

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 AMN	AFSN/SSAN <div style="border: 1px dashed 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				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X**
					X**
					X**
					X**
					X**

ISSUES A95.00 A01.00	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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 21 Nov 2006	CASE NUMBER FD-2006-00116	
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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.

* Reason and Authority
 + Reenlistment Code

INDORSEMENT	DATE: 12/12/2006
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-2006-00116

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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:

Applicant contends that he was told at his date of separation that he could reenlist in two years. He has expressed a desire to reenlist in the armed forces. The records indicated the applicant received four Letters of Reprimand, two Records of Individual Counseling and an AETC Form 125A for misconduct. The applicant was administratively disciplined for failure to go, failure to keep dormitory room in inspection order, smoking cigarettes out of uniform, violation of Phase by smoking cigarettes, failure to obey a lawful order and being disrespectful to authority. 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.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Sheppard AFB, TX on 3 Oct 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 24 Oct 79. Enlmt Age: 17 3/12. Disch Age: 17 11/12. Educ: HS DIPL. AFQT: N/A. A-51, E-61, G-52, M-76. PAFSC: 2W111F - Aircraft Armament Systems Helper. DAS: 7 Jul 97.

b. Prior Sv: (1) AFRes 31 Jan 97 - 25 Mar 97 (1 month 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Mar 97 for 4 yrs. Svd: 00 Yrs 06 Mo 08 Das, all AMS.

b. Grade Status: Amn - 26 Sep 97

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 22 SEP 97 - Failing to return to and remain in assigned dormitory room from 2100-0400, and failure to report for duty.
RIC, 22 SEP 97 - Failure to keep dormitory room in inspection order at all time.
RIC, 22 SEP 97 - Failure to go.
AETC 341, 20 SEP 97 - Lockers open in room and lights left on. Violation of Phase I by not being in room by 2100.
LOR, 12 SEP 97 - Failure to obey a lawful order and disrespect to authority.
LOR, 16 SEP 97 - Violation of Phase by smoking cigarettes.
LOR, 29 JUL 97 - Smoking cigarettes out of uniform.
AETC 125A, 20 SEP 97 - Elimination from training.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (00) Yrs (08) Mos (03) Das

TAMS: (00) Yrs (06) Mos (08) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 23 Mar 06.

(Change Discharge to Honorable Discharge, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I am requesting a change to my Reenlistment code. I was told at date of separation I could reenlist after 2 years. I have started paperwork to reenlist and have been told my RE code is ineligible (sic). I see no reason for me to be unable to reenlist.

ATCH

1. Applicant's Issues.

20APR06/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

26 Sep 97

MEMORANDUM FOR AB: [REDACTED] 363 TRS

FROM: 363 TRS/CC
520 Missile Rd
Sheppard AFB TX 76311-2261

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 service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2: My reason for this action are:

a. You did, at or near Sheppard AFB TX, on or about 21 Sep 97, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 5.5.5, by failing to return to and remain in your assigned dormitory room from 2100-0400. For this misconduct you received a Letter of Reprimand (LOR) on 22 Sep 97.

b. You did, at or near Sheppard AFB TX, on or about 20 Sep 97, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 2.1.3, by failing to keep your dormitory room in inspection order at all times. For this misconduct you received an AF Form 174, Record of Individual Counseling on 22 Sep 97.

c. You, who knew of your duties at Sheppard AFB TX, on or about 20 Sep 97, were derelict in the performance of those duties by failing to report to your appointed place of duty, to wit: Military Training Day. For this misconduct you received an AF Form 17 on 22 Sep 97.

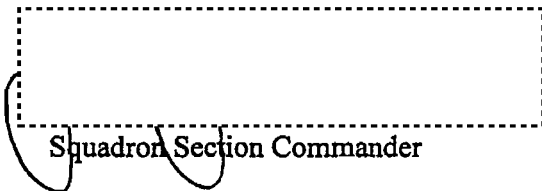
d. You did, at or near Sheppard AFB TX, on or about 11 Sep 97, fail to obey a lawful order and were disrespectful to an NCO. For this misconduct you received an LOR on 12 Sep 97.

e. You did, at or near Sheppard AFB TX, on or about 6 Sep 97, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 2.1.12, by smoking in the dormitory parking lot. For this misconduct you received an LOR on 12 Sep 97.

f. You did, at or near Sheppard AFB TX, on or about 25 Jul 97, violate a lawful general instruction, to wit: SAFB 36-2902, paragraphs 1.2.12 and 5.2.2, by smoking and wearing civilian clothes. For this misconduct you received an LOR on 29 Jul 97.

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 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 will probably be denied enlistment in any component of the armed forces.

3. 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 Area Defense Counsel on 29 Sep 97 at 0800. You may consult civilian counsel at your own expense.
4. 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 Oct 97 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You were scheduled for a medical examination on 23 Sep 97.
7. 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 Military Training Flight administration office.
8. Execute the attached acknowledgment and return it to me immediately.


 Squadron Section Commander

Attachments:

1. LOR, 22 Sep 97
2. AF Form 174, 22 Sep 97
3. AETC Form 341, 20 Sep 97
4. AF Form 174, 22 Sep 97
5. LOR, 12 Sep 97
6. LOR, 16 Sep 97
7. Statement, AB: undated

8. AETC Form 341, 6 Sep 97
9. LOR, 29 Sep 97
10. Statement, AB Shields, undated
11. AETC Form 125A, 26 Sep 97
9. AETC Form 156, 26 Sep 97
10. LAFB Form 205, 2 Jul 97
11. Airman's Receipt of Notification Memorandum *wd*