

**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%; margin-top: 5px;"></div>	GRADE <b>AB</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>
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TYPE GEN	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<b>X</b>	

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

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; padding: 2px;"><b>1</b></td><td style="padding: 2px;">ORDER APPOINTING THE BOARD</td></tr> <tr><td style="width:5%; padding: 2px;"><b>2</b></td><td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="width:5%; padding: 2px;"><b>3</b></td><td style="padding: 2px;">LETTER OF NOTIFICATION</td></tr> <tr><td style="width:5%; padding: 2px;"><b>4</b></td><td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td></tr> <tr><td style="width:5%; padding: 2px;"></td><td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td style="width:5%; padding: 2px;"></td><td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td style="width:5%; padding: 2px;"></td><td style="padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	<b>1</b>	ORDER APPOINTING THE BOARD	<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	<b>3</b>	LETTER OF NOTIFICATION	<b>4</b>	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 <b>11 Jan 2007</b>	CASE NUMBER <b>FD-2006-00114</b>	
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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.

- \* Reason and Authority
- + Reenlistment Code

**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

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2006-00114**

**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:**

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, a Vacation, and three Letters of Reprimand for misconduct. The applicant received his first Article 15 for being absent from his unit. He was reduced in grade to Airman, forfeited pay for two months (one month suspended), restriction for 30 days, and a reprimand. A Vacation action was received for failure to go to appointed place of duty and dereliction of duty. He was punished with a forfeiture of pay. His second Article 15 was for being absent from his unit for fifteen days and violation of a general instruction. He was punished with a reduction in grade to Airman Basic and 14 days of extra duty. The applicant had additional misconduct and was administratively disciplined for Phase violations and being late for work. 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 Davis-Monthan AFB, AZ on 17 Jan 03 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: 3 Jul 84. Enlmt Age: 17 0/12. Disch Age: 18 6/12. Educ: HS DIPL. AFQT: N/A. A-81, E-64, G-70, M-67. PAFSC: 2A733 - Aircraft Structural Maintenance Apprentice. DAS: 2 Jan 03.

b. Prior Sv: (1) AFRes 20 Jul 01 - 4 Jun 02 (10 months 15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C on 5 Jun 02 for 6 yrs. Svd: 00 Yrs 07 Mo 13 Das, all AMS.

b. Grade Status: AB - 9 Jan 03 (Art 15, 9 Jan 03)  
Amn - 5 Nov 02

c. Time Lost: None.

d. Art 15's: (1) 9 Jan 03, Davis-Monthan AFB, AZ - Article 86. You did, on or about 16 Dec 02, without authority, absent yourself from your organization, to wit: the 355<sup>th</sup> Equipment Maintenance Squadron, located at Davis-Monthan AFB, AZ, and did remain so absent until on or about 31 Dec 02. Article 92. You, having knowledge of a lawful order by SMSgt [redacted], to wit: you will contact SMSgt [redacted], an order which it was your duty to obey, did, on or about 31 Dec 02, fail to obey the same by failing to contact SMSgt [redacted]. You did, on or about 2 Jan 03, violate a lawful general regulation, to wit: AFI 36-2903, dated 1 Nov 01, by reporting to SMSgt [redacted] office wearing a uniform with no rank insignia and without a name tag. Reduction to AB, and 14 days extra duty. (No appeal) (No mitigation)

(2) 5 Dec 02, Vacation, NAS Pensacola, FL - Article 86. You did, at or near NAS Pensacola, Florida, on or about 13 Nov 02 and on or about 14 Nov 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: physical conditioning. Article 92. You, who knew or should have known of your duties

at or near NAS Pensacola, Florida, on or about 20 Nov 02, were derelict in the performance of those duties in that you willfully failed to adhere to call to quarters, as it was your duty to do. Forfeiture of \$350.00 pay. (No appeal) (No mitigation)

(3) 5 Nov 02, NAS Pensacola, FL - Article 86. You did, on or about 12 Oct 02, without authority, absent yourself from your unit, to wit: 361<sup>st</sup> Training Squadron Detachment 2, located at NAS Pensacola, Florida, and did remain so absent until on or about 14 Oct 02. Reduction to Airman, forfeiture of \$350.00 pay per month for 2 months (forfeiture in excess of \$350.00 pay per month for 1 month suspended). Restriction for 30 days, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR/UIF, 4 JAN 03 - Late for work 2 1/2 hours.  
LOR/UIF, 7 OCT 02 - Phase 1 violation and failure to go.  
LOR, 3 OCT 02 - Phase violation and late for formation for the third time.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR, NDSM.
- i. Stmt of Sv: TMS: (01) Yrs (05) Mos (28) Das  
TAMS: (00) Yrs (07) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Mar 06.  
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I got in trouble and got a couple of Article 15's (sic) for not being in my room. I believe they thought I was a trouble maker. They gave me extra duty and seemed to be picking on me. I was five minutes late one day and they would not let leave (sic) the shop. I had to sleep there for a week. I talked to the Major and told him I was immature and if they released me maybe I would come back after I was older and more mature, but they gave me an re-code that bars me from service. I want to go back in and prove I can serve my country honorably and stay out of trouble. All of my trouble was minor.

