Commander

Attachments:

1. a. Record of Individual Counseling, dated 23 Jan 2004
- b. Letter of Reprimand, dated 26 Jan 2004
- c. Letter of Reprimand, dated 30 Jan 2004
- d. Letter of Reprimand, dated 10 Feb 2004
- e. Record of Individual Counseling, dated 3 Jun 2004
- f. Record of Individual Counseling, dated 3 Jun 2004
- g. Record of Individual Counseling, dated 4 Jun 2004
- h. Letter of Reprimand, dated 7 Jun 2004
- i. Letter of Reprimand, dated 8 Oct 2004
- j. AF Form 3070, dated 11 May 2005
- k. Letter of Counseling, dated 6 Jun 2005
- l. AF Form 366, dated 23 Jun 2005
- m. AF Form 3070, dated 8 Jul 2005
2. Airman's Receipt of Notification Memorandum
3. Airman's Statement
4. Medical Examination
5. EPR
6. Statement of Understanding Regarding Recoupment of Education Assistance, Special Pay, or Bonuses