

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE <b>AB</b>	AFSN/SSAN _____
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<b>X</b>	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X**
					X**
					X**
					X**
					X**

ISSUES <b>A93.23</b> <b>A94.05</b>	INDEX NUMBER <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
		<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 <b>25 Jan 2007</b>	CASE NUMBER <b>FD-2006-00204</b>	
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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.

\* Reason and Authority  
 + Reenlistment Code

<b>INDORSEMENT</b>		<b>DATE: 2/6/2007</b>
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-2006-00204**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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 discharge was inequitable because it was too harsh. He contends his misconduct was based upon his depression due to his severely ill baby. He has also expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The records indicated the applicant received an Article 15, a Vacation, 12 – AETC Form 341's, and two Memorandums for Record for misconduct. Applicant received an Article 15 for failure to go to appointed place of duty. He was punished with forfeiture of \$575.00 pay for two months and thirty days of correctional custody (suspended). The Vacation action was for failing to adhere to the phase program by staying at a hotel off of the installation. He was punished with thirty days of correctional custody. Applicant was also administratively disciplined for being late for formation on two separate occasions; curfew violation, failure to shave and uniform violation, failed room inspections, failure to go, and smoking in his dorm room. 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 AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Goodfellow AFB, TX on 18 Dec 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 22 Feb 84. Enlmt Age: 18 5/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-59, E-55, G-62, M-41. PAFSC: 3E711 - Student. DAS: 16 Jun 03.

b. Prior Sv: (1) AFRes 15 Aug 02 - 28 Apr 03 (8 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Apr 03 for 6 yrs. Svd: 00 Yrs 07 Mo 21 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 24 Nov 03, Vacation, Goodfellow AFB, TX - Article 92. You, who knew or should have known of your duties, on divers occasions between on or about 6 Nov 03, and on or about 10 Nov 03, were derelict in the performance of those duties in that you stayed at a hotel off of the installation, and therefore, willfully failed to adhere to the phase program, as it was your duty to do. Thirty days correctional custody. (No appeal) (No mitigation)

(2) 10 Oct 03, Goodfellow AFB, TX - Article 86. You did, on or about 20 Aug 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 3453 at 1900 hours. Forfeiture of \$575.00 pay per month for 2 months. Thirty days correctional custody (suspended). (No appeal) (No mitigation)

e. Additional: MFR, 03 DEC 03 - Escaped from base correctional custody.  
AETC 125A, 26 NOV 03 - Disenrolled from training.  
AETC 341, 12 NOV 03 - Late for formation.  
AETC 341, 12 NOV 03 - Missed mandatory meeting.  
MFR, UNDATED - Uniform violation and phase violation.  
AETC 341, 01 NOV 03 - Curfew violation.  
AETC 341, 29 OCT 03 - Late for formation.  
AETC 341, 27 OCT 03 - Late for mandatory formation.  
AETC 341, 22 OCT 03 - Failure to shave, and a uniform

violation.

AETC 341, 16 OCT 03 - Failed to go to PC.  
MFR, 10 OCT 03 - Failure to show for mandatory appointments  
for over a week.  
AETC 341, 30 SEP 03 - Failed room inspection.  
AETC 341, 23 SEP 03 - Failed room inspection.  
AETC 341, 04 SEP 03 - Failed a timed run at physical  
conditioning.  
MFR, 16 JUL 03 - Smoking in dorm room and breaking phase  
rules.  
AETC 341, 16 JUL 03 - Smoking in dorm room.  
AETC 341, 07 JUL 03 - Failed room inspection.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (04) Mos (04) Das  
TAMS: (00) Yrs (07) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 May 06.  
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority  
for Discharge)

Issue 1: I would like to reenlist. The misconduct was based upon my  
depression, when my baby was severely ill. All of those issues have been  
resolved.

