

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

SRA

AFSN/SSAN

TYPE GEN

PERSONAL APPEARANCE

X

RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES

No

X

MEMBER SITTING

VOTE OF THE BOARD

HON

GEN

UO/HC

OTHER

DENY

X

X

X

X

X

ISSUES

A94.05

INDEX NUMBER

A84.00

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

22 Feb 2007

CASE NUMBER

FD-2006-00195

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.

INDORSEMENT

DATE: 2/22/2007

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

FD-2006-00195

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: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received five Notification Letters for Unexcused Absences from Reserve Inactive Duty Training. The applicant was absent for a total of seventeen drill periods in a twelve month period. 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.

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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr ANGUS Bridgeton, MO on 14 Apr 03 UP AFI 36-3209, para 3.13.2 (Unsatisfactory Participation). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 21 Sep 72. Enlmt Age: 19 9/12. Disch Age: 30 6/12. Educ: HS DIPL. AFQT: N/A. A-63, E-64, G-62, M-71. PAFSC: 2A611B - Jet Engine Mechanic. DAS: 27 Feb 02.

b. Prior Sv: (1) 14 Jul 97 - 21 Sep 97 (2 months 8 days) (Inactive).

(2) Enlisted USMC 22 Sep 97. Svd: 04 yrs 00 months 00 days, all AMS. Corporal(E4) - 01 Jan 00. No performance reports.

(3) Transferred to MCRSC on 22 Sep 01. Svd: 5 months 5 days (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted ANGUS as SrA 27 Feb 02 for 3 yrs. Svd: 01 Yrs 01 Mo 18 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: Fourteen unexcused Unit Training Assembly (UTA) absences on 14-15 Sep 02, 5-6 Oct 02, 2 Nov 02, and 11-12 Jan 03.

MFR, 25 OCT 02 - Unprepared to attend UTA because he did not have a uniform with the appropriate accouterments sewn on.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, SSSDR, GCMMC.

i. Stmt of Sv: TMS: (05) Yrs (09) Mos (01) Das
TAMS: (05) Yrs (01) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 08 May 06.
(Change Discharge to Honorable)

Issue 1: Soldier was in excess during his term of service, with no federal training.

ATCH

1. Four Copies of NGB Forms 22.

01AUG06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 131ST FIGHTER WING
SAINT LOUIS, MISSOURI

12 January 2003

MEMORANDUM FOR SrA: [redacted]

FROM: 131 MXS/CC
10800 Lambert International Blvd.
Bridgeton MO 63044-2371

SUBJECT: Notification Letter

1. I am recommending your discharge from the Missouri Air National Guard for Unsatisfactory Participation. The authority for this action is AFI 36-3209, paragraph 3.13.2. If my recommendation is approved, your service will be characterized as an Honorable Discharge or as a General (Under Honorable Conditions) Discharge. I am recommending that your service be characterized as General.

2. My reason for this action is:

You have had 14 unexcused Unit Training Assembly (UTA) absences on: 14-15 September, 5-6 October, 2 November 2002, and 11-12 January 2003. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Adjutant General is the Discharge authority in this matter.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. Your appointed counsel is Major [redacted] 157 AOG/JA, St. Louis, MO. You may set up an appointment with him through MSgt [redacted] at 314-527-8608. You may request military counsel of your choice if such counsel is reasonably available according to AFI 51-201, Military Justice Guide. You may consult civilian counsel at your own expense.

4. You have the right, at any time, to submit any statements or documents in your own behalf.

5. You may waive the rights expressed in paragraphs 3 and 4 above, after having the opportunity to consult with counsel. Within 15 calendar days after receipt of the Letter of Notification or the Monday following the 157th AOG's next drill (whichever is later), you must return an attachment showing your decision on each of the rights in paragraphs 3 and 4 above. The 157th's next drill is 1-2 March 2003. You or your counsel must sign and date this attachment.

6. Within 24 hours of your receipt of this notice, you must execute and return the attached acknowledgement memorandum stating you received this Letter of Notification and all attachments.

7. I will consider granting an extension of the time to reply if additional time is needed by you or your counsel. You or your counsel must submit a written request for such delay, stating the reasons and how much time is needed. The decision whether to grant the additional time is discretionary.

8. Failure to acknowledge receipt or to respond regarding selection of rights within the time prescribed in paragraph 5 above, after receipt of the Letter of Notification constitutes a waiver of all rights, with the result that the case will be processed based on the information available, and without further notice to the respondent.



Commander, 131 MXS

4 Attachments:

- 1. Supporting Documents
- 2. Airman's Receipt of Notification of Action Under AFI 36-3209
- 3. Airman's Statement
- 4. Privacy Act