

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	X	PERSONAL APPEARANCE		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	UOTHC	OTHER	DENY
								X
								X
								X
								X
								X
ISSUES A93.33 A93.15		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 EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
					TAPE RECORDING OF PERSONAL APPEARANCE HE			
HEARING DATE 13 Jun 2007		CASE NUMBER FD-2006-00215						
<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</small>								
<p>Case heard in Washington, D.C. via video teleconference between Robins AFB, GA and Andrews AFB, MD.</p> <p>Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <p>X - Upgrade, Reason & Authority and RE Code</p>								
INDORSEMENT				DATE: 6/14/2007				
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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00215

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change reason and authority of discharge and change of the reenlistment code. The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference between Andrews AFB, MD and Robbins AFB, GA on 13 June 2007.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Applicant's Contentions

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 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 that his discharge did not take into account the good things he did while in the service. The record indicates that the applicant received six Records of Individual Counseling, a Letter of Admonishment, four Letters of Reprimand and an Article 15 for misconduct. The Board noted that 10 of the 12 actions taken against the applicant were based on his repeated failure to report for duty in a timely manner or leaving his place of duty without proper authority. The Board took note of the applicant's duty performance as documented by his performance reports; they determined that the applicant was an average performer with extensive knowledge of his duties. However, the Board opined that through the administrative actions, the applicant had ample opportunities to change his behavior. The Board found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance and concluded the characterization of the discharge was appropriate for the reasons which were the basis for this case.

Issue 2. Applicant also contends that he was singled out on the basis of racism within his immediate chain of command. The Board found no mitigating evidence in the record or during the applicant's testimony to suggest an inequity was committed against him. The applicant did state that an investigation was conducted but did not provide any evidence of the outcome or of its submission. The Board found the misconduct of the applicant appropriately characterized his term of service.

Issue 3. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The Board noted that when the applicant applied for these benefits, he signed a statement that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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

[REDACTED] (Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Holloman AFB, NM on 17 Nov 05 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: 7 Aug 82. Enlmt Age: 19 7/12. Disch Age: 23 3/12. Educ: HS DIPL. AFQT: N/A. A-80, E-73, G-66, M-63. PAFSC: 2A753 - Aircraft Structural Maintenance Journeyman. DAS: 20 Nov 02.

b. Prior Sv: (1) AFRes 8 Mar 02 - 27 May 02 (2 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 28 May 02 for 4 yrs. Svd: 03 Yrs 05 Mo 20 Das, all AMS.

b. Grade Status: Amn - 26 Sep 05 (Article 15, 26 Sep 05)
A1C - 28 Mar 03

c. Time Lost: None.

d. Art 15's: (1) 26 Sep 05, Holloman AFB, NM - Article 86. You, did, on or about 3 Sep 05, without authority, absent yourself from your unit at which you were required to be, to wit: 49th Material Maintenance Squadron, and did remain so absent until on or about 3 Sep 05. You did, on or about 4 Sep 05, without authority, absent yourself from your unit at which you were required to be, to wit: 49th Material Maintenance Squadron, and did remain so absent until on or about 4 Sep 05. Article 92. You, who knew or should have known of your duties, on or about 4 Sep 05, were derelict in the performance of those duties in that you willfully failed to stay awake and perform your duties, as it was your duty to do. Reduction to Airman, restriction to the limits of Holloman AFB, New Mexico for 21 days, 21 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 02 JUN 05 - Late for duty.
LOR, 18 MAR 05 - Late for duty.
LOR, 17 MAR 05 - Failure to go.
RIC, 12 JAN 05 - Missing formation and late for work.
RIC, 27 MAY 04 - Late for duty.
RIC, 14 MAY 04 - Violation of AFI 36-2903, sideburns too long.

RIC, 10 MAY 04 - Inappropriate address and phone on leave form.

LOA, 06 FEB 04 - Departing place of duty without authority.

LOR, 16 JAN 04 - Leaving duty early without authority.

RIC, 08 JAN 04 - Failure to go.

RIC, 16 APR 03 - Failure to go.

