

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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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 dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A01.00 A95.00	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 14 Nov 2006	CASE NUMBER FD-2006-00143	
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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: 11/17/2006
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-2006-00143

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 to identify an inequity or impropriety in his discharge. However, he cited his desire to apply for a job with the Henderson Police Department and requested upgrade to increase his chances for acceptance by the police department. 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 Letter of Reprimand, and a Record of Individual Counseling for misconduct. He was administratively disciplined with a Letter of Reprimand and Record of Individual Counseling for missing four appointments at Life Skills and missing an appointment for a Wire Chaffing Class. The applicant had further misconduct and received his first Article 15 for being absent from his appointed place of duty. He was reduced in grade to Airman, required to perform 45 days of extra duty and received a reprimand. His second Article 15 was for being absent from his place of duty, on divers occasions failed to go to appointed place of duty, impersonating an agent from the Office of Special Investigations, and for wrongful appropriation of a Security Forces badge. For this misconduct, he was reduced in grade to Airman Basic, restricted to the limits of Nellis AFB for 45 days, and required to perform 45 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Nellis AFB, NV on 14 Apr 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Sep 83. Enlmt Age: 17 7/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-67, E-79, G-64, M-64. PAFSC: 2A332 - Avionics Systems Apprentice. DAS: 14 Apr 03.

b. Prior Sv: (1) AFRes 12 Apr 01 - 3 Jun 02 (1 yr 1 mo 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Jun 02 for 6 yrs. Svd: 01 Yrs 10 Mo 12 Das, of which AMS is 1 Yr 10 Mos 7 Das (excludes 5 days lost time).

b. Grade Status: AB - 18 Mar 04 (Article 15, 18 Mar 04)
Amn - 5 Mar 04 (Article 15, 5 Mar 04)
A1C - 24 Jul 02

c. Time Lost: 9 Feb 04 thru 11 Feb 04 & 13 Feb 04 thru 16 Feb 04 (5 days).

d. Art 15's: (1) 18 Mar 04, Nellis AFB, NV - Article 86. You did, on or about 12 Feb 04, without authority, absent yourself from your place of duty at which you were required to be, to wit: Dormitory building #706, located at Nellis AFB, NV, and did remain so absent until on or about 17 Feb 04. You did, on divers occasions between on or about 20 Feb 04 and on or about 7 Mar 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 57 AMXS Building #295. Article 134. You did, at or near Las Vegas, Nevada, on or about 27 Oct 03, wrongfully and willfully impersonate an agent from the Office of Special Investigation of the Air Force by representing yourself as an AFOSI agent to Mr. [REDACTED]. Article 121. You did, at or near Las Vegas, Nevada, on or about 18 Nov 03, wrongfully appropriate a Security Forces badge, of a value of about \$55.00, the property of Amn [REDACTED]. Reduction to AB, restriction to the limits of Nellis AFB, Nevada for 45 days, and 45 days extra duty. (No appeal) (No mitigation)

(2) 5 Mar 04, Nellis AFB, NV - Article 86. You did, on or about 9 Feb 04, without authority, absent yourself from your place at which you were required to be, to wit: Building #706, located at Nellis AFB, NV, and did remain so absent until on or about 11 Feb 04. Reduction to Amn, 45 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 20 JAN 04 - Missed four appointment.
RIC, 14 AUG 03 - Missed appointment.

f. CM: None.

g. Record of SV: None.

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

i. Stmt of Sv: TMS: (02) Yrs (11) Mos (28) Das
TAMS: (01) Yrs (10) Mos (07) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Feb 06.
(Change Discharge to Honorable)

Issue 1: I want to apply for the Henderson Police Department in Henderson Nevada. This cahnge (sic) will help my chance of being accepted into the police department. I would greatly apperciate (sic) your reviewing my discharge. I have currently be making great improvements in my personal and professional life. Thank you and God bless America.

