

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 A1C	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					
	X					
MEMBER SITTING <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		VOTE OF THE BOARD				
		HON	GEN	UO/HC	OTHER	DENY
						X
						X
						X
						X
ISSUES	A94.53 A93.01	INDEX NUMBER	A67.50	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	22 Feb 2007	CASE NUMBER	FD-2006-00124			

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.

INDORSEMENT		DATE: 2/23/2007
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-2006-00124

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 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:

Issue 1: The applicant submitted no issues and requested that the review be completed based on the available service record. 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. Applicant states he has matured since his discharge. He has a family and seeking government employment to better serve his country and support his wife's career. The Board was sympathetic to the impact of the discharge on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade. The record indicates the applicant received two Article 15s and three Letters of Reprimand for misconduct. The misconduct included dereliction of duty by falsely filling out a sign in/out log for lunch, signed out for the end day while it was still morning and left the duty location without permission to his residence; disclosed civil arrest for public affray, failure to notify authorities of alleged rape in dormitory, underage drinking, and making a false statement with intent to deceive the security forces investigator. The Board concluded the misconduct was a significant departure from conduct expected of all military members and that through the administrative actions given; the applicant has ample opportunities to alter his negative behavior.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Whiteman AFB, MO on 24 Oct 97 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 27 May 76. Enlmt Age: 18 3/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-39, E-52, G-55, M-32. PAFSC: 3P051 - Security Police Apprentice. DAS: 1 Feb 95.

b. Prior Sv: (1) AFRes 31 Aug 94 - 07 Sep 94 (7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Sep 94 for 4 years. Svd: 03 Yrs 01 Mo 17 Das, all AMS.

b. Grade Status: A1C - 08 Oct 97 (Article 15, 8 Oct 97)
SrA - 08 Sep 97
A1C - 08 Jan 96
Amn - 08 Mar 95

c. Time Lost: None.

d. Art 15's: (1) 8 Oct 97, Whiteman AFB, MO - Article 107. You did, on or about 13 Sep 97, with intent to deceive, make to SSgt [redacted], a security forces investigator, an official statement, to wit: that you had no knowledge of SrA [redacted] owning a 9 millimeter handgun, which statement was totally false, and was then known by you to be so false. Article 134. You did, on or about 13 Sep 97, wrongfully and unlawfully under lawful affirmantion make a false statement in substance as follows: SrA [redacted] did not own or possess a firearm, which statement you did not then believe to be true. Reduction to A1C and 7 days extra duty. (No appeal) (No mitigation)

(2) 29 Jul 96, Whiteman AFB, MO - Article 92. You, who knew of your duties, on or about 6 Jul 96, in violation of Article 92, UCMJ, was derelict in the performance of those duties in that you negligently failed to not drink until the age of 21, as it was your duty to do. Suspended reduction to Amn, restriction to Whiteman AFB for 21 days and 24 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 20 AUG 96 - Having knowledge of rape and not reporting it.
LOR, 01 AUG 96 - Convicted in civil court of Public Affray.
LOR, 23 JUL 96 - Derelict in the performance of duty.
- f. CM: None.
- g. Record of SV: 08 Sep 94 - 07 May 96 Whiteman AFB 4 (Initial)
08 May 96 - 07 May 97 Whiteman AFB 3 (Annual)
- h. Awards & Decs: AFTR, AFOUA.
- i. Stmt of Sv: TMS: (03) Yrs (01) Mos (24) Das
TAMS: (03) Yrs (01) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Mar 06,
(Change Discharge to Honorable.)

Issue 1: I feel time has taken it (sic) course and maturity has set in what use to be a young soldier has now become a man and is now supporting a junior officer in the united states army, raising a family and seeking government employment to better serve his country and support his wife career. I also believe it will be very helpful for his family life as well as his own in trying to correct the past by improving the present and bettering himself in the future.

ATCH
None.

2May06/day

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 509 SECURITY FORCES SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

MEMORANDUM FOR A1C: [redacted] 509 SFS

14 OCT 97

FROM: 509 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for pattern of misconduct. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.50. If my recommendation is approved, your service may 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. On or about 13 September 1997, you did, at or near Whiteman Air Force Base, Missouri, with intent to deceive, make to Staff Sergeant [redacted] a security forces investigator an official statement, to wit: that you had no knowledge of Senior Airman [redacted] owning a 9 millimeter handgun, which statement was totally false, and was then known by the said to be so false, in violation of UCMJ, Article 107, as evidenced by an Article 15, dated 8 October 1997. (Atach 1a)

b. On or about 13 September 1997, you did, at or near Whiteman Air Force Base, Missouri, wrongfully and unlawfully under lawful affirmation make a false statement in substance as follows: Senior Airman [redacted] did not own or possess a firearm, which statement you did not then believe to be true, in violation of UCMJ, Article 134, as evidenced by an Article 15, dated 8 October 1997. (Atach 1a)

c. On or about 21 May 1996, at or near Whiteman Air Force Base, Missouri, you had knowledge of an alleged crime of rape in Challenger Hall and you failed to notify the appropriate authorities of this alleged crime which was your military duty to do so, as evidenced by a Letter of Reprimand, dated 20 August 1996. (Atach 1b)

d. On or about 23 July 1996, you were convicted in civil court in Warrensburg, Missouri, for Public Affray, as evidenced by a Letter of Reprimand, dated 1 August 1996. (Atach 1c)

e. On or about 6 July 1996, in violation of Article 92 of the UCMJ, you, who knew of your duties at Whiteman Air Force Base, Missouri, was derelict in the performance of those duties in that you negligently failed to not drink until the age of 21, as it was your duty to do, as evidenced by an Article 15, dated 29 July 1996. (Atach 1d)

f. On or about 21 July 1996, at or near Whiteman Air Force Base, Missouri, you were derelict in your duty, to wit: You showed up for duty in civilian clothes when you knew you should have been in uniform. You falsely filled out the sign-in/sign-out log by filling in your lunch time-in/out and signing out for the end of the day and it was still morning. You had to be located at he dormitory to ensure you were returning to duty and you had left your duty location without getting permission from anyone or signing out on the sign control log, as evidenced by a Letter of Reprimand, dated 23 July 1996. (Atach 1e)

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 convening authority 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 any special pay, bonus, or education assistance funds may be subject to recoupment.

4. 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 Captain [redacted] at building 509 on _____ at _____. 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 Oct 97 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 Physical Exams at 0800 on 20 Oct 97 for the examination.
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.
9. Execute the attached acknowledgment and return it to me immediately.



Squadron Section Commander

Attachments:

1. Supporting documents -- for the reason for discharge
 - a. Art 15, dtd 9 Oct 97.
 - b. LOR, dtd 20 Aug 96.
 - c. LOR dtd, 1 Aug 96.
 - d. Art 15, dtd 29 Jul 96.
 - e. LOR, dtd 23 Jul 96.
2. Documents containing derogatory information -- which are not listed in the notification memorandum: DD Form 1408, dated 31 May 1996.
3. Airman's receipt of notification memorandum, dated 14 Oct 97.