

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 AB	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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MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
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ISSUES A94.53	INDEX NUMBER A67.10	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 2px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 2px; text-align: center;">1</td> <td style="padding: 2px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 2px; text-align: center;">2</td> <td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 2px; text-align: center;">3</td> <td style="padding: 2px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px; text-align: center;">4</td> <td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">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 21 Nov 2006	CASE NUMBER FD-2006-00134	
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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		DATE: 12/8/2006
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-2006-00134

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 expressed his desire for upgrade to pursue a career in law enforcement. 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 four Records of Individual Counseling for misconduct. The applicant was administratively disciplined for being late for work on numerous occasions, missing a mandatory formation, disobeying a lawful order, failure to go, for not shaving and his sideburns were in violation of AFI 36-2903. His first Article 15 was for being absent without authority. He received a suspended reduction in grade to Airman Basic, forfeited pay for two months, and a reprimand. The Vacation action was for failure to go to appointed place of duty. He was reduced in grade to Airman Basic. The second Article 15 was for failure to go to appointed place of duty. He received 15 days extra duty and a reprimand. 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 Scott AFB, IL on 4 Jun 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Jul 77. Enlmt Age: 19 8/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-56, E-53, G-64, M-38. PAFSC: 1C431 - Tactical Air Command and Control Apprentice. DAS: 1 Sep 98.

b. Prior Sv: (1) AFRes 28 Apr 97 - 13 Jan 98 (8 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Jan 98 for 4 yrs. Svd: 01 Yrs 04 Mo 21 Das, all AMS.

b. Grade Status: AB - 8 Feb 99 (Vacation of Article 15, 19 Apr 99)
Amn - 14 Jul 98

c. Time Lost: None.

d. Art 15's: (1) 3 May 99, Fort Campbell AIN, KY - Article 86. You, did, on or about 8 Apr 99, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 5513, located at Fort Campbell, Kentucky. Fifteen days extra duty. Reprimand. (No appeal) (No mitigation)

(2) 19 Apr 99, Vacation, Fort Campbell AIN, KY - Article 86. You, did, on or about 26 Mar 99, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 5513, Fort Campbell, Kentucky. Reduction to AB. (No appeal) (No mitigation)

(3) 8 Feb 99, Fort Campbell AIN, KY - Article 86. You did, on or about 31 Dec 98, without authority, absent yourself from 19th Air Support Operations Squadron, C Flight, to wit: Bldg 5513, located at Fort Campbell, Kentucky, and did so remain absent until 4 Jan 99. Suspended reduction to AB. Forfeiture of \$100.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 04 SEP 98 - Failure to go.
RIC, 17 SEP 98 - Disobeying a lawful order.

RIC, 05 DEC 98 - Missing a mandatory formation, late for work, and failure to shave in violation of AFI 36-2903.

RIC, 23 FEB 99 - Late for work repeatedly.

RIC, 23 MAR 99 - Unshaven and sideburns in violation of AFI 36-2903.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (01) Mos (07) Das

TAMS: (01) Yrs (04) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02 Apr 06.
(Change Discharge to Honorable)

Issue 1: I, [REDACTED] would greatly appreciate if all parties involved in the detmination of my Air Force upgrade would consider the following:

* I want to persue (sic) a career in law enforcement.

* I have no criminal history, period.

* I have been pasted (sic) my original enlistment contract discharge date for approximately 4-5 yrs.

* I would be honored to be a true veteran of the USAF by having a true "Honorable Discharge."

ATCH

None.

3MAY06/ia

MEMORANDUM FOR AB [REDACTED] 19 ASOS

14 May 99

FROM: 375 MDSS/CC

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 AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as honorable, under honorable conditions (general) or under other than honorable conditions. I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 8 Apr 99, you failed to report to your appointed place of duty. For this misconduct, you received an Article 15, dated 20 Apr 99. (See Atch 1).

b. From on or about 31 Dec 98 to on or about 4 Jan 99, you absented yourself from your flight. For this misconduct you received an Article 15, dated 8 Feb 99. (See Atch 2).

c. On or about 26 Mar 99 you again failed to go to your appointed place of duty. For this misconduct your suspended punishment for reduction to Airman Basic was vacated on 19 April 1999. (See Atch 3).

d. On or about 23 Mar 99 you were observed to be unshaved and your sideburns out of regulation. For this offense you received a verbal counseling. (See Atch 4)

e. On or about 22 Feb 99 and on or about 23 Feb 99 you again failed to report to work in a timely manner. For these offenses you received a verbal counseling. (See Atch 5).

f. On or about 3 Dec 98 you were late for work and missed a mandatory retirement ceremony. For this infraction you received a verbal counseling. (See Atch 6).

g. On or about 17 Sep 98 you were noticed wearing an authorized item with your uniform, which you were specifically ordered by a commissioned officer not to do. (See Atch 7).

h. On or about 31 Aug 98 you failed to go to your appointed place of duty. For this misconduct you received an LOR. (See Atch 8).

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. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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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 with the Area Defense Counsel, Bldg 7, on 17 May 99 at 1000 hrs. You may consult civilian counsel at your own expense. COSN 576-3246

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me with in 3 duty days of your receipt of this letter 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 the ~~375th Medical~~ TMC 5 Group, Physical Examinations Section, on 4 Jun 99 at 0900 hrs for the Ft Campbell, KY examination. You also have a doctor's appointment scheduled on _____ at _____ hrs.

8. The Privacy Act Statement as explained in AFI 36-3208 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the squadron orderly room.

9. You must take the following actions:

a. You will report to the Transportation Management Office (TMO), Outbound Assignments, to complete a Scott Air Force Base Form 241/Personal Property Appointment Sheet. That worksheet must be completed and returned to TMO as soon as you receive your separation orders.

b. You will report before close of business tomorrow (or the next duty day) to Special Actions at Military Pay, Bldg P-10, room C201, to make arrangements concerning your military pay.

[Dashed box for signature]

Commander

Attachments:

- 1. Art 15, dated ___ Apr 99 w/evidence & response
- 2. Art 15, dated 8 Feb 99
- 3. AF Form 366, dated 19 Apr 99
- 4. AF Form 174, dated 23 Mar 99
- 5. AF Form 174, dated 23 Feb 99

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6. AF Form 174, dated 5 Dec 98
7. AF Form 174, dated 17 Sep 98
8. LOR, dated 4 Sep 98 w/response
9. Airman's Acknowledgement