

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 A01.01	INDEX NUMBER A67.10 A67.05	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 25 Jan 2007	CASE NUMBER FD-2005-00351	
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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 TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 2/6/2007 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00351

GENERAL: The applicant appeals for upgrade of discharge to honorable and change reason for the discharge.

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 and change of reason for discharge are 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.

ISSUES: Applicant received a General discharge for Misconduct--Minor Disciplinary Infractions

ISSUE 1: Applicant contends that he was told by leadership he was going to receive an entry level separation, but due to the mishandling of his paperwork the result was a General discharge. The records indicate that during the timeframe of Jan-Apr 04 the applicant received a Record of Individual Counseling for failing a dorm inspection, a Letter of Counseling for failure to go to a mandatory study period, a Letter of Reprimand for failure to go to a hair cut inspection, and two Article 15s--1) for underage drinking and making a false statement and 2) failure to wear appropriate uniform in Phase I, specifically went off base from 1000-0200 and wore civilian clothing; in addition failure to go to mandatory Substance Abuse class. The records show a statement from the squadron commander recommending the applicant be removed from training and discharged. Commander also stated that the applicant was unable to adapt to military way of life and not a candidate for reclassification or retention. After thorough review of the records, the Board found no inequity or impropriety and concluded that the characterization of the discharge received was appropriate.

ISSUE 2: Applicant contends that he was promised things but they were unfulfilled by the Air Force--1) not getting the job he wanted, 2) not getting the assignment he wanted and 3) not receiving the Sign In Bonus of \$6,000.00 for enlisting into Tactical Aircraft Maintenance career field. The Board was sympathetic to the impact these unfulfilled promises has affected the applicant, but is not a matter of inequity or impropriety which would warrant an upgrade.

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

[REDACTED] (Former AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Sheppard AFB, TX on 29 Apr 04 UP AFI 36-3208, para 5-49 - (Misconduct - Minor Disciplinary Infractions). Appeals for Entry Level Separation Discharge.

2. **BACKGROUND:**

a. DOB: 20 Mar 85. Enlmt Age: 18 2/12. Disch Age: 19 1/12. Educ: HS DIPL. AFQT: N/A. A-50, E-53, G-52, M-44. PAFSC: 2A313B - Tactical Aircraft Maintenance Helper. DAS: 17 Nov 03.

b. Prior Sv: (1) AFRes 19 Jun 03 - 30 Sep 03 (3 mos 12 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Oct 03 for 6 years. Svd: 00 Yrs 06 Mo 29 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 5 Apr 04, Sheppard AFB, TX - Article 86. You did, on or about 22 March 2004, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: mandatory education class at the Substance Abuse Clinic. Article 92. You, who knew or should have known of your duties, on or about 21 Mar 04, were derelict in the performance of those duties in that you willfully failed to wear the appropriate uniform while in Phase 1, as it was your duty to do. Forfeiture of \$246.00 pay. (No appeal) (No mitigation)

(2) 3 Mar 04, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 31 Jan 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal drinking age of 21, as it was your duty to do. Article 107. You did, on or about 31 Jan 04, with intent to deceive, make to SSgt [REDACTED] an official statement, to wit: that you did not have a military identification card, which statement was totally false, and was then known by you to be so false. Forfeiture of \$350.00 pay per month for 2 months and a reprimand. (No appeal) (No mitigation)

e. Additional: AETC FM 125A, 31 MAR 04 - Disenrollment from Training.
LOR, 8 MAR 04 - Reported to Commander needing a haircut,
ordered to get haircut and failed to do so.
LOC, 17 FEB 04 - Failure to go.
RIC, 15 JAN 04 - Room inspection failure.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (00) Yrs (10) Mos (11) Das
TAMS: (00) Yrs (06) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Jul 05.
(Change Discharge to Entry Level Separation.)

ISSUES ARE ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

17Oct04/day

RECEIVED [redacted]

July 25, 2005

2005 JUL 29 PM 12:12
GREAT FALLS OFFICE

[redacted]

03

Dear Sen.: [redacted]

I would like to have my General Discharge (Under Honorable Conditions) upgraded to an ELS (Entry Level Separation). I was told by my MTL's (Military Training Leader's) that I would receive an ELS, however their failure to process my paperwork in a timely manner resulted in a General Discharge. An ELS is given if you Separate from the Military within 6 Months of Joining. I was separated at 7 Months of being in the Military.

~~In order to recruit me and before entering the Air Force I was promised many things that I did not receive, part of the reason why I did not want to be in the Military anymore. At Butte MEPS, I was told to write down three of the things that interested me, that I wanted to make a career out of. So I gave them three things. I was not able to get any of them and they assigned me to a different Job. They told me what a great job it was and that I would really love it and that the Sign in Bonus was \$6,000. Originally I joined the United States Air Force to defend my country and get an education. My recruiter had said I could go to college and do my job no problem, and while I was in, college would be paid for in full. The job I received made it almost impossible to go to college and be in the Air Force at the same time. This I did not find out until after Basic Training. I asked if I could get stationed somewhere near the West coast with this job so I could go home and help my single mom on the Ranch once in a while as she had two broken legs at the time and needed my help. They said yes I could put down five places where I wanted to go and was guaranteed to get one of those five places. I was also promised higher rank and pay if I signed up for an additional two years. With the loans I had out I really could have used the extra money.~~

Once I completed Basic Training I was Stationed in Shaw AFB South Carolina far from Home. I did not receive the sign in bonus promised. The higher pay offered for signing up for an extra two years was not given to me either instead they said that I do not get that extra pay and rank until 3 years of service.

