

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE A1C	AFSN/SSAN _____
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW								
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:10%;">COUNSEL</th> <th style="width:90%;">NAME OF COUNSEL AND OR ORGANIZATION</th> </tr> <tr> <td style="text-align: center;">YES</td> <td></td> </tr> <tr> <td style="text-align: center;">No</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES		No			X	ADDRESS AND OR ORGANIZATION OF COUNSEL _____	
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YES											
No											
	X										

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

ISSUES A92.35 A92.01 A94.05	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD														
		<table 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 13 Mar 2007	CASE NUMBER FD-2006-00207															

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.

+ Reenlistment Code

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
INDORSEMENT	DATE: 3/20/2007

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00207

GENERAL: The applicant appeals for upgrade of discharge to honorable 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 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:

Issue 1. Applicant contends discharge was inequitable because it was too harsh and based on isolated incidents. The records indicated the applicant received two Article 15s and a Vacation for misconduct. Applicant's first Article 15 was for failure to go to appointed place of duty and dereliction of duty for failure to refrain from using his government travel card for personal and unauthorized use. He was punished with a reduction in grade to Senior Airman, suspended forfeiture of pay for two months, 45 days of extra duty, and a reprimand. His Vacation action was for failure to go to appointed place of duty which resulted in a forfeiture of pay for two months. His second Article 15 was for being derelict in the performance of duties by negligently failing to follow Flight Operating Instruction 91-5. He was reduced in grade to Airman First Class and performed 14 days of extra duty. 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. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Mountain Home AFB, ID on 16 Aug 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 21 Sep 80. Enlmt Age: 19 10/12. Disch Age: 24 10/12. Educ: HS DIPL. AFQT: N/A. A-88, E-85, G-80, M-87. PAFSC: 2W051 - Munitions Systems Journeyman. DAS: 15 Jan 04.

b. Prior Sv: (1) AFRes 9 Aug 00 - 28 Aug 00 (20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted Amn 29 Aug 00 for 6 yrs. Svd: 04 Yrs 11 Mo 18 Das, all AMS.

b. Grade Status: A1C - 19 Jul 05 (Article 15, 19 Jul 05)
SrA - 09 Dec 04 (Article 15, 09 Dec 04)
SSgt - 1 Jun 04
SrA - 13 Aug 02
A1C - 13 Oct 00

c. Time Lost: None.

d. Art 15's: (1) 19 Jul 05, Mountain Home AFB, ID - Article 92. You, who knew of your duties, on or about 23 Jun 05, were derelict in the performance of those duties in that you negligently failed to follow Flight Operating Instruction 91-5, section 3.3.9, as it was your duty to do. Reduction to A1C, and 14 days extra duty. (No appeal) (No mitigation)

(2) 13 Jun 05, Vacation, Mountain Home AFB, ID - Article 86. You, did, on or about 25 May 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 3022. Forfeiture of \$100.00 pay per month for two months. (No appeal) (No mitigation)

(3) 9 Dec 04, Mountain Home AFB, ID - Article 86. You, did, on or about 3 Nov 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 10439. Article 92. You, who knew of your duties, from about 9 Oct 04 to about 3 Nov 04, were derelict in the performance of those duties in that you



DEPARTMENT OF THE AIR FORCE
366TH EQUIPMENT MAINTENANCE SQUADRON (ACC)
MOUNTAIN HOME AFB, IDAHO 83848

FD 2806-00207

2 Aug 05

MEMORANDUM FOR AIC: [REDACTED]

FROM: 366 EMS/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 Honorable or an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

- a. On or about 23 Jun 05, you negligently failed to follow Flight Operating Instruction 91-5, section 3.3.9. As a result, you received an Art. 15, UCMJ, dated 19 Jul 05. (Atch 1).
- b. On or about 25 May 05, you failed to go at the time prescribed to your appointed place of duty. As a result, on 13 Jun 05, the suspended punishment from your Art. 15, UCMJ, dated 09 Dec 04, was vacated. (Atch 2).
- c. On or about 03 Nov 04, you failed to go at the time prescribed to your appointed place of duty. As a result, you received an Art. 15, UCMJ, dated 09 Dec 04. (Atch 3).
- d. From on or about 09 Oct 04 to about 03 Nov 04, you failed to refrain from using your government travel card for personal and unauthorized use. As a result, you received an Art. 15, UCMJ, dated 09 Dec 04. (Atch 3).

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 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 may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 Capt [REDACTED] at 750 Desert Ave., Mountain Home AFB, on 2 Aug 05, at 1500 hours. 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 1400/5 Aug 05 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 have been scheduled for a medical examination. You must report to the Force Health Management Section, Mountain Home AFB Hospital on 3 Aug 05, at 1000 hours for the 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 at your orderly room.
9. Proceed with this letter to the Military Personnel Flight (MPF), Customer Service, Building 512, Mountain Home AFB no later than 1600 / 3 Aug 05 where you will be issued a temporary ID card good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.
10. Proceed with this letter to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than 1600 / 3 Aug 05 where you will turn in your Mountain Home AFB vehicle sticker and your DoD vehicle decal after which you will be issued a temporary vehicle pass good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle decal will be issued to you until the case is finalized.
11. Proceed with this letter to the Traffic Management Office (TMO), in building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.
12. Execute the attached acknowledgment and return it to me immediately.


Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum