

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE</b>	<b>GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>			
	<b>X</b>			

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b>	A94.05	<b>INDEX NUMBER</b>	A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
				<b>1</b>	ORDER APPOINTING THE BOARD
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE
				<b>3</b>	LETTER OF NOTIFICATION
				<b>4</b>	BRIEF OF PERSONNEL FILE
					COUNSEL'S RELEASE TO THE BOARD
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE HE

<b>HEARING DATE</b>	21 Nov 2006	<b>CASE NUMBER</b>	FD-2006-00136
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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.

<b>INDORSEMENT</b>		<b>DATE:</b> 12/8/2006
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2006-00136**

**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:**

Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15's, a Vacation, five Letters of Reprimand, and three Records of Individual Counseling for misconduct. The applicant received five Letters of Reprimand for being late for work, dereliction of duty, failure to obey a lawful order, threatening bodily harm against another airman and indecent language. He was further disciplined with Records of Individual Counseling for dereliction of duty, being late for work and failure to obey an order. He received an Article 15 for failure to go to appointed place of duty. He was disciplined with a suspended reduction in grade to Airman, forfeiture of pay, 14 days of extra duty, and a reprimand. The Vacation action was for failure to go to appointed place of duty. This resulted in a reduction 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Scott AFB, IL on 30 May 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 8 Dec 80. Enlmt Age: 19 4/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-71, E-46, G-48, M-58. PAFSC: 2T231 - Air Transportation Apprentice. DAS: 19 Oct 00.

b. Prior Sv: (1) AFRes 28 Apr 00 - 30 May 00 (1 month 3 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 31 May 00 for 6 yrs. Svd: 02 Yrs 00 Mo 00 Das, all AMS.

b. Grade Status: A1C - 11 Nov 01  
Amn - 8 Jan 01 (Vacation of Article 15, 25 Jan 01)  
A1C - 14 Jul 00

c. Time Lost: None.

d. Art 15's: (1) 8 May 01, Ramstein AB, Germany - Article 134. You, being indebted to SIXT Rent-A-Car in the sum of \$1,040.46, more or less, which amount became due and payable on or about 29 Jan 01, did, at or near Kaiserslautern Military Community, Germany, dishonorably fail to pay said debt. Suspended reduction to AB. Suspended forfeiture of \$200.00 pay. Fourteen days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 25 Jan 01, Vacation, Ramstein AB, Germany - Article 86. You did, on or about 15 Jan 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 2305, Ramp Services. Reduction to Airman. (No appeal) (No mitigation)

(3) 8 Jan 01, Ramstein AB, Germany - Article 86. You did, on or about 22 Dec 00, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 2305, Ramp Services. Suspended reduction to Airman. Forfeiture of \$272.00 pay, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 5 APR 02 - Threatening bodily harm against another

Airman and using indecent language.  
RIC, 12 MAR 02 - Failure to obey an order.  
LOR, 26 OCT 01 - Dereliction of duty.  
LOR/UIF, 4 JUN 01 - Late for work.  
LOR, 20 DEC 00 - Late for work.  
LOR, 14 DEC 00 - Failure to obey a lawful order.  
RIC, 30 NOV 00 - Late for work.  
RIC, 30 NOV 00 - Dereliction of duty.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (01) Mos (03) Das  
TAMS: (02) Yrs (00) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01 Apr 01.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.

9MAY06/ia

**7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)**

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

**8. ISSUES**

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

IN MY CURRENT PLACE OF RESIDENCE, JOBS AND CAREERS THRIVE ON MILITARY EXPERIENCE. BECAUSE OF MY DISCHARGE, A LOT OF THOSE JOBS/CAREERS HAVE NOT BEEN SEEN FOR ME OVER THE FOUR YEARS SINCE I SEPARATED. THAT'S FOUR YEARS WORTH OF GROWING UP AND MATURING FOR ME I HAVE A FAMILY NOW AND I NEED TO BE ABLE TO SUPPORT THEM. I ASK THAT YOU PLEASE CONSIDER UPGRADING MY DISCHARGE. I WAS YOUNG AND RECKLESS, I ADMIT MY ABILITY TO SERVE WAS IMPAIRED BY MY YOUTH AND IMMATURITY. I TRIED TO SERVE, AND WANTED TO, BUT JUST COULDN'T. ALL MY ARTICLE 15'S WERE ONLY MINOR AND ISOLATED OFFENSES. I PARTICIPATED IN SQUADRON EVENTS AND ENTERED FOR SPECIAL EVENTS, BUT I WAS CLOSE TO FINISHING MY TOUR, IT WAS UNFAIR TO GIVE ME A BAD DISCHARGE. I HAVE UNPAID BILLS WHILE I WAS IN, I NEED A BETTER JOB SO I CAN GET THOSE BILLS TAKEN CARE OF. MY TAX RETURNS WILL BE TAKEN EVERY YEAR UNTIL I GET THAT SITUATION STRAIGHT.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

