

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	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	UOHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X*+
					X*+
					X*+
					X*+
					X*+

ISSUES	A92.21 A93.01	INDEX NUMBER	A49.00	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	CASE NUMBER	
11 Jan 2007	FD-2006-00156	

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

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

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. Applicant contends that he should not be penalized indefinitely for mistakes he made when he was young and immature. He has expressed a desire for upgrade of his discharge to be eligible to apply for a position with the Federal Bureau of Prisons. The DRB recognized the applicant was 20 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, two Letters of Reprimand, six Records of Individual Counseling and one Memorandum for Record for misconduct. Applicant was administratively disciplined for cutting his leg with a pocket knife, failure to shave, being late for work on numerous occasions, dereliction of duty, and failed CDC exams. He received an Article 15 for failure to go to appointed place of duty. He was punished with a suspended reduction in grade to Airman and forfeiture of pay. 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 DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Wright-Patterson AFB, OH on 18 Jan 95 UP AFI 36-3208, para 5.50 (Misconduct - Pattern of Misconduct). Appeals for an Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 15 Oct 74. Enlmt Age: 17 0/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-46, E-61, G-50, M-59. PAFSC: 3E431 - Utilities Systems Apprentice. DAS: 26 Jan 93.

b. Prior Sv: (1) AFRes 24 Oct 91 - 9 Sep 92 (10 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Sep 92 for 4 yrs. Svd: 02 Yrs 04 Mo 09 Das, all AMS.

b. Grade Status: A1C - 21 Mar 94
Amn - 10 Mar 93

c. Time Lost: None.

d. Art 15's: (1) 10 Nov 94, Wright-Patterson AFB, OH - Article 86. You did, on or about 21 Oct 94, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 745, Area B. You, did, on or about 22 Oct 94, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 745, Area B. Suspended reduction to Airman. Forfeiture of \$200.00 pay (in excess of \$100.00 suspended). (No appeal) (No mitigation)

e. Additional: RCE, 29 NOV 94 - Failed CDC exam. Enrollment terminated.
MFR, 21 OCT 94 - Late for duty.
RCE, 03 OCT 94 - Failed CDC exam.
RIC, 03 OCT 94 - Dereliction of duty.
RIC, 08 AUG 94 - Not informing supervisor of reason for being late.
RIC, 19 APR 94 - Late for work.
LOR, 21 OCT 93 - Late for work.
RIC, 27 SEP 93 - Failure to go.
RIC, 03 SEP 93 - Late for work and failure to shave.
RIC, 17 AUG 93 - Failure to shave.
LOR/UIF, 08 JUL 93 - Cutting leg with a pocket knife.

f. CM: None.

g. Record of SV: 10 Sep 92 - 9 May 94 Wright-Patterson AFB 3 (Initial)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (02) Mos (25) Das
TAMS: (02) Yrs (04) Mos (09) 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)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.

31MAY06/ia

April 10,2006

To Whom It May Concern,

My name is: [redacted]; I am 31 years old and I have been employed with the Ohio Department Of Rehabilitation and Correction for the past three and a half years. A year ago I applied with the Federal Bureau of Prisons (Department of Justice) at a Federal Correctional Institute in my home state of West Virginia. I did this so that I might provide a better standard of living for my family by advancing my career to the federal level. I was recently called in for an interview and all went well until Human Resources management reviewed my DD214 with emphasizes on my re-enlistment code. I was told that I could not be hired until my discharge was upgraded with a re-enlistment code change that would allow me to be eligible for re-enlistment. I have a general under honorable, with a 2B re-enlistment code and narrative reasoning as pattern of misconduct.

I enlisted in the Air Force directly out of high school in September of 1992 at the age of 17. I had never had a job and was extremely immature and irresponsible. I didn't experience any problems during basic training or tech school due to the constant supervision, but after arriving at my permanent duty station and having the freedom of a Monday through Friday, nine to five job I did not always conduct myself accordingly. In looking back, the expectations that were placed on me were minimal and no different of that in the civilian world. I received oral and written reprimands for tardiness and over sleeping, uniform and personal appearance, and similar rule violations that were a result of going out at night and drinking, poor time management, and overall poor attitude and immaturity. I would often make excuses or try to place blame on anything or anybody other than myself, I had a chip on my shoulder and felt that the world owed me something.

What also should have been one of my first priorities was my career developmental course test, which I neglected to prepare for. I was told that I would have to complete two seperate courses and pass a test on each in order to advance in my job and remain in the Air Force, and that I would be given study time at work but that I would need to study on my own time as well. I used the required study time at work but due to my lack of self-discipline I did not put forth the effort needed on my own time. After completeing the first course I failed the test and was given a re-take which I passed, I then moved on to the second set of course books and failed the initial exam and the re-take. I was then notified that I was being recomended for discharge and that my discharge would be based upon what was in my personal information file.

I was dis-charged in January 1995 after having been in for a little over two years. At the time I was extremely disappointed, but not until I began to mature and get older would I become truely regretful and ashamed of how I acted back then. Over the years it has not been easy going to job interviews or explaining to people why I did not complete my full term and have the discharge that I do or knowing in my own mind that I failed to do my best, pull my own weight, and serve honorably in the service the way that many of my family members and friends have done. I believe this is a burden I had to bear in order to accept responsibility for my actions, learn from my mistakes, and have a complete change of life style.

In 1998 my wife and I were married and soon thereafter I accepted Christ as my personal savior. We have a 21 month old son and a daughter on the way. I only want to give them the best life possible. I hope that I have been able to adequately convey my remorse for any inconvenience that I might have placed upon the Air Force as well as my remorse for the indirect burden my actions have placed on my wife and children.

I would greatly appreciate your time and consideration in granting my request for an upgrade to an honorable discharge with a change in narrative reasoning to convenience of the government. Also a change in re-enlistment code that would make me eligible for re-enlistment, which is required by the Federal Bureau of Prisons for employment. Thank You.

Sincerely,





DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 88TH AIR BASE WING (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE, OHIO

FD2006-00/56

JAN 03 1995

MEMORANDUM FOR A1C [REDACTED]

FROM: 88 CES/CEO

SUBJECT: Notification Memorandum

I am recommending your discharge from the United States Air Force for Unsatisfactory Performance - Failure to progress in on-the-job training, paragraph 5.26.3 and Misconduct - Pattern of Misconduct, paragraph 5.50 as the primary reason for discharge. The authority for this action is AFPD 36-32 and AFI 36 -3208. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

My reasons for this action are: Your behavior is incompatible with military service as evidenced by 6 Letter's of Counseling, 2 Letter's of Reprimand, 1 Article 15 and two time Career Development Course (CDC) failure. 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.

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 Capt [REDACTED], Area Defense Counsel, Building 30, Area C, Wright-Patterson AFB OH, Telephone 77841 on 3 Jan 95 at 1030. You may consult civilian counsel at your own expense.

You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 6 Jan 1995 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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.

You have been scheduled for a medical examination. You must report to 74 Medical Group, Aerospace Medicine, Building 830, Wright-Patterson AFB OH at 0800 on 4 Jan 95 for the examination.

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.



Commander

Atchs

1. LOR/UIF, 8 Jul 93
2. Mental Health Eval, 12 Jul 93
3. LOC, 17 Aug 93
4. LOC, 3 Sep 93
5. LOC, 27 Sep 93
6. LOR, 21 Oct 93
7. LOC, 19 Apr 94
8. LOC, 8 Aug 94
9. LOC, 3 Oct 94
10. Art 15, 10 Nov 94
11. OJT Training Record
12. CDC failure report