

**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 <b>AMN</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE GEN</b>	<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 <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES <b>A95.00</b> <b>A01.00</b>	INDEX NUMBER <b>A67.90</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<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

HEARING DATE <b>11 Jan 2007</b>	CASE NUMBER <b>FD-2006-00155</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.

<b>INDORSEMENT</b>	<b>DATE: 1/24/2007</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

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2006-00155

**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.

**ISSUE:**

Issue 1. The applicant submitted no issues and realized his actions while in the military were unacceptable 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. The records indicated the applicant received two Article 15's, a Vacation, five Letters of Reprimand, three Letters of Counseling, and four Records of Individual Counseling for misconduct. He was administratively disciplined for drug abuse; being late for work; failure to obey a direct order; dereliction of duty; disobeying lawful orders; failure to go; abandoned post; sleeping on duty; failure to comply with shaving standards; and failure to meet uniform standards. His first Article 15 was for striking another airman in the face four times with a closed fist. He was punished with a suspended reduction to Airman, suspended forfeiture of pay for two months. The Vacation action was for failure to go to appointed place of duty. He was reduced in grade to Airman and forfeited \$100.00 pay for two months. His second Article 15 was for using his Government Travel Card for personal use; and wrongfully accessing unofficial internet sites. For this misconduct, he was reduced in grade to Airman, suspended forfeiture of pay, 30 days extra duty, and a reprimand. 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. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on September 11, 2000) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Langley AFB, VA on 22 Dec 03 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 11 Dec 80. Enlmt Age: 19 7/12. Disch Age: 23 0/12. Educ: HS DIPL. AFQT: N/A. A-79, E-61, G-70, M-63. PAFSC: 3E052 - Electric Power Production Journeyman. DAS: 10 Mar 01.

b. Prior Sv: (1) AFRes 9 Aug 00 - 28 Aug 00 (20 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Aug 00 for 6 yrs. Svd: 03 Yrs 03 Mo 25 Das, all AMS.

b. Grade Status: Amn - 8 Aug 03 (Article 15, 8 Aug 03)  
A1C - 15 Dec 01  
Amn - 15 Feb 01 (Article 15, 15 Feb 01)  
A1C - 20 Oct 00

c. Time Lost: None.

d. Art 15's: (1) 8 Aug 03, RAF Mildenhall, UK - Article 107. You did, on or about 14 Jul 03, with intent to deceive, make to SMSgt [REDACTED] an official statement, to wit: that you did not use your Government Travel Card to make unofficial purchases, which statement was totally false, and was then known by you to be so false. Article 92. You, did, on divers occasions, from on or about 27 Dec 02 to on or about 27 May 03, violate a lawful general regulation, to wit: paragraph 6.1.1, AFI 33-129, dated 4 Apr 01, by wrongfully accessing unofficial internet sites. You, who knew or should have known of your duties, on divers occasions from on or about 27 Dec 02 to on or about 27 Jul 03, were derelict in the performance of those duties in that you failed to refrain from misusing the government credit card, as it was your duty to do. Reduction to Amn. Suspended forfeiture of \$645.00 per month for 2 months, 30 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

(2) 25 Jul 01, Vacation, RAF Mildenhall, UK - Article 86. You did, on or about 18 Jun 01, without authority, fail

to go at the time prescribed to your appointed place of duty, to wit: Building 705. Reduction to Airman, forfeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)

(3) 15 Feb 01, Sheppard AFB, TX - Article 128. You did, on or about 11 Jan 01, unlawfully strike A1C [redacted] [redacted], on the face four times with your closed fist. Suspended reduction to Airman. Suspended forfeiture of \$521.00 pay per month for 2 months. (No appeal) (No mitigation)

- e. Additional: LOR, 24 NOV 03 - Drug abuse.  
 MFR, 11 JUL 03 - Late for work, and violation of safety policy.  
 LOR, 23 APR 02 - Failure to obey a direct order.  
 DD FORM 1408, 6 APR 02 - Failure to comply with registration documents, and no road tax displayed.  
 LOC, 20 MAR 02 - Dereliction of duty.  
 LOC, 18 SEP 01 - Disobeying lawful orders.  
 RIC, 06 SEP 01 - Disobeying lawful orders.  
 RIC, 05 SEP 01 - Dereliction of duty.  
 LOR, 17 JUL 01 - Failure to go.  
 LOR, 31 MAY 01 - Failure to go on two occasions.  
 LOR, 31 MAY 01 - Abandoned post.  
 RIC, 29 MAY 01 - Sleeping on duty, disobeying a direct order, and failure to go.  
 LOC, 19 APR 01 - Failure to comply with shaving standards.  
 RIC, 26 MAR 01 - Failure to meet uniform standards.
- f. CM: None.
- g. Record of SV: 29 Aug 00 - 28 Apr 02 RAF Mildenhall 3 (Initial)  
 29 Apr 02 - 28 Apr 03 RAF Mildenhall 4 (Annual)
- h. Awards & Decs: AFTR, NDSM, AFOUA W/1 OLC, AFOSLTR.
- i. Stmt of Sv: TMS: (03) Yrs (04) Mos (14) Das  
 TAMS: (03) Yrs (03) Mos (25) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Apr 06.  
 (Change Discharge to Honorable)

Issue 1: I would like to continue my education, using the Montgomery Bill, and I can not do this unless I have an Honorable Discharge, without any conditions.

