

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 AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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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				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;">YES</td> <td style="width:50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </table>	YES	No	X			
YES	No					
X						

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

ISSUES A94.05 A93.21	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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
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HEARING DATE 10 May 2007	CASE NUMBER FD-2006-00173	
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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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT	DATE: 6/25/2007
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

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:

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He contends his discharge was due to ineffective medicine prescribed to him for ADHD and the doctor's refusal to put him on more effective medicine. The applicant felt that if his medications were changed, he would still be in the Air Force. The records indicated the applicant received an Article 15, five Letters of Reprimand, and three Records of Individual Counseling for misconduct. The applicant received an Article 15 for failure to go to his appointed place of duty and for being derelict in the performance of duties for failing to turn in his rags and a controlled tool at the end of his shift. He was punished with a reduction in grade to Airman and twenty days of extra duty. The applicant had additional misconduct and was administratively disciplined for being late for duty, violating safety standards and lying to his supervisor, reporting to work in an extremely dirty uniform, poor personal hygiene, failure to go on two separate occasions, dereliction of duty by not using technical orders to perform duties, making a false official statement and disobeying a direct order. The DRB opined that although the applicant was being treated for ADHD, it did not impair his ability to know right from wrong or ability to choose the right. The DRB further 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 Dyess AFB, TX on 19 Oct 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 23 Oct 82. Enlmt Age: 19 0/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-81, E-79, G-80, M-72. PAFSC: 2A632 - Aerospace Ground Equipment Apprentice. DAS: 29 Sep 02.

b. Prior Sv: (1) AFRes 7 Nov 01 - 4 Feb 02 (2 months 28 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 5 Feb 02 for 6 yrs. Svd: 02 Yrs 08 Mo 15 Das, all AMS.

b. Grade Status: Amn - 14 Sep 04 (Article 15, 14 Sep 04)
A1C - 22 Mar 02

c. Time Lost: None.

d. Art 15's: (1) 14 Sep 04, Dyess AFB, TX - Article 86. You, did, on or about 13 Aug 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 7th EMS, Dyess AFB, Texas. Article 92. You, who knew or should have known of your duties, on or about 18 Aug 04, were derelict in the performance of those duties in that you willfully failed to turn in your rags, a controlled tool, to the production support/bench stock section at the end of your shift, as it was your duty to do. Reduction to Airman, and 20 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: CR, 26 JUL 04 - Repeat substandard duty performance.
LOR/UIF, 26 JUL 04 - Willfully violated safety standards and lied to supervisor.
LOR/UIF, 20 JUL 04 - Late for duty.
LOR/UIF, 19 JUL 04 - Reporting to duty in an extremely dirty uniform, poor personal hygiene, unshaven, and haircut out of standards.
LOR/UIF, 7 JAN 04 - Failure to go on two occasions.
RIC, 14 AUG 03 - Dereliction of duty.
LOR, 29 JUL 03 - Dereliction of duty, and disobeying a lawful order.

RIC, 03 APR 03 - Dereliction of duty.
RIC, 17 DEC 02 - Failure to comply with standards,
disobeying a direct order, and making a
false official statement.

f. CM: None.

g. Record of SV: 5 Feb 02 - 4 Oct 03 Dyess AFB 2 (Initial)**REF**

h. Awards & Decs: NDSM, HSM.

i. Stmt of Sv: TMS: (02) Yrs (11) Mos (13) Das
TAMS: (02) Yrs (08) Mos (15) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 30 Apr 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