These unfulfilled promises show me the way the USAF operates. I signed up based on the promises made to me. I do not wish to be a part of an organization lacking honesty and integrity. It is for this reason that I believe I deserve to be upgraded from a General Discharge to the Entry level Separation. I would have received the ELS if not for the MTL's failure to file my paperwork in a timely manner. I believe the "General Discharge" status on my DD 214, will hinder all future attempts for my employment.

Sincerely,

[redacted]



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

APR 21 2004

MEMORANDUM FOR AB: [REDACTED] 362 TRS

FROM: 362 TRS/CCQ

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, paragraph 5.49. If my recommendation is approved, your service will 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. You did, at or near Sheppard AFB TX, on or about 22 Mar 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: mandatory education class at the Substance Abuse Clinic. For this misconduct and subparagraph "b" below you received Article 15 punishment on 5 Apr 04.

b. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 21 Mar 04, were derelict in the performance of those duties in that you willfully failed to wear the appropriate uniform while in phase I, as it was your duty to do.

c. You did, at or near Sheppard AFB TX, on or about 5 Mar 04, without authority, fail to go at the time prescribed to your appointed place of duty to wit: MSgt [REDACTED] office for haircut inspection. For this misconduct, you received a Letter of Reprimand (LOR) on 8 Mar 04.

d. You did, at or near Sheppard AFB TX, on or about 10 Feb 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Mandatory Study. For this misconduct you received a Letter of Counseling (LOC) on 17 Feb 04.

e. You, who knew or should have know of your duties at or near Sheppard AFB TX, on or about 31 Jan 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the legal drinking age of 21, as it was your duty to do. For this misconduct and subparagraph "f" below you received Article 15 punishment on 3 Mar 04.

f. You did, at or near Sheppard AFB TX, on or about 31 Jan 04, with intent to deceive, make to SSgt [REDACTED] an official statement, to wit: that you did not have a military identification card, which statement was totally false, and was then known by you to be so false.

g. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 14 Jan 04, were derelict in the performance of those duties in that you willfully failed to keep your dormitory room in inspection order at all times, as it was your duty to do. For this misconduct you received an AF Form 174, Record of Individual Counseling, on 15 Jan 04.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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. Any special pay, bonus, or education assistance funds may be subject to recoupment.

3. 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 Maj at building 1638 on 21 Apr 04 at 1400. You may consult civilian counsel at your own expense.

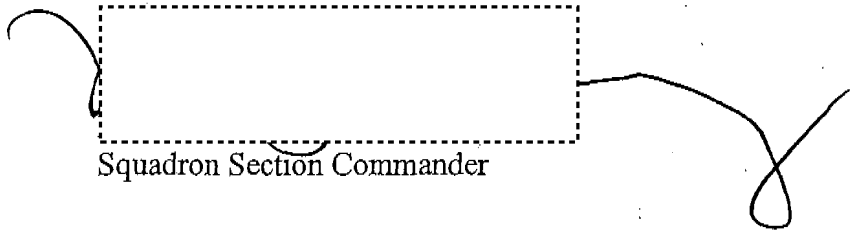
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 26 Apr 04 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the 82d Medical Group, Bldg 1200, Physical Examinations, at 0945 on 1 Apr 04.

7. 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 Commander's Support Staff Office.

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


Squadron Section Commander

Attachments: (listed on the next page)

Attachments:

1. AF Form 3070, 5 Apr 04
2. Response to Article 15, 2 April 04
3. AF Form 1168, AB: [redacted] 22 Mar 04
4. AF Form 1168, TSgt [redacted] 21 Mar 04
5. 82 MDOS/SGOHA Memo, 19 Apr 04
6. LOR, 8 Mar 04
7. LOC, 17 Feb 04
8. AF Form 3070, 3 Mar 04
9. Response to Article 15, 25 Feb 04 w/1 atch
10. AF Form 1168, AB: [redacted] 4 Feb 04
11. AF Form 1168, SSgt: [redacted], 31 Jan 04
12. 82 SFS/CSF Memo, 4 Feb 04
13. DD Form 2708, 4 Feb 04
14. AF Form 174, 15 Jan 04
15. AETC Form 125A, 31 Mar 04
16. Student Training Report, 04030
17. AETC Form 173, 4 Feb 04
18. AETC Form 173, 21 Jan 04
19. LAFB Form 205, 17 Nov 03
20. Airman's Receipt to Notification Memorandum *wd*