

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>
---	---------------------	---

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

ISSUES A93.01 A92.01 A94.05	INDEX NUMBER A67.00	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 01 Mar 2007	CASE NUMBER FD-2006-00203	
------------------------------------	-------------------------------------	--

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 TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 3/6/2007 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-2006-00203

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:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. Applicant states that he was young, inexperienced in life and made some wrong decisions. He realizes now that if he had more time he would have had a great career. The Board recognized the applicant was 21 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct and concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

Issue 2. Applicant contends that he was promised an Honorable discharge but it did not go through because of a change in leadership. He feels there is no reason he should not have received an Honorable discharge. He stated that he had served his country well and had medals and certificates to show. The record indicates the applicant received six Records of Individual Counseling for being late for work--three times, failure to obey direct order, failure to meet standards, and abuse of government vehicle; four Letters of Reprimand for being late for work and failure to go; and an Article 15 for driving under the influence of alcohol and failure to maintain current registration for his vehicle. The Board found no evidence of inequity or impropriety in his discharge. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Holloman AFB, NM on 23 Aug 04 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Discreditable Involvement With Military or Civil Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Jan 83. Enlmt Age: 18 8/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-65, E-59, G-62, M-55. PAFSC: 3E331 - Structures Apprentice. DAS: 24 Oct 02.

b. Prior Sv: (1) AFRes 4 Oct 01 - 1 Apr 02 (5 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Apr 02 for 6 yrs. Svd: 02 Yrs 04 Mo 22 Das, all AMS.

b. Grade Status: Amn - 19 Feb 04 (Article 15, 19 Feb 04)
A1C - 17 May 02

c. Time Lost: None.

d. Art 15's: (1) 19 Feb 04, Holloman AFB, NM - Article 111. You, did, on or about 1 Feb 04, on First Street adjacent to the marquee, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was .13 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. Article 92. You, who knew or should have known of your duties, on or about 1 Feb 04, were derelict in the performance of those duties in that you negligently failed to maintain a current registration for your Dodge Neon, as it was your duty to do. Reduction to Airman, with new date of rank of 19 Feb 04. Forfeiture of \$100.00 pay per month for two months. Reprimand. (No appeal) (No mitigation)

e. Additional: MEMO, 07 JUN 04 - Failed CDC End of Course Exam for the 2nd time.

LOR, 17 MAY 04 - Failure to go.

RIC, 07 APR 04 - Late for duty.

LOR, 05 APR 04 - Failure to go.

MEMO, 03 FEB 04 - Failed CDC End of Course Exam for the 1st time.

LOR, 11 DEC 03 - Failure to go.

RIC, 22 AUG 03 - Government vehicle abuse.

LOR, 19 JUN 03 - Late for duty.
RIC, 27 FEB 03 - Late for duty.
RIC, 18 FEB 03 - Reporting to work in need of a haircut.
RIC, 05 DEC 02 - Failure to obey a direct order.
RIC, 05 DEC 02 - Late for work.

f. CM: None.

g. Record of SV: 02 Apr 02 - 02 Dec 03 Holloman AFB 4 (Initial)
02 Dec 03 - 24 Jun 04 Holloman AFB 1 (Cmdr Dir)REF

h. Awards & Decs: AFTR, NDSM, AFOUA W/VALOR.

i. Stmt of Sv: TMS: (02) Yrs (10) Mos (20) Das
TAMS: (02) Yrs (04) Mos (22) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 May 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

11AUG06/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I WAS YOUNG AND INEXPERIENCED IN LIFE AND HAD MADE SOME WRONG DECISIONS. NOW THAT I AM OLDER AND WISER I REALIZE THAT IF I HAD MORE TIME WHEN I WAS ENLISTED I WOULD HAVE HAD A GREAT CAREER IN THE AIRFORCE. I WAS PROMISED A HONORABLE DISCHARGE AND DID NOT RECEIVE IT. A CHANGE OF COMMAND IN MY SQUADRON HAD ACCURRED DURING MY DISCHARGE AND I BELIEVE THAT HAD ALOT TO DO WITH THE OUT COME OF MY DISCHARGE. I FEEL THAT THERE IS NO REASON WHY I SHOULDN'T HAVE AN HONORABLE DISCHARGE. I SERVED MY COUNTRY WELL AND HAVE MEDALS AND CERTIFICATES THAT SHOW THAT I HOPE YOU REALLY RE CONSIDER MY REQUEST AND GIVE ME THE DISCHARGE THAT I RIGHT FULLY DE SERVE.

THANK YOU

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

2006 05 20

b. SIGNATURE

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY
Army Review Boards Agency
Support Division, St. Louis
ATTN: SFMR-RBR-SL
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY & MARINE CORPS
Naval Council of Personnel Boards
720 Kennon Street, S.E.
Rm. 309 (NDRB)
Washington Navy Yard, DC
20374-5023

AIR FORCE
SAF/MIBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD
Commandant (G-WPM)
2100 Second Street, S.W.
Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 49TH FIGHTER WING (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO 88330

FD 2006-00203

MEMORANDUM FOR AMN [REDACTED]

20 JUL 2004

FROM: 49 MMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Discreditable Involvement with Military or Civil Authorities. The authority for this action is AFPD 36-32 and AFI 36-3208, Section 5H, paragraph 5.50.1. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as a General Discharge.