Issue 2: I made a mistake and used my government card for my personal use, this is something I should not have done. This resulted in my discharge. The records will indicate that all of the expenses I unlawfully put on the government card have since been repaid in full by me. I fully understand that what I did was wrong, and now hope that the review board will assist me in upgrading my discharge, as I will be able to attend school and better position

myself in society. I am currently married and have two children, ages six and four.

**ATCH**  
None.

26JUN06/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 100TH AIR REFUELING WING (USAFE)

FD2006-00155

MEMORANDUM FOR AMN: [REDACTED]  
100th CIVIL ENGINEER SQUADRON

01 DEC 2003

**FROM:** 100 CES/CC

**SUBJECT:** Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct – Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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. On 11 January 2001, you unlawfully struck another airman in the face, as evidenced by AF Form 3070, Article 15, Nonjudicial Punishment, dated 15 February 2001.

b. On 26 March 2001, you were derelict in your duties by failing to meet Air Force dress and appearance standards, as evidenced by AF Form 174, Record of Individual Counseling, dated 26 March 2001.

c. On 18 April 2001, you were again derelict in your duties by failing to meet Air Force dress and appearance standards, as evidenced by a Letter of Counseling, dated 19 April 2001

d. On 24 May 2001 you were derelict in your duties by sleeping on duty, as evidenced by AF Form 174, Record of Individual Counseling, dated 29 May 2001.

e. On 25 May 2001, you were derelict in duties when you failed to go to your place of duty, as evidenced by AF Form 174, Record of Individual Counseling, dated 29 May 2001.

f. On 26 May 2001, you left your place of duty, as evidenced by a Letter of Reprimand, dated 31 May 2001.

g. On 27 and 28 May 2001, you failed to report to your appointed place of duty, as evidenced by a Letter of Reprimand, dated 31 May 2001.

h. On 18 June 2001, you again failed to report to your appointed place of duty, as evidenced by a Letter of Reprimand, dated 17 July 2001. This also resulted in a vacation action of the suspended punishment from your previous Article 15, dated 15 February 2001, as evidenced by

AF Form 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 25 July 2001.

i. On 26 July 2001, you were derelict in your duties by failing to meet Air Force dress and appearance standards and failed to obey a lawful order, as evidenced by AF Form 174, Record of Individual Counseling, dated 5 September 2001.

j. On or about 7 September 2001, you failed to obey an order by not bringing your personal mobility bag in for inspection, as evidenced by a Letter of Reprimand, dated 18 September 2001.

k. On 20 March 2003, you were counseled for missing or being late to several appointments including forklift training and supervisors safety training, as evidenced by a Letter of Counseling, dated 20 March 2002.

l. On or about 14 July 2003, you made a false official statement, as evidenced by AF Form 3070, Article 15, Nonjudicial Punishment, dated 8 August 2003.

m. On diverse occasions between 27 December 2002 and 27 May 2003, you violated a lawful regulation by wrongfully accessing unofficial internet sites, as evidenced by AF Form 3070, Article 15, Nonjudicial Punishment, dated 8 August 2003.

n. On diverse occasions between 27 December 2002 and 27 July 2003, you were derelict in your duties by failing to refrain from misusing your government travel card, as evidenced by AF Form 3070, Article 15, Nonjudicial Punishment, dated 8 August 2003.

o. On diverse occasions between 1 May 2001 and 31 December 2001, you wrongfully used a controlled substance, as evidenced by a Letter of Reprimand, dated 24 November 2003.

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.

4. You have the right to counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult the Area Defense Counsel, at building 948, RAF Lakenheath, DSN 226-3608 on **Monday, 1 December 2003, at 1400 hours**. Instead of the appointed counsel, you may have another if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

5. You have the right to submit statements on your own behalf. **Any statements you want the separation authority to consider must reach me within three (3) duty days of the date of**

**this letter 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 are scheduled for a medical examination. You must report with the Medical Examination memorandum to Building 932, Family Practice, RAF Lakenheath, on Wednesday, 3 December 2003 at 1445 hours. You must be in uniform. If you have been prescribed glasses, you must wear your glasses to the appointment.**

**8. You have been scheduled for a Separations Briefing. Please report to the Military Personnel Flight, Building 436, RAF Mildenhall, DSN 238-2389 on Tuesday, 2 December 2003 at 1400 hours.**

**9. 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 at the unit orderly room or the Area Defense Counsel office. Execute the attached acknowledgment and return it to me immediately.**

Commander

**Attachments:**

1. Airmen's Acknowledgment
2. Medical Examination Memorandum
3. AF Form 3070, Article 15, Nonjudicial Punishment, dtd 15 February 2001
4. AF Form 174, Record of Individual Counseling, dtd 26 March 2001.
5. Letter of Counseling, dtd 19 April 2001
6. AF Form 174, Record of Individual Counseling, dated 29 May 2001.
7. Letter of Reprimand, dtd 31 May 2001
8. Letter of Reprimand, dtd 31 May 2001
9. Letter of Reprimand, dtd 17 July 2001
10. AF Form 366, Record of Proceedings of Vacation of Suspended NJP, dtd 25 July 2001
11. AF Form 174, Record of Individual Counseling, dtd 5 September 2001
12. Letter of Conseling, dtd 18 September 2001
13. Letter of Counseling, dtd 20 March 2002
14. AF Form 3070, Article 15, Nonjudicial Punishment, dtd 8 August 2003
15. Letter of Reprimand, dtd 24 November 2003
16. Records Review RIP