**ATCH**

- 1. DD Form 214.

26MAY06/ia



DEPARTMENT OF THE AIR FORCE  
355TH EQUIPMENT MAINTENANCE SQUADRON (ACC)  
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

FD 2006-80114

14 JAN 03

MEMORANDUM FOR AB: [REDACTED] 355 EMS

FROM: 355 EMS/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 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 your service be characterized as general.

2. My reasons for this action are:

a. On or about 3 Oct 02, you violated Air Education and Training Command (AETC) phase rules. Specifically, you were not in your room by curfew and were late for formation for the third time. As a result, you received a Letter of Reprimand (LOR) and an Unfavorable Information File (UIF) was established (Tab A).

b. On or about 6 Oct 02, you were not in your dorm room or barracks as required per AETC phase rules. You were also dressed in civilian clothes, which were not authorized to be worn during the phase of training you were in. Additionally, on or about 7 Oct 02 you failed to attend mandatory physical training. As a result, you received a LOR and an entry was made in your existing UIF (Tab B).

c. On or about 12 Oct 02, you did, without authority, absent yourself from your unit, specifically, the 361st Training Squadron, Detachment 2, Naval Air Station, Pensacola, Florida, and did remain so absent until on or about 14 Oct 02. As a result, you received punishment under Article 15 of the UCMJ and an entry was made in your existing UIF (Tab C).

d. On or about 13 Nov 02 and on or about 14 Nov 02, you did, at or near Naval Air Station, Pensacola, Florida, without authority, fail to go at the time prescribed to your appointed place of duty, specifically, physical conditioning. As a result, you received a Vacation of Suspended Nonjudicial Punishment (Tab D).

e. On or about 16 Dec 02, you did, without authority, absent yourself from your organization, the 355th Equipment Maintenance Squadron, Davis-Monthan AFB, and did remain so absent until on or about 31 Dec 02. Additionally, on or about 31 Dec 02, you, having knowledge of a lawful order by SMSgt: [REDACTED], specifically, to contact

*Global Power For America*

SMSgt: [redacted], an order which it was your duty to obey, did, at or near Davis-Monthan AFB, Arizona, fail to obey the same by failing to contact SMSgt: [redacted]. Finally, on or about 2 Jan 03, at or near Davis-Monthan AFB, Arizona, you did violate a lawful general regulation, specifically, AFI 36-2903, dated 1 Nov 01, by reporting to SMSgt: [redacted] office wearing a uniform with no rank insignia and without a name tag. As a result, you received punishment under Article 15 of the UCMJ and an entry was made in your existing UIF (Tab E).

f. On or about 4 Jan 03, you failed to go at the time prescribed to your appointed place of duty, specifically, you were ordered to report to duty at 0545 hours on Saturday, 4 Jan 03. However, you were not present until approximately 0830. As a result, you received a LOR (Tab F).

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, 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 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, Capt: [redacted] AFLSA/ADC, 228-5664, has been obtained to assist you. An appointment has been scheduled for you to consult her on 15 JAN 03 at 0800 hours in Bldg 3510. You may 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 17 JAN 03 unless you request and receive an extension for good cause shown. I will send them 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 right to do so.

7. You have been scheduled for a medical examination. You must report to your designated panel of the Aeromedical Facility, Bldg 400, at 1230 hrs on 15 JAN 03 for the examination.

8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, Bldg 3200, Rm 120, at 1000 hrs on 15 JAN 03 for the outprocessing briefing. If you have questions, please call 228-5326.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. You may contact the Area Defense Counsel to obtain a copy of AFI 36-3208.

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



Commander

**Attachments:**

**1. Supporting Documents**

- a. LOR, 3 Oct 02 (1 page), Response (1 page), AF Form 1058, (1 page), AF Form 1137 (2 pages)
- b. LOR, 7 Oct 02 (1 page), AF Form 1137 (2 pages)
- c. AF Form 3070, 5 Nov 02 (3 pages), AF Form 1137 (2 pages)
- d. AF Form 366, 5 Dec 02 (2 pages)
- e. AF Form 3070, 9 Jan 03 (3 pages), w/Evidence (9 pages)
- f. LOR, 4 Jan 03 (2 pages)