**ATCH**

1. DD Form 214.
2. Letter of Support.

05JUL06/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD 7006-00304

DEC 09 2003

MEMORANDUM FOR AB: \_\_\_\_\_ } 312 TRS

FROM: 312 TRS

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for 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 honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 7 Jul 03, you failed a room inspection. For this, you received an AETC Form 341, dated 7 Jul 03.

b. On or about 16 Jul 03, you were smoking in your room, a phase violation. For this, you received an AETC Form 341, dated 16 Jul 03.

c. On or about 26 Jul 03, you were assigned to Remedial Military Training (RMT) for smoking in your room. This is documented on a Memorandum for Record, dated 16 Jul 03.

d. On or about 20 Aug 03, you did, at or near Goodfellow AFB, Texas, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 3453 at 1900 hours. For this, you received an AF Form 3070 (Article 15), dated 10 Oct 03.

e. On or about 4 Sep 03, you failed a timed run at physical conditioning (PC). For this, you received an AETC Form 341, dated 4 Sep 03.

f. On or about 23 Sep 03, you failed a room inspection. For this, you received an AETC Form 341, dated 23 Sep 03.

g. On or about 30 Sep 03, you failed a room inspection. For this, you received an AETC Form 341, dated 30 Sep 03.

h. On or about 16 Oct 03, you failed to go to PC. For this, you received an AETC Form 341, dated 16 Oct 03.

i. On or about 18 Oct 03, you were assigned to Remedial Military Training (RMT) for failing to show for a mandatory appointment for over one week about room failure. This is documented on a Memorandum for Record, dated 10 Oct 03.

j. On or about 22 Oct 03, you failed to shave and you wore the wrong web belt with your uniform. For this, you received an AETC Form 341, dated 22 Oct 03.

k. On or about 27 Oct 03, you were late for a mandatory formation. For this, you received an AETC Form 341, dated 27 Oct 03.

l. On or about 29 Oct 03, you were late for a morning formation. For this, you received an AETC Form 341, dated 29 Oct 03.

m. On or about 1 Nov 03, you were not in your room at curfew. For this, you received an AETC Form 341, dated 1 Nov 03.

n. On or about 5 Nov 03, you were observed getting out of a taxi, dressed in BDUs without a hat. You admitted to TSgt: [REDACTED] that you had been staying with your wife in a downtown hotel on numerous occasions. This is documented on a Memorandum for Record, undated.

o. On or about 6 Nov 03, you missed a mandatory security clearance meeting. For this, you received an AETC Form 341, dated 12 Nov 03.

p. Between on or about 6 Nov 03 and 10 Nov 03, you who knew or should have known of your duties, at or near Goodfellow Air Force Base, Texas, on divers occasions, were derelict in the performance of those duties in that you stayed at a hotel off of the installation, and therefore, willfully failed to adhere to the phase program, as it was your duty to do. For these, you received an AF Form 366 (Vacation), dated 24 Nov 03.

q. On or about 12 Nov 03, you were late for a casual formation. For this, you received an AETC Form 341, dated 12 Nov 03.

r. On or about 17 Nov 03, AB: [REDACTED] escaped from the base correctional custody unit in building 401. This is documented on a Memorandum for Record, dated 3 Dec 03.

s. On or about 26 Nov 03, you were disenrolled from course X3ABR3E731-006 (Fire Protection Apprentice) for disciplinary reasons. You are not recommended for further technical training. This was documented on AETC Form 125A and a Record of Training on 26 Nov 03.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. 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.

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 with the Goodfellow AFB, Area Defense Counsel on 10 Dec 03 at 0900 hours in Bldg 308. 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 12 Dec 03 at 0930 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 must report to the Physical Exams Section of the clinic during walk-in hours, Monday through Thursday from 0730-1530 hours, for your medical examination.

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.

[Signature]

Commander

**Attachments:**

1. AETC Form 341, dated 7 Jul 03
2. AETC Form 341, dated 16 Jul 03.
3. Memorandum for Record, dated 16 Jul 03
4. AF Form 3070 (Article 15), dated 10 Oct 03
5. AETC Form 341, dated 4 Sep 03
6. AETC Form 341, dated 23 Sep 03
7. AETC Form 341, dated 30 Sep 03
8. AETC Form 341, dated 16 Oct 03
9. Memorandum for Record, dated 10 Oct 03
10. AETC Form 341, dated 22 Oct 03
11. AETC Form 341, dated 27 Oct 03
12. AETC Form 341, dated 29 Oct 03
13. AETC Form 341, dated 1 Nov 03
14. Memorandum for Record, undated
15. AETC Form 341, dated 12 Nov 03
16. AF Form 366 (Vacation), dated 24 Nov 03
17. AETC Form 341, dated 12 Nov 03
18. Memorandum for Record, dated 3 Dec 03
19. AETC Form 125A and a Record of Training, dated 26 Nov 03