

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []		GRADE AIC	AFSN/SSAN []			
TYPE	GEN	PERSONAL APPEARANCE				
COUNSEL		X	RECORD REVIEW			
YES	No	NAME OF COUNSEL AND OR ORGANIZATION				
	X	ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBER SITTING []		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A95.00 A01.00		INDEX NUMBER A67.90		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 11 Jan 2007		CASE NUMBER FD-2006-00192				
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: 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

CASE NUMBER

FD-2006-00192

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

Issue 1. The applicant submitted no issues contesting the equity or propriety of his discharge and requested the review be completed based on the available service record. He expressed his desire for upgrade to receive his education benefits. 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 an Article 15 and two Letters of Reprimand for misconduct. Applicant received an Article 15 for failure to pay his monthly government travel card in full; receiving a lawful order to immediately remove pets from his base housing unit and wrongfully maintained one pet, a Rottweiler dog. He was punished with a reduction in grade to Airman First Class and a reprimand. He was administratively disciplined for disobeying three written orders, making a false statement, failure to go, failure to control his pets, and failure to keep government quarters adequately cleaned. 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 August 19, 1993) 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Langley AFB, VA on 14 May 99 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 8 Mar 74. Enlmt Age: 18 9/12. Disch Age: 25 2/12. Educ: HS DIPL. AFQT: N/A. A-40, E-53, G-44, M-60. PAFSC: 2A651A - Aerospace Propulsion Jet Engine Journeyman. DAS: 14 Aug 98.

b. Prior Sv: (1) AFRes 8 Dec 92 - 9 Aug 93 (8 months 2 days) (Inactive).

(2) Enlisted as AB 10 Aug 93 for 4 yrs. Svd: 3 yrs 4 months 00 days, all AMS. AMN - 10 Feb 94. A1C - 10 Dec 94. SrA - 10 Aug 96. EPRs: 4,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 10 Dec 96 for 4 yrs. Svd: 02 Yrs 05 Mo 05 Das, all AMS.

b. Grade Status: A1C - 3 Mar 99 (Article 15, 3 Mar 99)

c. Time Lost: None.

d. Art 15's: (1) 3 Mar 99, Langley AFB, VA - Article 92. You did, at or near Mildenhall AFB, UK and at or near Langley AFB, VA, between on or about 26 Feb 98 and on or about 8 Feb 99, fail to obey a lawful general regulation, to wit: paragraph 4, AFI 65-104, Government Travel Charge Card Program, dated 1 May 96, by not paying in full the amount billed upon receipt of your monthly Government American Express Card Statement. You, having knowledge of a lawful order issued by Col [REDACTED] dated 25 Nov 98 to immediately remove your pets from base housing, an order which it was your duty to obey, did, between on or about 4 Dec 98 and on or about 25 Jan 99, fail to obey the same by not removing your pets from base housing and wrongfully maintaining one of the pets, a Rottweiler dog, in your home. Reduction to A1C, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOR/UIF, 13 DEC 98 - Disobeying three written orders, making a false statement and failure to go.



**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE**

29 APR 99

MEMORANDUM FOR A1C: [REDACTED]

FROM: 1 CRS/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, Chapter 5, Section H, Paragraph 5.50.2. If my recommendation is approved, your service will be characterized with either an honorable or under honorable conditions (general) discharge. I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. Between on or about 26 Feb 98 and on or about 8 Feb 99, at or near Mildenhall Air Base, United Kingdom and at or near Langley Air Force Base, Virginia, you failed to obey a lawful general regulation by not paying in full the amount billed upon receipt of your monthly Government American Express Card statement.

b. Between on or about 4 Dec 98 and on or about 25 Jan 99, at Langley Air Force Base, Virginia, you failed to obey a lawful order issued by Colonel: [REDACTED] dated 25 Nov 98 to immediately remove your pets from base housing. For this misconduct and the misconduct listed in paragraph 2.a., you received nonjudicial punishment dated 3 Mar 99 consisting of reduction to the grade of A1C and a reprimand.

c. On 14 Dec 98, you received a letter of reprimand for disobeying three written orders and making a false official statement. Specifically, on 25 Sep 98, you told your first sergeant that you had complied with his written order to remove all but two pets from your base housing, when in fact you had three dogs in your on-base home. On 5 Nov 98, you failed to obey your first sergeant's written order to bring your most recent LES to the Personal Financial Management Program counselor. On 9 Nov 98, you also failed to obey your first sergeant's written order to attend your appointment at York County Child Protective Services.

d. On 12 Nov 98, you received a letter of reprimand for failing to control your pets in base housing and failing to keep your government quarters adequately cleaned.

Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

3. 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], Jr., Area Defense Counsel, 54 Willow Street, Bldg 147, Ext 5607 at 1030 hours on 29 Apr 1999. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 5 May 1999 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the 1st Medical Group, Physical Exam Section at 1100 hours on 29 April 1999 and an additional examination will be scheduled if necessary.

7. 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.

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

[redacted]

Commander, 1 Component Repair Squadron

Attachments:

1. Evidence
2. Receipt of Notification Memorandum