

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 AIC	AFSN/SSAN <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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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
<div style="border: 1px solid black; height: 150px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES 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 17 Oct 2006	CASE NUMBER FD-2006-00125	
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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: 10/27/2006
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	

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 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:

The applicant appealed for an upgrade of discharge for the purpose of enlisting in the Army National Guard. He further contends that he was misled by his recruiter and has requested to change the reason for discharge to either a breach of contract, erroneous entry or expeditious discharge. The records indicated the applicant received two Letters of Reprimand, one Letter of Counseling, one AETC Form 125A and one AETC Form 341 for misconduct. The applicant was administratively disciplined for failure to obey an order, sleeping on duty, lying, destruction of government property and disobeying an order or regulation by riding a motorcycle in the parking lot when he hadn't completed the motorcycle safety course. 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 his issue with the recruiter and what the recruiter led him to believe, 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

[REDACTED] (Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Lackland AFB, TX on 22 Nov 05 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: 17 Feb 86. Enlmt Age: 18 7/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-78, E-76, G-64, M-56. PAFSC: 1C211 - Combat Control Helper. DAS: 9 May 05.

b. Prior Sv: (1) AFRes 6 Oct 04 - 21 Mar 05 (5 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 22 Mar 05 for 6 yrs. Svd: 00 Yrs 08 Mo 01 Das, all AMS.

b. Grade Status: A1C - 6 May 05

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 29 SEP 05 - Failure to obey an order or regulation, sleeping on duty, and lying.
AETC 125A, 12 SEP 05 - Self-initiated elimination from training.
LOR, 09 SEP 05 - Destruction of government property.
AETC 341, 28 JUL 05 - Failed room inspection.
LOC, 26 JUL 05 - Disobeying an order or regulation.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM, GWOTSM.

i. Stmt of Sv: TMS: (01) Yrs (01) Mos (17) Das
TAMS: (00) Yrs (08) Mos (01) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 06 Mar 06.
(Change Discharge to Honorable, and Change the Re Code, Reason and Authority for Discharge)

Issue 1: I am requesting an upgrade on my separation code to allow me to enlist in the Army (sic) National Guard. I looked at both branches before joining, and I felt that the Air Force would be more exciting and offer more opportunities for my future. I was not qualified for the job my recruiter sold me on and quickly found out that things were not quite the way my recruiter had explained. I developed an attitude which made things worse. I was reprimanded twice for minor infractions. I was offered a discharge so I could pursue my military dreams elsewhere. I was led to believe I could join another branch without any wait. When I returned home and went to the National Guard recruiter he told me I would have to wait 12 months. I am eager to serve, and would like to enlist as soon as possible. Changing my narrative reason for Sep. (sic) to either breach of contract, erroneous entry, or expeditious (sic) discharge would allow me to start my service quickly, and pursue my dreams of serving my country once again.

ATCH

1. DD Forms 214 (Member 1 & 4).
2. DA Form 2823, Sworn Statement.

13APR06/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR A1C

OCT 27 2005

FROM: 342 TRS/MTF

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The basis for this action is AFPD 36-32 and AFI 36-3208, Paragraph 5.49. If my recommendation is approved, your service could be characterized as Honorable, as Under Honorable Conditions (General), or as Under Other Than Honorable Conditions (UOTHC) Discharge. I am recommending your service be characterized as General.

2. My reasons for this action are:

a. On 25 Jul 05, you willfully disobeyed a lawful order by riding your motorcycle around the parking lot and down the street. As a result, you received a Letter of Counseling (LOC), dated 26 Jul 05.

b. On 28 Jul 05, you failed your room inspection. As a result, you were verbally counseled as reflected on AETC Form 341, dated 28 Jul 05.

c. On or about 7 Sep 05, an inspection of your room revealed had a fist-sized hole in the wall. You admitted you were wrestling in the room and that you failed to report the damage to anyone in your chain of command. As a result, you received a Letter of Reprimand (LOR), dated 9 Sep 05.

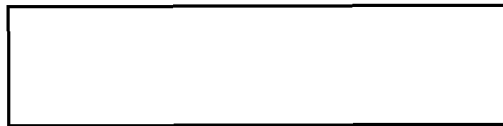
d. On or about 29 Sep 05, you were found sleeping in your room instead of performing details. As a result, you received a LOR, dated 29 Sep 05

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 will be discharged or retained in the Air Force.

4. You have the right to consult counsel. An appointment can be made to meet with the Area Defense Counsel (ADC) at Bldg 6119 on _____ at _____ 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 (3 workdays) 1 Nov 05/1500 unless you request and receive an extension for good cause shown. Your statements will be sent to the separation authority and will be made part of your case file that the separation authority will read.

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 Bldg 6612, Room 502, Monday – Friday between 1300 – 1500 hours with your medical, immunization, and dental records for the examination.
8. Any personal information you furnish in this rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the Unit Personnel Office.
9. Execute the attached acknowledgement and return it to me immediately.



Commander, Military Training Flight

Attachments:

1. AETC Form 125A, dated 12 Sep 05
2. Student Training Report
3. LOC, dated 26 Jul 05
4. AF Form 341, dated 28 Jul 05
5. LOR, dated 9 Sep 05
6. LOR, dated 29 Sep 05 w/atch