

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE AB	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
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>	X				*+
	X				*+
					X*+
	X				*+
	X				*+

ISSUES <b>A93.07</b> <b>A93.22</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>21 Feb 2007</b>	CASE NUMBER <b>FD-2006-00209</b>	
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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.

\* Reason and Authority  
 + Reenlistment Code

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

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2006-00209**

**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:** The discharge is upgraded to Honorable. The 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 applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the characterization should be changed to Honorable.

**ISSUE:**

Applicant has expressed a desire for upgrade of his discharge to allow for reenlistment in the armed forces. Applicant contends at the time of his entry into the Air Force, he was not aware of his medical condition which affected his sleep habits and later experienced depression due to his family situation. The records indicated the applicant received an Article 15, four Letters of Reprimand, and two Records of Individual Counseling for misconduct. His misconduct included failure to go to his appointed place of duty on several occasions, failed dorm inspections, being late for duty on numerous occasions, and wearing earrings while in uniform. The DRB reviewed applicant's medical records and determined there may have been some correlation with his medical condition and his misconduct. However, the Board could not totally dismiss or condone the episodes of misconduct. Hence, the Board concluded it would be inappropriate to change the reason and authority for discharge or his reenlistment code. However, the majority of the board members voted to give the applicant an Honorable discharge characterization.

**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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. Therefore, the applicant's characterization for discharge should be changed to Honorable under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Shaw AFB, SC on 15 Mar 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 3 Mar 81. Enlmt Age: 18 4/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-87, E-77, G-66, M-76. PAFSC: 1T131 - Aircrew Life Support Apprentice. DAS: 31 Dec 99.

b. Prior Sv: (1) AFRes 30 Jul 99 - 18 Aug 99 (19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Aug 99 for 4 yrs. Svd: 01 Yrs 06 Mo 27 Das, all AMS.

b. Grade Status: AB - 5 Feb 01 (Article 15, 5 Feb 01)  
Amn - 19 Feb 00

c. Time Lost: None.

d. Art 15's: (1) 5 Feb 01, Spangdahlem AB, Germany - Article 86. You did, on or about 11 Jan 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 227 for Bay Orderly duties. You did, on or about 12 Jan 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 613 for firearms training. Reduction to AB, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 13 NOV 00 - Failed dorm room inspection.  
CR, 17 JUL 00 - Repeated failures to go.  
LOR/UIF, 17 JUL 00 - Failure to go.  
LOR, 13 JUL 00 - Failure to go.  
LOR/UIF, 22 MAY 00 - Wearing earrings while in uniform.  
RIC/UIF, 12 MAY 00 - Late for duty.  
RIC/UIF, 10 MAR 00 - Failure to go and disobeying a lawful order.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (07) Mos (16) Das  
TAMS: (01) Yrs (06) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Jun 06.  
(Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214.

05JUL06/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 B prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I am requesting an upgrade in my discharge status so that I might be able to enter into military service once again. At 17 years, when I first entered the Air Force, I was not aware of the sleeping inability that I would develop. Over time, I learned how to control my sleeping habits. In other words, I learned how to make myself go to sleep at night. I was also going through a period of depression. Base mental health diagnosed my condition and it is in my medical records. I have grown stronger in my Baptist faith and grown up as a man. My attitude as an airman was always disciplined, motivated, and loyal to duty. My personal life with my family was in shambles. During my term of service, my grandpa, who acted as my father, which is also noted in my records, was slowly dying. When I was informed of his death, there was confusion in what my actual father or grandfather was dead. That time period created denial and a deep spiral into despair. I accept responsibility for my mistakes, yet I'm stronger now and have a family of my own to support and look for a chance to make a difference. As the issue with my not being able to sleep and medication is in my medical records, I was written up for missing appointments and being tardy.

