

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)  [ ]	GRADE  AMN	AFSN/SSAN  [ ]
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TYPE GEN	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	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	UO/HC	OTHER	DENY
[ ]					X**
[ ]					X**
[ ]					X**
[ ]					X**
[ ]					X**

ISSUES <b>A93.01</b>	INDEX NUMBER <b>A67.90</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>29 Mar 2007</b>	CASE NUMBER <b>FD-2006-00148</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

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<b>INDORSEMENT</b>		<b>DATE: 4/9/2007</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

**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 that he should not be penalized indefinitely for mistakes he made when he was young and immature. Applicant has also expressed a desire for upgrade of his discharge to qualify for reenlistment into the armed forces. The DRB recognized the applicant was 22 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The records indicated the applicant received an Article 15, a Vacation, two Letters of Reprimand, two Records of Individual Counseling and four Memorandums for Record for misconduct. The applicant received an Article 15 for being derelict in the performance of duties by providing alcoholic beverages to someone under the age of 21. He was punished with a reduction in grade to Airman, suspended forfeiture of pay, fifteen days of extra duty and a reprimand. The Vacation action was for making a false official statement. He forfeited \$200.00 pay for two months. The applicant had additional misconduct and was administratively disciplined for dereliction of duty, being late for work, failure to shave, failure to maintain body hygiene and uniform standards, failure to go, failure to obey a lawful order, failure to complete CDCs, and consuming alcoholic beverages while underage. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the applicant's 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 Little Rock AFB, AR on 3 Aug 01 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for an Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 3 Apr 79. Enlmt Age: 19 3/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-27, E-41, G-37, M-32. PAFSC: 1T151 - Aircrew Life Support Journeyman. DAS: 15 Feb 99.

b. Prior Sv: (1) AFRes 14 Jul 98 - 13 Oct 98 (3 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 14 Oct 98 for 4 yrs.. Svd: 02 Yrs 09 Mo 20 Das, all AMS.

b. Grade Status: Amn - 1 Feb 01 (Article 15, 1 Feb 01)  
A1C - 14 Aug 99

c. Time Lost: None.

d. Art 15's: (1) 2 Jul 01, Vacation, Little Rock AFB, AR - Article 107. You, did, on or about 1 Jun 01, with intent to deceive, make to MSgt [REDACTED]; an official statement, to wit: your appointment with financial planning had gone okay, which statement was totally false in that you did not attend the appointment, and was then known by you to be false. Forfeiture of \$200.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 1 Feb 01, Little Rock AFB, AR - Article 92. You, who knew of your duties, on or about 20 Jan 01, were derelict in the performance of those duties in that you willfully failed to refrain from providing alcoholic beverages to someone under the age of twenty-one, as it was your duty to do. Reduction to Airman. Suspended forfeiture of \$200.00 pay per month for 2 months. Fifteen days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: MFR, 04 JUN 01 - Dereliction of duty, late for work approximately five times, failure to shave, left work early for appointment and

did not return without authority, and left work unfinished and equipment disassembled on the work counter.

RIC, 14 MAY 01 - Failure to maintain body hygiene and uniform standards.  
 MFR, 03 MAY 01 - Failure to go.  
 MFR, 10 APR 01 - Late for work; uniform and hair out of standards.  
 MFR, 30 MAR 01 - Failure to obey a lawful order.  
 LOR, 26 JUN 00 - Dereliction of duty.  
 RIC, 07 JAN 00 - Failure to complete CDCs.  
 LOC, 20 DEC 99 - Late for work.  
 LOR, 28 SEP 99 - Consuming alcoholic beverages underage.  
 314 OSS/CCF MEMO, 5 NOV 99 - Failure to obey a lawful order.

f. CM: None.

g. Record of SV: 14 Oct 98 - 13 Jun 00 Little Rock AFB 1 (Initial)REF  
 14 Jun 00 - 13 Jun 01 Little Rock AFB 2 (Annual)REF

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (03) Yrs (00) Mos (20) Das  
 TAMS: (02) Yrs (09) Mos (20) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Apr 06.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I want to enlist into the Navy because I want my 2 children to have a good future. I know I screwed up last time. I was young and dumb and single. I am married now for 4 1/2 years with a 2 year old son, and another son on the way. I realizes (sic) now the military is the best way to go. I want to support my kids and support my country. That is why I want my reenlisted (sic) code changed so I can join the Navy.

