

## 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 <b>AIC</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>			
TYPE	GEN	PERSONAL APPEARANCE	X RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No	NAME OF COUNSEL AND OR ORGANIZATION				
	<b>X</b>					
<b>MEMBER SITTING</b> <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UOTIC	OTHER	DENY
						X*+
						X*+
						X*+
						X*+
ISSUES <b>A94.53</b>		INDEX NUMBER <b>A67.10</b>				
		<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
		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 <b>08 Feb 2007</b>		CASE NUMBER <b>FD-2005-00021</b>				

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.

\* Reason and Authority  
+ Reenlistment Code

<b>INDORSEMENT</b>	<b>DATE: 2/12/2007</b>
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-2005-00021**

**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 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. He expressed his desire for upgrade of discharge to allow for reenlistment into the armed forces. 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, a Vacation, two Letters of Reprimand, five Records of Individual Counseling and four Memorandums for Record for misconduct. The applicant received an Article 15 for failure to obey an order to not drive while on a suspended driver's license and for falsely altering the birth date on a military identification card. He was punished with a suspended reduction in grade to Airman, forfeiture of \$250.00 pay for two months, restriction to Shaw AFB for 30 days, and 30 days of extra duty. He was reduced in grade to Airman as a result of a Vacation action for failing to refrain from using alcohol while under the age of 21. Applicant had additional misconduct and was administratively disciplined for financial irresponsibility, dereliction of duty, being late for work, failure to make progress on CDC's, and failure to obey a direct order. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Shaw AFB, SC on 6 Feb 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 31 Jan 83. Enlmt Age: 18 4/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-50, E-62, G-48, M-67. PAFSC: 2T334 - General Purpose Vehicle Mechanic Apprentice. DAS: 27 Dec 01.

b. Prior Sv: (1) AFRes 12 Jun 01 - 23 Jul 01 (1 month 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Jul 01 for 6 yrs. Svd: 01 Yrs 06 Mo 13 Das, all AMS.

b. Grade Status: Amn - 6 Jun 02 (Vacation of Article 15, 1 Aug 02)  
A1C - 10 Sep 01

c. Time Lost: None.

d. Art 15's: (1) 01 Aug 02, Vacation, Shaw AFB, SC - Article 92. You, who knew of your duties, on or about 11 Jul 02, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the age of twenty-one, as it was your duty to do. Reduction to Airman. (No appeal) (No mitigation)

(2) 06 Jun 02, Shaw AFB, SC - Article 92. You, having knowledge of a lawful order issued by SSgt [redacted] [redacted] not to drive due to a suspended driver's license, an order which it was your duty to obey, did, on or about 18 May 02, fail to obey the same by wrongfully driving on a suspended driver's license. You, having knowledge of a lawful order issued by SMSgt [redacted] not to drive due to a suspended driver's license, an order which it was your duty to obey, did, on or about 18 May 02, fail to obey the same by wrongfully driving on a suspended driver's license. Article 134. You did, on or about 6 May 02, wrongfully and falsely alter by writing on and scratching over the birthdate on a military identification card in words and figures as follows: causing the birthdate to be illegible. Suspended reduction to Airman. Forfeiture of \$250.00

pay per month for 2 months, restriction to Shaw AFB, SC for 30 days, and 30 days extra duty. (Appeal/Denied) (No mitigation)

Additional: MFR, 05 DEC 02 - Financial Irresponsibility.  
RIC, 09 OCT 02 - Dereliction of duty.  
RIC, 13 SEP 02 - Late for duty.  
RIC, 12 SEP 02 - Late for work.  
RIC, 06 SEP 02 - Late for work.  
MFR, 06 SEP 02 - Failure to make progress on CDCs.  
RIC, 04 SEP 02 - Dereliction of duty.  
LOR/UIF, 05 AUG 02 - Failure to obey a direct order.  
MFR, 04 AUG 02 - Financial Irresponsibility.  
LOR/UIF, 29 JUL 02 - Failure to go.  
MFR, 11 JUN 02 - Late for work.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (01) Yrs (07) Mos (25) Das  
TAMS: (01) Yrs (06) Mos (13) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01 Aug 06.  
(Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214.

11SEP06/ia

FD 2005-00021

August 8, 2006

Dear Board of Corrections,

In December 2004, I attempted to re-enlist in the US Military in Chicago IL. After meeting all requirements with the Recruiter and MEPS, I was prepared to sign my contract. However, it was brought to my attention that the MEPS computer records do not match my DD 214, that states my re-entry code is a 3A. Their records show my re-entry code is a 4H which is not eligible for re-enlistment. I am requesting that my re-entry code in the MEPS records be updated to match the enclosed, sealed DD 214 that I requested from the National Personnel Records Center. This is very important to me because I am ready and willing to serve my country again. This request comes to you so that I may be eligible for re-enlistment into the US military. Thank you for your time and consideration in this important matter.