- 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) 2006/05/25      b. SSN

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR:SL 9700 Page Avenue St. Louis, MO 63132-5200 (See <a href="http://arba.army.pentagon.mil">http://arba.army.pentagon.mil</a> )	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE  
52D FIGHTER WING (USAF)

FD 2006-00209

23 Feb 01

MEMORANDUM FOR AB: [REDACTED]  
22D FIGHTER SQUADRON

FROM: 22 FS/CC

SUBJECT: Notification Letter

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 for discharge is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).
2. My reasons for this action are:
  - a. On 10 Mar 00, you failed to report to your appointed place of duty at the prescribed time. Prior to this you were briefed numerous times for the same incident. You also failed to obey a lawful order. For this infraction, you received a Record of Individual Counseling (RIC) on 10 Mar 00. (Atch 1)
  - b. During the months of Jan 00 through May 00, you repeatedly failed to report to your appointed place of duty at the prescribed time. On 22 Jan 00, 27 Jan 00, 17 Feb 00, and 3 May 00, you were verbally counseled for these infractions. Furthermore, on 11 May 00, you again failed to report to your appointed place of duty at the prescribed time. For these infractions, you received another RIC on 12 May 00. (Atch 2)
  - c. On 19 May 00, you violated AFI 36-2903, Dress and Personal Appearance, and failed to obey a lawful order when you wore earrings in uniform. For this infraction, you received a Letter of Reprimand (LOR) on 22 May 00. (Atch 3)
  - d. On 13 Jul 00, you failed to report to your appointed place of duty at the prescribed time. For this infraction, you received another LOR on 13 Jul 00. (Atch 4)
  - e. On 17 Jul 00, you failed to report to a scheduled appointment at the prescribed time. For this infraction, you received another LOR on 17 Jul 00. (Atch 5) An Unfavorable Information File (UIF) was established, you were placed on the control roster, and the LORs dated 10 Mar 00, 12 May 00, 22 May 00, and 17 Jul 00 were filed in it on 17 Jul 00. (Atch 6)

f. On 14 Oct 00, a no-notice spot inspection was conducted and your dormitory room was found in unsatisfactory condition. You were counseled and instructed to clean your room for re-inspection the following day. Upon re-inspection, your room was still unsatisfactory and you received a verbal counseling. Furthermore, on 3 Nov 00, you were informed of a scheduled room inspection on 4 Nov 00. On 4 Nov 00, you failed your inspection. Finally, you were informed that you would be re-inspected the following day and upon re-inspection you received a marginal. For these infractions, you received another LOR on 13 Nov 00. (Atch 7)

g. On or about 11 Jan 01, you failed to report to your appointed place of duty at the prescribed time. Also, on or about 12 Jan 01, you failed to report to your appointed place of duty at the prescribed time. For these infractions, you received Article 15 Nonjudicial Punishment on 5 Feb 01. You were reduced to the grade of E-1 (Airman Basic), with a new date of rank of 5 Feb 01, received 30 days extra duty, and a reprimand. (Atch 8)

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 re-enlistment 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 with Capt: [REDACTED], Spangdahlem AB, Germany, DSN 452-6607, on 27 FEB 01 at 0815 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three duty days, unless you request and receive an extension in writing for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements on your own behalf within the time period prescribed, it will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the 52d Medical Group, **PHYSICAL EXAMS ELEMENT** on 28 FEB 01 at 1300 hours. An appointment has also been made at **FAMILY PRACTICE** on 1 MAR 01 at 0915 hours.

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 Commander's Support Staff office.

9. Execute the attached acknowledgement and return it to me immediately.



Commander

9 Attachments:

1. RIC, 10 May 00.
2. RIC, 12 May 00.
3. LOR, 22 May 00.
4. LOR, 13 Jul 00
5. LOR, 17 Jul 00.
6. AF Form 1058, 17 Jul 00.
7. LOR, 13 Nov 00.
8. AF Form 3070, 16 Oct 00.
9. Airman's receipt of Notification Letter, located at Tab 2



makes him a poor candidate for probation and rehabilitation. Therefore, I do not recommend probation and rehabilitation in this case.

8. ACTIONS WHICH MAY BE TAKEN: As the special court-martial convening authority, you have the following options:

- a. Direct AB: [ ] be retained in the Air Force;
- b. Recommend 3 AF/CC discharge AB: [ ] with an honorable service characterization, with or without probation and rehabilitation; or
- c. Discharge AB: [ ] with a general (under honorable conditions) service characterization, with or without probation and rehabilitation.

9. RECOMMENDATION: Discharge AB: [ ] for Minor Disciplinary Infractions under the provisions of AFPD 36-32 and AFI 36-3208, paragraph 5.49, with a general (under honorable conditions) service characterization, without probation and rehabilitation.

[ ]

Staff Judge Advocate

Attachment:  
Case file