

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%; margin-top: 5px;"></div>	GRADE SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></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
YES	No	
	X	

MEMBER SITTING <div style="border: 1px dashed black; height: 100px; width: 100%; margin-top: 5px;"></div>	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.05	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 EXHIBIT'S SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE IIF

HEARING DATE 08 Feb 2007	CASE NUMBER FD-2006-00202
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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 <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>
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INDORSEMENT	DATE: 2/12/2007
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, 3RD FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00202

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. The records indicated the applicant received an Article 15, and five Letters of Counseling for misconduct. Applicant received an Article 15 for being drunk and disorderly. He was punished with a reduction in grade to Senior Airman and a reprimand. The records also indicated applicant was administratively disciplined for being late for duty, failure to go, financial irresponsibility, adultery, and failure to obey a lawful order. 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 SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Charleston AFB, SC on 23 Jun 04 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: 9 Aug 80. Enlmt Age: 18 1/12. Disch Age: 23 10/12. Educ: HS DIPL. AFQT: N/A. A-45, E-56, G-50, M-52. PAFSC: 2T251 - Air Transportation Journeyman. DAS: 12 Jan 99.

b. Prior Sv: (1) AFRes 14 Sep 98 - 27 Sep 98 (14 days) (Inactive).

(2) Enlisted as AB 28 Sep 98 for 4 yrs. Svd: 3 yrs 1 month 22 days, all AMS. Amn - 28 Mar 99. AlC - 28 Jan 00. SrA - 28 Sep 01. EPRs: 4,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 20 Nov 01 for 6 yrs. Svd: 02 Yrs 07 Mo 03 Das, all AMS. (DD Form 4 missing from Record)

b. Grade Status: SrA - 26 May 04 (Article 15, 26 May 04)
SSgt - 01 Dec 03

c. Time Lost: None.

d. Art 15's: (1) 26 May 04, Charleston AFB, SC - Article 134. You, were, on or about 1 May 04, drunk and disorderly. Reduction to SrA, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOC, 11 MAY 04 - Late for duty.
LOC, 10 MAY 04 - Failure to go.
LOC, 19 DEC 03 - Financial irresponsibility.
LOC, 13 DEC 03 - Financial irresponsibility.
LOC, 12 DEC 03 - Financial irresponsibility.
LOR/UIF, 31 OCT 03 - Adultery.
LOR, 22 APR 02 - Failure to obey a lawful order or regulation.

f. CM: None.

g. Record of SV: 28 May 01 - 27 May 02 Charleston AFB 4 (Annual)
28 May 02 - 27 May 03 Charleston AFB 4 (Annual)

h. Awards & Decs: AFTR, NDSM, AFLSAR, NCOPMER.

i. Stmt of Sv: TMS: (05) Yrs (09) Mos (10) Das
TAMS: (05) Yrs (08) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 May 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Character Reference.

22JUN06/ia

To whom it may concern,

My name is: [redacted] and I am applying for an upgrade of my General (Under Honorable Conditions) discharge from the U.S. Air Force. I believe I was treated improperly during the entire discharge process. During my final months in the Air Force I was continuously harassed by my First Sergeant as well as my Commander, My immediate supervisors even went as far as to inform me that they were given instructions to nit pick all of my actions they even went as far as writing me up for things that were in the past. I was told by my Flight Superintendent that I was an outstanding worker and a great leader to the younger Airmen only to have him reverse himself a week later during a meeting with our Commander. I was a Staff Sergeant prior to my discharge which would have entitled me to a board review of my discharge... I am sure I would have been allowed to remain in the Air Force had this Board taken place; however my commander circumvented this action by reducing my rank to Senior Airmen then immediately discharging me. I was never told I was being discharged, I was only told to go to scheduled appointments, then on the day of my discharge I was told by my Supervisor that I was being discharged prior to arriving at the Military Personnel Flight for my final out-processing. I believe I was a casualty of the Air Forces reduction that took place during 2004, I know that the Air Force was trying to restructure but I didn't think I would be so mistreated in this process.

Respectfully,

[redacted]



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 437TH AIRLIFT WING (AMC)

FD 2006-00202

JUN 14 2004

MEMORANDUM FOR SRA: [REDACTED] 437 APS

FROM: 437 APS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as an Honorable Discharge, an Under Honorable Conditions (General) Discharge, or an Under Other Than Honorable Conditions Discharge. I am recommending that your service be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

a. On or about 1 May 04, you were drunk and disorderly. For this offense, you received nonjudicial punishment, dated 26 May 04 (Attachment 1);

b. On or about 11 May 04, you were late to work. For this misconduct, you received a Letter of Counseling, dated 11 May 04 (Attachment 2);

c. On or about 7 May 04, you failed to report to a mandatory appointment. For this misconduct, you received a Letter of Counseling, dated 10 May 04 (Attachment 3);

d. On 19 Dec 03, you received a Letter of Counseling for failing to pay your Government Travel Card on time (Attachment 4);

e. On 13 Dec 03, you received a Letter of Counseling for failing to make a car payment on time (Attachment 5);

f. On 6 Dec 03, after being identified on the Commander's delinquent Government Visa bill list, you failed to complete the accrual voucher by the close of business, as instructed. For this misconduct, you received a Letter of Counseling, dated 12 Dec 03 (Attachment 6);

g. On 31 Oct 03, you received a Letter of Reprimand for your involvement in an adulterous relationship (Attachment 7). An Unfavorable Information File was established, dated 31 Oct 03 (Attachment 8); and

h. On or about 15 Apr 02, you accessed sexually explicit material on a government computer. For this offense, you received a Letter of Reprimand, dated 22 Apr 02 (Attachment 9).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction, or a higher authority, will decide whether you will be discharged or retained in the United States 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 you received may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section