**9. CERTIFICATION**

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

20060401

b. SIGNATURE

[Signature area]

**UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW**

<p><b>ARMY</b> Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See <a href="http://arba.army.pentagon.mil">http://arba.army.pentagon.mil</a>)</p>	<p><b>NAVY &amp; MARINE CORPS</b> Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023</p>	<p><b>AIR FORCE</b> SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p><b>COAST GUARD</b> Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001</p>
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DEPARTMENT OF THE AIR FORCE  
723d AIR MOBILITY SQUADRON (AMC)

FD2006-00136

MEMORANDUM FOR AIC: [REDACTED], 723 AMS

7 MAY 02

FROM: 723 AMS/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 AFPD 36-32 and AFI 36-3208, Chapter 5, paragraph 5.49, *Minor Disciplinary*. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 22 November 2000, you failed to obey a lawful order. For this incident you received a Record of Individual Counseling (RIC) dated 30 November 2000. (Atch 1a).

b. On or about 29 November 2000, without authority, you failed to go at the time prescribed to you appointed place of duty. For this incident you received a RIC dated 30 November 2000. (Atch 1b).

c. On or about 1 December 2000, without authority, you failed to go at the time prescribed to your appointed place of duty. For this incident you received a Letter of Reprimand (LOR) dated 14 December 2000. (Atch 1c).

d. On or about 13 December 2000, without authority, you failed to go at the time prescribed to your appointed place of duty. For this incident you received an LOR dated 20 December 2000. (Atch 1d).

e. On or about 22 December 2000, without authority, you failed to go at the time prescribed to your appointed place of duty. For this incident you received nonjudicial punishment dated 8 January 2001. Additionally, an Unfavorable Information File (UIF) was established and this document was placed in it. (Atch 1e).

f. On or about 15 January 2001, without authority, you failed to go at the time prescribed to your appointed place of duty. For this incident you received vacation of nonjudicial punishment dated 26 January 2001. This document was placed in your existing UIF. (Atch 1g).

g. On or about 29 January 2001, you dishonorably failed to pay a debt. For this incident you received nonjudicial punishment dated 8 May 2001. This document was placed in your existing UIF. (Atch 1h).

h. On or about 3 June 2001, without authority, you failed to go at the time prescribed to your appointed place of duty and gave a false official statement. For this incident you received an LOR dated 4 June 2001. Additionally, this document was placed in your existing UIF. (Atch 1i).

i. On or about 20 October 2001, you were derelict in the performance of your duties. For this incident you received an LOR dated 26 October 2001. (Atch 1j).

j. On or about 11 March 2002, you were derelict in the performance of your duties. For this incident you received a RIC dated 12 March 2002. (Atch 1k).

k. On or about 25 March 2002, you received a RIC thoroughly explaining your duty requirements and your reporting official. (Atch 1l).

l. On or about 22 March 2002, you threatened bodily harm on another human being and used indecent language. For this incident you received an LOR dated 5 April 2002. This document was placed in your existing UIF. (Atch 1m).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction or a 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.

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 \_\_\_\_\_, Area Defense Counsel, Ramstein AB, GE, Building 2111, DSN 480-2182/2492 on \_\_\_\_\_.** 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 10 May 02 at 0930 hours 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 in uniform with your medical records and an escort to the Ramstein AB Clinic, Physical Exams, Building 2121 on 8 MAY 02 0830 HRS for the evaluation.** If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

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 in the orderly room.

9. Although not a reason for discharge, your denial of the Air Force Good Conduct Medal (AFGCM) is an additional consideration and is therefore attached (Atch 2).

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

  
Commander

**Attachments:**

**1. Supporting Documents:**

- a. RIC, 30 Nov 00
  - b. RIC, 30 Nov 00
  - c. LOR, 14 Dec 00
  - d. LOR, 20 Dec 00
  - e. A15, 8 Jan 01
  - f. Unfavorable Information File (UIF) Summary
  - g. Vacation, 26 Jan 01
  - h. A15, 8 May 01
  - i. LOR, 4 Jun 01
  - j. LOR, 26 Oct 01
  - k. RIC, 12 Mar 02
  - l. RIC, 25 Mar 02
  - m. LOR, 5 Apr 02
- 2. Denial of AFGCM**
- 3. Airman's Receipt of Notification Memorandum**