**ATCH**

1. DD Form 214.
2. Two Character References.
3. Substance Abuse Treatment Summary, 26 Mar 02.
4. Character Reference.

17MAY06/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 314TH AIRLIFT WING (AETC)  
LITTLE ROCK AIR FORCE BASE, ARKANSAS

24 JUL 2001

MEMORANDUM FOR AMN: [redacted]

FROM: 314 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force IAW AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, *A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline*. If my recommendation for discharge is approved, the separation authority may characterize your service as either Honorable, Under Honorable Conditions (General), or Under Other Than Honorable Conditions (UOTHC). I will recommend characterizing your service as Under Honorable Conditions (General).

2. My reasons for this action are:

a. On or about 1 June 2001, you provided a false official statement to MSgt [redacted] concerning your financial planning appointment. For your actions, you received a Vacation of Suspended Nonjudicial Punishment under Article 15, UCMJ. (Atch 1-1)

b. On or about 29 March 2001 to 14 May 2001, you failed to maintain body hygiene and uniform standards. For your actions, you received a Letter of Counseling (LOC). (Atch 1-2)

c. On or about 20 January 2001, you failed to refrain from providing alcoholic beverages to someone under the age of 21. For your actions, you received Nonjudicial Punishment under Article 15 and establishment of an Unfavorable Information File. (Atch 1-3)

d. On or about 29 May 00, you got burned sufficiently by the sun to render you incapable of performing your assigned duties. For your actions, you received a Letter of Reprimand (LOR). (Atch 1-4)

e. On or about 7 January 2000, you failed to complete your Career Development Course (CDC), Volume 1. You were given an extension with a suspense date of 28 December 1998 and still failed to complete CDC Volume 1. For your actions, you received an LOC. (Atch 1-5)

f. On or about 20 December 1999, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received an LOC. (Atch 1-6)

g. On or about 12 September 1999, you were apprehended by security forces personnel for underage alcohol consumption. Investigation disclosed you wrongfully possessed alcohol as a minor and consumed several alcoholic beverages while attending a party in dormitory 744. For your actions, you received an LOR. (Atch 1-7)

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 higher authority will decide whether you will be discharged or retained in the Air Force and, if discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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: \_\_\_\_\_, Area Defense Counsel, Bldg 1255, Rm 201, Telephone 7-3260 on 25 July 2001 at 0900 hours. 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 within (3) workdays or (72) hours unless you request and receive an extension for good cause shown. I will forward any statements you submit 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 Little Rock AFB Hospital at 1300 hours on 26 July 2001 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 the Orderly Room.

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

\_\_\_\_\_  
Commander

Attachments: (See next page)

## Attachments:

- 1-1 Vacation, 27 Jun 01
  - Member's Response, 29 Jun 01
  - MFR (MSgt: [redacted]), 4 Jun 01
- 1-2 LOC, 14 May 01
  - MFR (MSgt: [redacted]), 4 Jun 01
  - MFR (SSgt: [redacted]), 3 May 01
  - MFR (MSgt: [redacted]), 10 Apr 01
  - MFR (MSgt: [redacted]), 30 Mar 01
- 1-3 Art. 15, 29 Jan 01
  - Member's Response, 31 Jan 01
  - Evidence, 20 Jan 01
  - UIF Summary Sheet
- 1-4 LOR, 26 Jun 00
- 1-5 LOC, 10 Jan 00
- 1-6 LOC, 20 Dec 99
- 1-7 LOR, 28 Sep 99
  - MFR (MSgt Poe), 5 Nov 99