9JUN06/ia

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES <i>(Please read instructions on Pages 3 and 4 BEFORE completing this application.)</i>		OMB No. 0704-0004 OMB approval expires Aug 31, 2006
The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.		
PRIVACY ACT STATEMENT		
AUTHORITY: 10 U.S.C. 1553; E.O. 9397. PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual. ROUTINE USE(S): None. DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.		
1. APPLICANT DATA <i>(The person whose discharge is to be reviewed).</i> PLEASE PRINT OR TYPE INFORMATION.		
a. BRANCH OF SERVICE <i>(X one)</i>		ARMY <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> NAVY <input type="checkbox"/> AIR FORCE <input checked="" type="checkbox"/> COAST GUARD <input type="checkbox"/>
b. NAME <i>(Last, First, Middle Initial)</i>		c. GRADE/RANK AT DISCHARGE E-2
d. SOCIAL SECURITY NUMBER		_____
2. DATE OF DISCHARGE OR SEPARATION <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i> 2005/10/18		4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i>
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 7 EMS Dyess AFB		HONORABLE <input type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS <input checked="" type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS <input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i> <input type="checkbox"/> UNCHARACTERIZED <input type="checkbox"/> OTHER <i>(Explain)</i> <input type="checkbox"/>
5. BOARD ACTION REQUESTED <i>(X one)</i>		
CHANGE TO HONORABLE <input checked="" type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i> <input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO: <input type="checkbox"/>		
6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST <i>(Continue in Item 14. See instructions on Page 3.)</i> I feel that my discharge was due to ineffective medicine being prescribed to me for my ADHD, and the doctor's refusal to put me on a more effective medication.		
7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) _____ AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.		
8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: <i>(Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)</i>		
9. TYPE OF REVIEW REQUESTED <i>(X one)</i>		
<input checked="" type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR <i>(counsel/representative)</i> WILL NOT APPEAR BEFORE THE BOARD.		
<input type="checkbox"/> I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.		
<input type="checkbox"/> I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO <i>(enter city and state)</i> _____ <i>(NOTE: The Navy Discharge Review Board does not have a traveling panel.)</i>		
10.a. COUNSEL/REPRESENTATIVE <i>(If any) NAME (Last, First, Middle Initial) AND ADDRESS</i> <i>(See Item 10 of the instructions about counsel/representative.)</i>		b. TELEPHONE NUMBER <i>(Include Area Code)</i> _____
_____		c. E-MAIL _____
_____		d. FAX NUMBER <i>(Include Area Code)</i> _____
11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name <i>(print)</i> _____ and relationship by marking a box below.		
SPOUSE <input type="checkbox"/> WIDOW <input type="checkbox"/> WIDOWER <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> OTHER <i>(Specify)</i> _____		
12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE <i>(Covered notification of any change in address.)</i>		b. TELEPHONE NUMBER <i>(Include Area Code)</i> _____
_____		c. E-MAIL _____
_____		d. FAX NUMBER <i>(Include Area Code)</i> _____
13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. <i>(U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)</i>		CASE NUMBER <i>(Do not write in this space.)</i> FD 2006-00173
a. SIGNATURE - REQUIRED <i>(Applicant or person in Item 11 above)</i>		b. DATE SIGNED - REQUIRED <i>(YYYYMMDD)</i> 2006/03/30

March 19, 2006

To AFDRB

I believe that my discharge was wrongful due to factors out of my control. I had been on Ritalin prior to my service, but had been taken off of it during my junior year in high school by my physician, Dr. _____, as it was deemed I no longer needed it. I finished high school with no problems. I then entered the Air Force, and passed through basic training and tech school with no problems. However, at my first duty station, I noticed my concentration lacking and went to life skills. I mentioned to my military doctor, PA _____, that I had been on Ritalin prior and that it had helped me. However, he prescribed Welbutrin for me instead. After having tried it for several months with no noticeable effects, I went back to him and requested to be switched to Ritalin, due to there having been proof of it working before. He then told me that he wanted to keep me on Welbutrin for a while longer. The Welbutrin continued to produce no beneficial effects, allowing my concentration to slip further, leading up to my discharge. I have currently held a job at Wal-Mart for over a year and a half now, and am working out fine. I have plans to pursue a college education and am saving money for that purpose, and I would like the use of the GI Bill to assist me. I believe that had I been put on Ritalin earlier, I would still be a productive member of the armed forces.





DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH BOMB WING
DYESS AIR FORCE BASE, TEXAS

40ct04

MEMORANDUM FOR AMN: [REDACTED]

FROM: 7 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, section H, paragraph 5.49. If your discharge 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. You were, on 16 Dec 02, derelict in the performance of your duties in that fail to get your hair cut before reporting for duty. You did, on 17 Dec 02, fail to obey a lawful order given to you by SSgt: [REDACTED] in that you failed to get your hair cut before reporting for duty. You were, on 17 Dec 02, derelict in the performance of your duties in that you were not wearing your reflective belt. You did, on 17 Dec 02, make a false official statement to SSgt: [REDACTED] in that you told SSgt: [REDACTED] that you did get your haircut. For this misconduct you were counseled, as evidenced by AF Form 174, dated 17 Dec 02.
 - b. You were, on 1 Apr 03, derelict in the performance of your duties in that you did not use technical data while performing maintenance on a B-1 maintenance stand tow bar, for which you were counseled, as evidenced by AF Form 174, dated 3 Apr 03.
 - c. You were, on 25 Jul 03, derelict in the performance of your duties in that you failed to use technical orders and you disregarded procedures in the unit work cards while performing periodic inspection actions on a liquid oxygen servicing cart. You were, on 29 Jul 03, derelict in the performance of your duties in that you did not use technical orders or work cards while performing a 180 day inspection on a B-1 maintenance stand. For this misconduct you were reprimanded, as evidenced by LOR, dated 29 Jul 03.
 - d. You were, on 14 Aug 03, derelict in the performance of your duties in that you failed to properly maintain control of five rags and the rag bag as it was your duty to do, for which you were counseled, as evidenced by AF Form 174, dated 14 Aug 03.
 - e. You did, on 30 Dec 03, without authority, fail to go to a scheduled dental appointment. You did, on 31 Dec 03, without authority, fail to go to a scheduled Life Skills medical appointment. For this misconduct you were reprimanded and an unfavorable information file was established, as evidenced by LOR, dated 7 Jan 04, and AF Form 1058, dated 2 Feb 04.