AMC-GLOBAL REACH FOR AMERICA

2005(g).

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment will be made for you to consult the Area Defense Counsel, Capt: [redacted]; 963-4416, Building 503, Room 119, upon issuance of this notification. 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 17JUN 2004, 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 military legal 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 separation briefing at Personnel Relocations, Bldg 503, on 14 Jun 04 at 1300 hours.

8. You have been scheduled for a medical examination. You must report to 437th Medical Group, Hill Blvd on 16 Jun 04 at 0715 hours for the examination.

9. Your Transition Assistance Briefing is scheduled on 14 Jun 04 at 1100 in the Family Support Center (Bldg 255) with Mr. [redacted]

10. 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 in the unit orderly room.

11. Sign the attached acknowledgment and return it to me immediately.

[Redacted Signature Box]

Commander

Attachments:

- 1. AF Form 3070 dated 26 May 04 with attachments
- 2. Letter of Counseling dated 11 May 04
- 3. Letter of Counseling dated 10 May 04
- 4. Letter of Counseling dated 19 Dec 03
- 5. Letter of Counseling dated 13 Dec 03
- 6. Letter of Counseling dated 12 Dec 03
- 7. Letter of Reprimand dated 31 Oct 03
- 8. AF Form 1058, dated 31 Oct 03
- 9. Letter of Reprimand, dated 22 Apr 02
- 10. Receipt of Notification
- 11. Airman's Statement
- 12. Recoupment Statement

17 June 04

MEMORANDUM FOR SEPARATION AUTHORITY

FROM: SrA:.....

SUBJECT: Response To Administrative Discharge

This statement concerns the discharge action my commander initiated against me on 14 June 04. My commander is recommending I receive a general discharge based on minor disciplinary infractions. I apologize and accept responsibility for my actions. I would like to remain in the Air Force and fulfill my commitment. However, if you intend to pursue this discharge, I respectfully request that you characterize my discharge as honorable.

I ask you to consider that I had a very difficult childhood. I grew up with four brothers and sisters, with only my mother, who is a high school dropout, to support us. I spent all my adolescence on state welfare. Our family moved 22 times before the time I reached 18. I attended three different schools. Although this is absolutely no excuse for my conduct over the past year, I have sought help through civilian doctors to help me deal with the hardships I endured while I was a child. I was a good student while attending North Dickinson High School in Michigan. I participated in Baseball, Basketball, Track, Football, and acted in the drama club. I worked as summer help for my school on my summer vacations and distinguished myself so well that my supervisor requested to the school board that I be held on for another two weeks past my original release date; he selected only me out of eight summer employees. I joined the Air Force to serve my country and to make my family proud. I wanted to do something important with my life. I am proud of the time I served; I have met amazing people and experienced amazing things.

I attended Technical Training on Lackland AFB TX, receiving my Certificate of Training for completing the course study to become a qualified Air Transportation Apprentice. I've also attended the Air Forces Train the Trainer course to become qualified to train co-workers on all of the vehicles that I am qualified to drive. I attended Airman Leadership School on Charleston AFB and graduating on 21 August 03 with class 03G. I was selected along with six other Airman from my duty section to represent Charleston AFB in an AMC sanctioned ORI in Savannah GA, where we were awarded an excellent pass rating. I received Letters of Appreciation for my outstanding service in Prince Sultan AB, Saudi Arabia, Seeb North AB, Oman, and Kandahar AF, Afghanistan.

In closing, I sincerely ask you to characterize my discharge as honorable. I have served my country for five years and nine months, enduring 12-hour shifts that occasionally included six-day workweeks. I have voluntarily deployed in support of Operation Southern Watch, Operation Iraqi Freedom, and Operation Enduring Freedom, for a total of 363 days, all to austere environments in the Middle East, working extreme hours in harsh conditions. But, I always ensured that the mission was accomplished quickly and safely to defend our nation against the evils of terrorism. I endured many mortar attacks while deployed to Kandahar AF, Afghanistan,

but always maintained a clear head and ensured all of my co-workers were safe in the correct bunker. A discharge means not only the loss of income, but also of health insurance. A General Discharge will forever reduce my chances of being able to secure employment and thus the ability to afford insurance. I fear a General Discharge will hinder my chances for providing for my wife, Asha Bruette, who is due to give birth to my first child on January 30, 2005. I ask for mercy.

Thank you for taking the time to review this response.