ATCH

1. DD Form 214.

18JUL06/ia



DEPARTMENT OF THE AIR FORCE
57th AIRCRAFT MAINTENANCE SQUADRON (ACC)
NELLIS AIR FORCE BASE, NEVADA

FD 2006-00143

31 MAR 04

MEMORANDUM FOR AB: _____, 57 AMXS

FROM: 57 CMS/CC

SUBJECT: Notification Memorandum - Administrative Discharge AFI 36-3208

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, *Administration Separation of Airmen*, paragraph 5.49. 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 14 Aug 03, you failed to arrive to a scheduled class on time. For your actions, you received a Record of Individual Counseling (ROIC) on 14 Aug 03;

b. On or about 22 Oct 03, 28 Oct 03, 13 Nov 03, and 16 Jan 04, you missed scheduled appointments at Life Skills. For your actions, you received a Letter of Reprimand (LOR) on 20 Jan 04;

c. You did, on or about 9 Feb 04, without authority, absent yourself from your place of duty at which you were required to be, to wit: Bldg #706, located at Nellis AFB, NV, and did remain so absent until on or about 11 Feb 04. For your actions, you were punished under Article 15, Uniform Code of Military Justice (UCMJ) on 05 Mar 04 consisting of reduction to the grade of airman, 45 days extra duty and a reprimand;

d. You did, on or about 12 Feb 04, without authority, absent yourself from your place of duty at which you were required to be, to wit: Bldg #706, located at Nellis AFB, NV, and did remain so absent until on or about 17 Feb 04. For your actions, you were punished under Article 15, UCMJ, on 18 Mar 04 consisting of reduction to the grade of airman basic, restriction to Nellis AFB, NV for 45 days, 45 days extra duty, and Unfavorable Information File (UIF) was established;

e. You did, at or near Nellis AFB, NV, on divers occasions between on or about 20 Feb 04 and on or about 7 Mar 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 57 AMXS Bldg #295. For your actions, you were punished under Article 15, UCMJ, on 18 Mar 04 consisting of reduction to the grade of airman basic, restriction to Nellis AFB, NV for 45 days, 45 days extra duty, and this action was placed in your existing UIF;

f. You did, at or near Las Vegas, NV, on or about 27 Oct 03, wrongfully and willfully impersonate an agent from the Office of Special Investigations of the Air Force by representing yourself as an AFOSI agent to Mr. [REDACTED]. For your actions, you were punished under Article 15, UCMJ, on 18 Mar 04 consisting of reduction to the grade of airman basic, restriction to Nellis AFB, NV for 45 days, 45 days extra duty, and this action was placed in your existing UIF;

g. You did, at or near Las Vegas, NV, on or about 18 Nov 03, wrongfully appropriate a Security Forces badge, of a value of about \$55.00, the property of Airman [REDACTED]. For your actions, you were punished under Article 15, UCMJ, on 18 Mar 04 consisting of reduction to the grade of airman basic, restriction to Nellis AFB, NV for 45 days, 45 days extra duty, and this action was placed in your existing UIF.

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 and will probably be denied enlistment in any component of the Armed Forces.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel at Bldg 625 on 31 MAR at 1400 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. You have three (3) duty days from the date/time served to submit statements in your behalf. Any statements you want the separation authority to consider must reach me by 5 APR 04 at 1045 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. In the event the commander exercising special court-martial jurisdiction or a higher authority approves your discharge, separations will out-process you. Your initial separations briefing is scheduled for 1 APR on 0900 hrs.

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

8. You have been scheduled for a medical examination at the 99th Medical Group on 1 APR at 1300 hrs.

9. 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 Orderly Room.

FD 2006-00143

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



Commander

Attachments:

1. ROIC, dtd 14 Aug 03
2. LOR, dtd 20 Jan 04
3. Article 15, dtd 05 Mar 04
4. Article 15, dtd 18 Mar 04
5. AF Form 1137