f. You did, on 16 Jul 04, report for duty in a dirty uniform, you were unshaven, and you needed a haircut, for which you were reprimanded, as evidenced by LOR, dated 19 Jul 04. The LOR was placed in your existing unfavorable information file, as evidenced by AF Form 1058, dated 2 Aug 04.

g. You did, on 20 Jul 04, without authority, report late for duty, for which you were reprimanded, as evidenced by LOR, dated 20 Jul 04. The LOR was placed in your existing unfavorable information file, as evidenced by AF Form 1058, dated 2 Aug 04.

h. You were, on 21 Jul 04, derelict in the performance of your duties in that you failed to wear proper hearing protection while operating a H-1 heater, for which you were reprimanded, as evidenced by LOR, dated 26 Jul 04. The LOR was placed in your existing unfavorable information file, as evidenced by AF Form 1058, dated 2 Aug 04.

i. You did, on 13 Aug 04, without authority, report late for duty. You were, on 18 Aug 04, derelict in the performance of your duties in that you willfully failed to turn in your rags to the production support/bench stock section at the end of your shift. For this misconduct you received Article 15 punishment, as evidenced by AF Form 3070, dated 14 Sep 04.

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The commander exercising special court-martial 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 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 Capt: [redacted] Area Defense Counsel, 397 3rd St, Bldg 7235, Dyess AFB, TX, DSN 461-4233 on 5 Oct 04 at 0900. 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 0800 hours on 8 Oct 04 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 7th Medical Group Hospital, 697 Hospital Rd, Dyess AFB, TX, on 4 Oct 04 at 1320 hours. You will need to report 15 minutes early for this appointment.

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 unit orderly room.

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



Commander, 7 EMS

Attachments:

1. Receipt of Notification Memorandum
2. AF Form 174, dated 17 Dec 02
3. AF Form 174, dated 3 Apr 03
4. LOR, dated 29 Jul 03 w/Rebuttal
5. AF Form 174, dated 14 Aug 03
6. LOR, dated 7 Jan 04 w/Response
7. Dental Appointment No Shows
8. Medical/Dental Appointment Slip
9. AF Form 1058, dated 2 Feb 04
10. LOR, dated 19 Jul 04
11. LOR, dated 20 Jul 04 w/Rebuttal
12. LOR, dated 26 Jul 04 w/Rebuttal
13. AF Form 1058, dated 2 Aug 04
14. AF Form 3070, dated 14 Sep 04 w/Response
15. Sworn Statements from SSgt: [redacted]
MSgt: [redacted]; and SSgt: [redacted]



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH BOMB WING
DYESS AIR FORCE BASE TX

15 oct 04

MEMORANDUM FOR 7 BW/CC

FROM: 7 BW/JA

SUBJECT: Administrative Discharge - Amn: [REDACTED]

1. I have reviewed the attached file pertaining to Amn: [REDACTED] and find it legally sufficient to support his discharge under AFI 36-3208, paragraph 5.49, Minor Disciplinary Infractions.

2. PERSONAL DATA: Amn: [REDACTED] is 21 years old, single, and has no dependants. He is currently assigned to the 7th Equipment Maintenance Squadron as an Aerospace Ground Equipment Apprentice (2A632). His TAFMSD is 5 Feb 02, and he began his 6-year enlistment on 5 Feb 02. His duty performance rating on the EPR he has received to date is an overall "2."

3. BASIS FOR ACTION:

a. Amn: [REDACTED] was, on 16 Dec 02, derelict in the performance of his duties in that he reported for duty needing a haircut. He did, on 17 Dec 02, fail to obey a lawful order given to him by SSgt: [REDACTED] in that Amn: [REDACTED] failed to get his hair cut before reporting for duty. He knowingly made a false official statement to SSgt: [REDACTED] in that when SSgt: [REDACTED] asked him why he did not get his hair cut he told SSgt: [REDACTED] that he did get his hair cut, a statement that was totally false. He was, on 17 Dec 02, derelict in the performance of his duties in that he failed to wear his reflective belt during the hours of reduced visibility as it was his duty to do. For this misconduct he was counseled, as evidenced by AF Form 174, dated 27 Dec 02.

