

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 AIC	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE	GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL YES No <input checked="" type="checkbox"/> <input type="checkbox"/>		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES	A94.53	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	CASE NUMBER	
21 Nov 2006	FD-2006-00138	

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-2006-00138

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 submitted no issues and requested that the review be completed based on the available service record. 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 an Article 15, four Letters of Reprimand, and a Letter of Counseling for misconduct. He was administratively disciplined for being late for work on several occasions, unsatisfactory progress on his Career Development Courses, and dereliction of duty. 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, suspended forfeiture of pay for two months, restriction to Whiteman AFB for 14 days and 14 days of extra duty. 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 Whiteman AFB, MO on 19 Jan 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Jul 85. Enlmt Age: 18 4/12. Disch Age: 19 6/12. Educ: HS DIPL. AFQT: N/A. A-50, E-46, G-34, M-44. PAFSC: 3E431 - Utilities Systems Apprentice. DAS: 19 Jul 04.

b. Prior Sv: (1) AFRes 13 Nov 03 - 23 Feb 04 (3 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 24 Feb 04 for 4 yrs. Svd: 00 Yrs 10 Mo 26 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 27 Dec 05, Whiteman AFB, MO - Article 86. You, did, on or about 6 Dec 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Fitness Center, Building 2014. Suspended reduction to Airman. Suspended forfeiture of \$100.00 pay per month for 2 months. Restriction to the limits of Whiteman AFB, Missouri for 14 days, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 23 DEC 04 - Dereliction of duty.
LOR/UIF/CR, 17 NOV 04 - Dereliction of duty.
LOC, 15 NOV 04 - Unsatisfactory progress on Career Development Courses.
LOR, 18 AUG 04 - Late for work.
LOR, 28 JUL 04 - Late for work.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (02) Mos (07) Das
TAMS: (00) Yrs (10) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Mar 06.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. Two Character References.

9MAY06/ia



DEPARTMENT OF THE AIR FORCE
509TH CIVIL ENGINEERING SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

6 JAN 05

MEMORANDUM FOR A1C: [REDACTED]

FROM: 509 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved your service may be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 6 Dec 04, you failed to go to your appointed place of duty at the time prescribed. For this incident, you received an Article 15, dated 27 Dec 04

b. On 21 Dec 04, you failed to go to your appointed place of duty at the time prescribed. For this incident, you received a Letter of Reprimand (LOR), dated 23 Dec 04. Additionally, it was placed in your existing Unfavorable Information File (UIF).

c. On 12 Nov 04, you failed to go to your appointed place of duty at the time prescribed. For this incident, you received an LOR, dated 17 Nov 04. Additionally, a UIF was established.

d. On 8 Nov 04, you were told to stay after work and study your CDC's for an hour, which you failed to do. For this incident, you received a Letter of Counseling (LOC), dated 15 Nov 04.

e. On 18 Aug 04, you failed to go to your appointed place of duty at the time prescribed. For this incident, you received an LOR, dated 18 Aug 04.

f. On 27 Jul 04, you failed to go to your appointed place of duty at the time prescribed. For this incident, you received an LOR, dated 28 Jul 04.

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 convening authority 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 the Area Defense Counsel in Bldg 509 on

6 JAN 05 at 1100. You may also consult civilian counsel at your own expense.

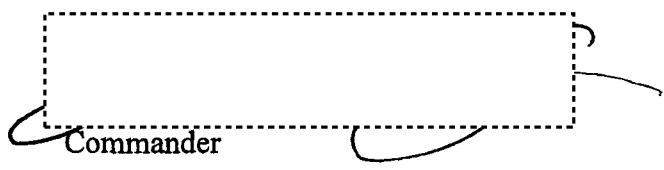
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 12 JAN 05 / 1100 unless you request and receive an extension for good cause shown. I will forward your statements to the separation authority.

6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your rights to do so.

7. You have been scheduled for a medical examination. You must report to Family Practice at _____ on _____ 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 in your unit's Commander Support Staff.

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


Commander

Attachments:

1. Supporting documents --for the reason for discharge:

- a. Article 15, dated 27 Dec 04
- b. LOR/UIF, dated 23 Dec 04
- c. LOR/UIF, dated 17 Nov 04
- d. LOC, dated 15 Nov 04
- e. LOR, dated 18 Aug 04
- f. LOR, dated 28 Jul 04

2. Documents containing derogatory information -- which are not listed in the notification memorandum as the basis for discharge: None

3. Airman's receipt of notification memorandum, dated 6 JAN 05