Sincerely,





DEPARTMENT OF THE AIR FORCE  
20th FIGHTER WING (ACC)  
SHAW AIR FORCE BASE, SOUTH CAROLINA

FD2006-00021

21 JAN 03

MEMORANDUM FOR AMN: [REDACTED]

FROM: 20 LRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, minor disciplinary infractions. The authority for this action is AFI 36-3208, *Administrative Separation of Airmen*, chapter 5, paragraph 5.49. If my recommendation is approved, your discharge will be characterized as Honorable or Under Honorable Conditions (General). I recommend your discharge be characterized as General.

2. My reasons for this action are:

a. On or about 5 Aug 02, you failed to obey a direct order given to you by 1<sup>st</sup> Lt [REDACTED] in that you did not display the proper rank on your uniform. For this act of misconduct, you received a Letter of Reprimand (LOR), dated 5 Aug 02. Additionally, this document was placed in your Unfavorable Information File (UIF) on 6 Sep 02.

b. On or about 25 Jul 02, you failed to terminate your approved leave in the local area. For this act of misconduct, you received an LOR, dated 29 Jul 02. Additionally, this document was placed in your UIF on 6 Sep 02.

c. On or about 11 Jul 02, you failed to refrain from drinking alcoholic beverages while under the age of twenty-one. For this act of misconduct, your previously suspended reduction to the grade of Airman was vacated on 1 Aug 02.

d. On or about 18 May 02, you failed to obey a direct order given to you by SSgt Thomas Vibert to refrain from operating a vehicle due to your license being suspended. Additionally, you wrongfully altered your military identification causing the birth date to be illegible. For this act of misconduct, you received Article 15 nonjudicial punishment action, dated 6 Jun 02. Punishment consisted of a suspended reduction to the grade of Airman, forfeiture of \$250.00 pay per month for two months, restriction to Shaw Air Force Base, South Carolina for 30 days, and 30 days extra duty. This document was placed in your UIF on 6 Sep 02.

The documents listed above are located under Tab 4.

3. In addition to the above reasons for discharge, your file also reflects five Letters of Counseling, dating from 4 Sep 02 thru 9 Oct 02, for failing to properly store tools and failing to report for duty at the time prescribed. Four Memoranda for Record, dating from 11 Jun 02 thru 5 Dec 02, documenting financial irresponsibility, failure to make progress in your CDCs, and failure to report for duty at the time prescribed.

*Global Power For America*

4. 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 not be allowed to enlist in any other branch of the armed forces.

5. 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 Capt. [redacted] Area Defense Counsel, 895-9530, on 21 Jan 03, at 0900 hours. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three days after receipt of the notification memorandum, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

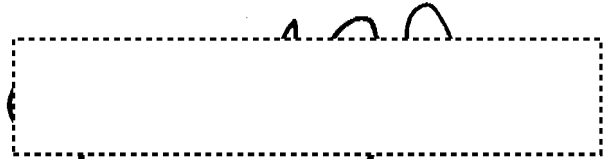
7. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

8. You are scheduled for your final out-processing medical examination on \_\_\_ Jan 03 at \_\_\_ hours. You will report to Primary Care, located in the Shaw AFB Hospital, at the time prescribed. This appointment is mandatory. If you must reschedule, contact your unit First Sergeant to reschedule the appointment for you. This examination must be carried out within 48 hours of the original appointment if the date must be rescheduled.

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 the orderly room.

10. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies that you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge, unless the reason is homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

11. Execute the attached acknowledgment, and return it to me immediately.

  
Commander

16 Attachments:

- 1. LOR, dated 5 Aug 02 (Tab 4)
- 2. AF Form 1058, dated 6 Sep 02 (Tab 4)
- 3. LOR, dated 29 Jul 02 (Tab 4)
- 4. AF Form 1058, dated 6 Sep 02 (Tab 4)
- 5. AF Form 366, dated 1 Aug 02 (Tab 4)
- 6. AF Form 3070, dated 6 Jun 02 (Tab 4)
- 7. AF Form 1058, dated 6 Sep 02 (Tab 4)
- 8. MFR, dated 5 Dec 02 (Tab 4a)
- 9. LOC, dated 9 Oct 02 (Tab 4a)
- 10. LOC, dated 13 Sep 02 (Tab 4a)
- 11. LOC, dated 12 Sep 02 (Tab 4a)
- 12. LOC, dated 6 Sep 02 (Tab 4a)
- 13. MFR, dated 6 Sep 02 (Tab 4a)
- 14. LOC, dated 4 Sep 02 (Tab 4a)
- 15. MFR, dated 4 Aug 02 (Tab 4a)
- 16. Respondent's Submission (Tab 7)