

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE AB	AFSN/SSAN _____
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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 A94.05	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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
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HEARING DATE 11 Jan 2007	CASE NUMBER FD-2006-00105
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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.

* Reason and Authority
+ Reenlistment Code

SIGNATURE OF RECORDER _____	SIGNATURE OF BOARD PRESIDENT _____
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INDORSEMENT	DATE: 1/24/2007
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

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 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:

Issue 1. Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He has expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The records indicated the applicant received two Article 15's for misconduct. The first Article 15 was for receiving an order to report to Bolling AFB Clinic for a urinalysis and failed to report; and for making a false statement that he reported for the urinalysis testing. He was punished with a reduction in grade to Airman. His second Article 15 was for failure to go to appointed place of duty; and for making a false official statement with intent to deceive. He was disciplined with a reduction in grade to Airman Basic. 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.

Issue 2. Applicant contends that he should not be penalized indefinitely for mistakes he made when young. The DRB recognized the applicant was 21 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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 Bolling AFB, DC on 21 Sep 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for an Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 10 Sep 79. Enlmt Age: 18 0/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-61, E-68, G-64, M-56. PAFSC: 8G000 - United States Honor Guard. DAS: 20 Jul 98.

b. Prior Sv: (1) AFRes 20 Sep 97 - 2 Jun 98 (8 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Jun 98 for 4 yrs. Svd: 02 Yrs 03 Mo 19 Das, all AMS.

b. Grade Status: AB - 9 Aug 00 (Article 15, 9 Aug 00)
Amn - 8 Mar 00 (Article 15, 8 Mar 00)
A1C - Unknown
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 9 Aug 00, Bolling AFB, DC - Article 86. You did, within the continental United States, on or about 12 Jul 00, without authority, fail to go at the time prescribe to your appointed place of duty, to wit: Bldg 48 Duncan Ave, Bolling AFB, Washington, DC. Article 107. You did, between on or about 11 Jul 00 and on or about 12 Jul 00, with intent to deceive, make to SSgt [] an official statement, to wit: you had an appointment in the morning to have blood drawn for your retraining, which statement was totally false, and was then known by you to be so false. Reduction to AB. (No appeal) (No mitigation)

(2) 8 Mar 00, Bolling AFB, DC - Article 92. You, having knowledge of a lawful order, issued by Major [] to report to the Bolling AFB, DC, Bolling Clinic, building 17, for a urinalysis, an order which it was your duty to obey, did, on or about 16 Dec 99, fail to obey the same by wrongfully failing to report to the Bolling Clinic, building number 17 on the date prescribed. Article 107. You, did, on or about 16 Dec

99, with intent to deceive, make to Capt [] (then First Lieutenant []) an official statement, to wit: I did report for urinalysis testing, which statement was totally, and then known by you to be so false. Reduction to Airman. (No appeal) (No mitigation)

- e. Additional: None.
- f. CM: None.
- g. Record of SV: 3 Jun 98 - 3 Feb 00 Bolling AFB 2 (Initial)REF
- h. Awards & Decs: AFTR, AFOUA.
- i. Stmt of Sv: TMS: (03) Yrs (00) Mos (02) Das
TAMS: (02) Yrs (03) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Mar 06.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I would like to upgrade my discharge type and re-enlistment code to allow me the opportunity to re-enter active duty and continue my military career.

ATCH

- 1. Written Response to Article 15 Proceedings.
- 2. Article 15, 8 Mar 00.
- 3. Article 15, 9 Aug 00.
- 4. DD Form 214.
- 5. Four Letters of Appreciation.
- 6. Seven Letters of Support.

26MAY06/ia



DEPARTMENT OF THE AIR FORCE
11TH WING

FD2006-00105



30 Aug 00

MEMORANDUM FOR AB: [REDACTED], 462-59-9456
USAF HG

FROM: USAF HG/CC
50 Duncan Avenue
Bolling AFB DC 20332-0203

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 general. I am recommending that your service be characterized as General without probation and rehabilitation.

2. My reasons for this action are:

a. You did, having knowledge of a lawful order, issued by Major [REDACTED] on 16 December 1999, to report to the Bolling Air Force Base, Washington, District of Columbia, Bolling Clinic, building number 17, for a urinalysis, an order which it was your duty to obey.

You did at or near building number 49, Ceremonial Hall, Bolling Air Force Base, Washington, District of Columbia, on or about 16 December 1999, fail to obey the same by wrongfully failing to report to the Bolling Air Force Base, Washington, District of Columbia, Bolling Clinic, building number 17 on the date prescribed. For these offenses, you received nonjudicial punishment under Article 15, UCMJ, dated 8 March 2000.

b. You did, within the continental United States, on or about 12 July 2000, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 48 Duncan Ave, Bolling AFB, Washington, District of Columbia. For these offenses, you received nonjudicial punishment under Article 15, UCMJ, dated 9 August 2000.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. 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 counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel, Bldg 4, Bolling AFB DC, (202) 404-6580 on 30 August 2000, at 0900 hours. You may consult civilian counsel at your own expense.
5. You have been scheduled for a medical examination. You must report to the Bolling AFB Clinic, Annex Bldg 17, at 0945 hours on 31 August 2000 for the examination.
6. You have the right to submit a statement on your own behalf. Any statements you want the separation authority to consider must reach me within 3 duty days of receipt of this notification, unless you request and receive an approved extension. I will send any documents you submit to the separation authority.
7. If you fail to consult counsel or to submit statements on your behalf, your failure will constitute a waiver of your right to do so.
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 orderly room.



Commander, USAF Honor Guard

Attachments:

1. Article 15, dtd 8 Mar 00
2. Article 15, dtd 9 Aug 00