b. He was, on 1 Apr 03, derelict in the performance of his duties in that he did not use technical data while performing maintenance on a B-1 maintenance stand tow bar, for which he was counseled, as evidenced by AF Form 174, dated 3 Apr 03.

c. He was, on 25 Jul 03, derelict in the performance of his duties in that he failed to use technical orders and he disregarded procedures in the unit work cards while performing periodic inspection actions on a liquid oxygen servicing cart. He was, on 29 Jul 03, derelict in the performance of his duties in that he did not use technical orders or work cards while performing a 180-day inspection on a B-1 maintenance stand. For this misconduct he was reprimanded, as evidenced by LOR, dated 29 Jul 03.

d. He was, on 14 Aug 03, derelict in the performance of his duties in that he failed to properly maintain control of five rags and the rag bag as it was his duty to do, for which he was counseled, as evidenced by AF Form 174, dated 14 Aug 03.

e. He did, on 30 Dec 03, without authority, fail to go to a scheduled dental appointment. He did, on 31 Dec 03, without authority, fail to go to a scheduled Life Skills medical appointment. For this misconduct he was reprimanded and an Unfavorable Information File (UIF) was established, as evidenced by LOR, dated 7 Jan 04, and AF Form 1058, dated 2 Feb 04.

f. He did, on 16 Jul 04, report for duty in a dirty uniform, he was unshaven, and he needed a haircut, for which he was reprimanded, as evidenced by LOR, dated 19 Jul 04. The LOR was placed in his existing UIF, as evidenced by AF Form 1058, dated 2 Aug 04.

g. He did, on 20 Jul 04, without authority, report late for duty, for which he was reprimanded, as evidenced by LOR, dated 20 Jul 04. The LOR was placed in his existing UIF, as evidenced by AF Form 1058, dated 2 Aug 04.

h. He was, on 21 Jul 04, derelict in the performance of his duties in that he failed to wear proper hearing protection while operating a H-1 heater, for which he was reprimanded, as evidenced by LOR, dated 26 Jul 04. The LOR was placed in his existing UIF, as evidenced by AF Form 1058, dated 2 Aug 04.

i. He did, on 13 Aug 04, without authority, report late for duty. He was, on 18 Aug 04, derelict in the performance of his duties in that he willfully failed to turn in his rags to the production support/bench stock section at the end of his shift. For this misconduct he received Article 15 punishment, as evidenced by AF Form 3070, dated 14 Sep 04.

4. MEMBER'S RESPONSE: Amn:.....:has waived his right to submit statements regarding this discharge action.

5. ERRORS OR IRREGULARITIES: None.

6. CHARACTERIZATION OF DISCHARGE: Under AFI 36-3208, Table 1.3, this member may be separated with an Under Other Than Honorable Conditions discharge. Amn:.....:would be entitled to have his case heard by an administrative discharge board if such a characterization were recommended. After reviewing all the relevant facts and circumstances, the squadron commander has recommended that Amn:.....:receive an Under Honorable Conditions (General) discharge. A General discharge is appropriate when significant negative aspects of an airman's conduct or performance outweigh the positive aspects of the airman's military record. Amn:.....:record reflects a consistent and sustained pattern of misconduct that outweighs the positive aspects of his military record. A General discharge is appropriate in this case.

7. PROBATION AND REHABILITATION: According to AFI 36-3208, Chapter 7, probation and rehabilitation should be offered to airmen who have demonstrated a potential to serve satisfactorily; who have the capacity to be rehabilitated for continued military service; and for those whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force. The squadron commander has tried to rehabilitate Amn: [redacted], giving him the opportunity to overcome his deficiencies as required by AFI 36-3208, paragraph 5.2. Specifically, the commander used the following rehabilitative tools: three Letters of Counseling; five Letters of Reprimand; UIF; and Article 15 punishment (reduction in rank). Amn: [redacted] continued misconduct and failure to respond to the various corrective efforts already taken have demonstrated neither a potential to serve satisfactorily nor a capacity to be rehabilitated. Retention of this member would be inconsistent with the maintenance of good order and discipline in the Air Force.

8. OPTIONS OF THE SEPARATION AUTHORITY: Your options in this case are:

- a. Retain the member in the Air Force.
- b. Discharge the member with a General discharge, with or without probation and rehabilitation.
- c. Recommend to 12 AF/CC that the airman be separated with an Honorable discharge with or without probation and rehabilitation if you believe an Honorable discharge is appropriate.
- d. Direct this action be initiated under administrative board proceedings if you believe only an Under Other Than Honorable Conditions discharge can properly characterize Amn [redacted] service.

9. RECOMMENDATION: I recommend that you separate Amn [redacted] with a General discharge, without the opportunity for probation and rehabilitation.

[redacted]

Staff Judge Advocate

Attachment

Case File - Amn: [redacted]