2. My reasons for this action are as follows:

a. You, who knew, or should have known of your duties at or near Holloman AFB, NM, on or about 14 May 2004, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: morning PT. For your misconduct, you received a Letter of Reprimand dated 17 May 2004. (Atch 1)

b. You, who knew, or should have known of your duties at or near Holloman AFB, NM, on or about 6 April 2004, were derelict in the performance of those duties in that you were not ready for work after your quarters were terminated and not extended, as it was your duty to do. For your misconduct, you received a Record of Individual Counseling dated 7 April 2004. (Atch 2)

c. You, who knew, or should have known of your duties at or near Holloman AFB, NM, on or about 5 April 2004, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: morning PT. For your misconduct, you received a Letter of Reprimand dated 5 April 2004. (Atch 3)

d. You did, at or near Holloman AFB, NM, on or about 1 February 2004, on First Street adjacent to the marquee, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was .13 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. You, who knew, or should have known of your duties at or near Holloman AFB, NM, on or about 1 February 2004, were derelict in the performance of those duties in that you negligently failed to maintain a current registration for your Dodge Neon, as it was your duty to do. For your misconduct, you received Article 15 punishment dated 19 February 2004, consisting of reduction to the grade of Airman, forfeiture of \$100 pay per month for two months, and a reprimand. (Atch 4)

e. You, who knew, or should have known of your duties at or near Holloman AFB, NM, on or about 11 December 2003, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 49 MMS, Structural Maintenance. For your misconduct, you received a Letter of Reprimand dated 11 December 2003. (Atch 5)

f. You, on or about 22 August 2003, at or near Holloman AFB, NM, were witnessed by SSgt [redacted] abusing a government vehicle by doing donuts at the southwest corner of the group's compound area. For your misconduct, you received a Record of Individual Counseling dated 22 August 2003. (Atch 6)

g. You, who knew, or should have known of your duties at or near Holloman AFB, NM, on or about 19 June 2003, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 49 MMS, Structural Maintenance. For your misconduct, you received a Letter of Reprimand dated 19 June 2003. (Atch 7)

h. You, who knew, or should have known of your duties at or near Holloman AFB, NM, on or about 27 February 2003, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 49 MMS, Structural Maintenance. For your misconduct, you received a Record of Individual Counseling dated 27 February 2003. (Atch 8)

i. You, who knew, or should have known of your duties at or near Holloman AFB, NM, on or about 18 February 2003, were derelict in the performance of those duties in that you were previously briefed about your hair touching your ears and still reported to work, as it was your duty to do. For your misconduct, you received a Record of Individual Counseling dated 18 February 2003. (Atch 9)

j. You, who knew, or should have known of your duties at or near Holloman AFB, NM, on or about 3 December 2002, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 49 MMS, Structural Maintenance. For your misconduct, you received a Record of Individual Counseling dated 5 December 2002. (Atch 10)

k. You did, at or near Holloman AFB, NM, on or about 3 December 2002, fail to obey a lawful general regulation, to wit: table 2.5, Air Force Instruction 36-2903, dated 29 September 2002, by not maintaining your hair within standards. For your misconduct, you received a Record of Individual Counseling dated 5 December 2002. (Atch 11)

3. Although not basis for discharge, the following information may be used to determine the appropriateness of discharge:

You did, at or on Holloman AFB, NM, on or about 20 November 2003 and on or about 20 May 2004, fail your Career Development Course (CDC) exams. These failures are documented by Course Examination Assessment Worksheets dated 3 February 2004 and 7 June 2004. (Atch 12 and 13)

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States Air Force. 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

5. 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] at Bldg 222, on 29 July, at 1330 hours. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 3 Aug 04 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
7. 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.
8. You have been scheduled for a medical examination. You must report to Family Practice Clinic, Family Practice Bldg 15 on N/A, at N/A hours for the examination.
9. 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 49 FW/JA.
10. You must execute the attached receipt and return it to me immediately. This receipt does not admit or deny any of the allegations against you, nor does it mean that you agree with the discharge action. It is simply an acknowledgment that you have received this Letter of Notification.



Commander

Attachments:

1. Letter of Reprimand, 17 May 2004
2. Letter of Reprimand, 7 April 2004
3. Letter of Reprimand, 5 April 2004
4. Article 15, 19 February 2003
5. Letter of Reprimand, 11 December 2003
6. Record of Individual Counseling, 22 August 2003
7. Letter of Reprimand, 19 June 2003
8. Record of Individual Counseling, 27 February 2003
9. Record of Individual Counseling, 18 February 2003
10. Record of Individual Counseling, 5 December 2002
11. Record of Individual Counseling, 5 December 2002
12. Course Examination Assessment Worksheet, 3 February 2004
w/Student Enrollment Query and Memorandum for Record
13. Course Examination Assessment Worksheet, 7 June 2004
w/score card
14. TABE result, 18 February 2004