EXAMINERS NOTE: Control Roster action missing from discharge package, applicant refers to being placed on it. Also the RIP shows he was on the control roster.

f. CM: None.

g. Record of SV: 28 May 02 - 28 Jan 04 Holloman AFB 3 (Initial)
 29 Jan 04 - 28 Jan 05 Holloman AFB 3 (Annual)
 29 Jan 05 - 01 Oct 05 Holloman AFB 2 (CRO)REF

h. Awards & Decs: AFAM W/1 OLC, AFOUA W/2 OLCS, NDSM, AFEM W/1 SS, ICM, GWOTEM, GWOTSM, AFESR W/1 OLC, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (08) Mos (10) Das
 TAMS: (03) Yrs (05) Mos (20) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01 Jun 06.
 (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

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

11JUL06/ia

MEMORANDUM FOR DISCHARGE REVIEW BOARD

PD2006-00215
5/31/2006

FROM: MR. [REDACTED]

SUBJECT: DISCHARGE UPGRADE

1. On November 17, 2005, I was separated from active duty in the Air Force with a General, Under Honorable Conditions, Discharge. I hereby request that the Review Board reconsider my discharge for upgrade. I respectfully request that my discharge be upgraded from General to Honorable.
2. I enlisted in the Air Force, in Miami, Florida. Realizing that I wanted something more in my life. While still in Miami, prior to enlisting, I began taking college classes at Miami Dade Community College in pursuit of a physical therapy degree. After paying my way through two years. I was unable to afford school anymore. I then made the decision to enlist in the military, specifically the United States Air Force, (USAF). I decided on the Air Force for its well-known prestige. With the countless education and skill building options the Air Force offered, I felt it would give me the edge in life that I was searching for. I have always been a person to look for new challenges. The Air Force seemed to be one of my greatest challenges yet. As I began my career in the Air Force, I was excited at the thought of finally having the chance to test my skills, abilities, in short myself with peers of my own age group and at the same time funding my future through the USAF college fund program, (GI BILL).
3. I entered basic training in May 2002, where I was appointed Dorm Chief of my flight. I was in charge of 60 new trainees. Never having been in charge a large group of people in my life it seemed impossible for me to lead 60 men. Although stressful in the beginning, with guidance from my superiors, I quickly took on the challenge and succeeded flawlessly with my flight. Graduating basic training as Honor Flight of the 324th training squadron. I was also recognized by my squadron commander as being an Honor Flight leader. After graduating from Basic Training I continued on to Tech school. Where I went through three and a half months of learning my trade in Aircraft Structural Maintenance. I completed my training and proceeded to Holloman AFB.
4. Upon arrival at Holloman AFB, I was assigned to the Structures Flight, at 49 MMS Bear Base. I began by taking on the task of upgrading to a five level in my career field. While in the process I was deployed to Iraq in support of Operation Enduring Freedom.

While overseas I was able to accomplish my CDC's while working 14 to 18 hour days, and received an achievement medal for the work I helped accomplish. After returning from Iraq, I continued my upgrading by going to the flight line and learning the core tasks of my true job. I was able to learn removal and replacement of RAM. I also was able to work on sheet metal and other tasks the F-117's needed. After upgrading to a five level I began working towards my CCAF. I continued my studies, when I was given the honor to serve my country overseas, again.

This time I was deployed in joint support of Operation Iraqi Freedom and Operation Enduring Freedom. As an A1C, deployed to Pakistan, one of the many countries I was deployed to. I was given charge of a 20-man crew to take down a Big Top that was sheltering one of our jets. I again performed flawlessly in taking down a shelter in which no one at Bear Base had ever worked on, ahead of schedule. After completing tasks in several other countries the team and I returned home. Again I was awarded another achievement medal for my efforts overseas.

After returning from my overseas duties, I was sent to the flight line several times to help the MARS shop complete their tasks on the F-117s to include an ORE and ORI. While still performing my job I continued on with my studies towards my CCAF. Finally I was taking my last class due to finish December 8, 2005. Unfortunately my commander did not think it was important enough to finish, I was released from active duty only 2 weeks away from graduating with a CCAF and only six months away from completing my four-year term.

5. Since my discharge I have continued to utilize the skills acquired in the Air Force. Currently I work as a contractor at Miami International Airport. I've been working on commercial aircraft such as Boeing 737's, 747's and Airbus A300's as well as McDonald Douglas's MD 80's. However, although a lucrative career it is not the career I am interested in pursuing. Once again I find myself challenged and my interest's have been turned towards the medical career. I am really anxious to try my hand at physical therapy, but because of my discharge I am allowed all my benefits for the exception of my GI Bill. In the event that my discharge is overturned to "Honorable" I am once again eligible for the GI Bill. I believe such a decision would bring a just closure to my service in the USAF and would help me realize my dream.

6. While serving in the USAF I helped others both on and off duty. While off duty I helped with "Days of Caring" which asked for volunteers in the military to lend a helping hand to those who lived in the town and needed it. I also participated in the "Soup Kitchens" which included preparing and serving hot meals to those less fortunate in the town of Alamogordo. I also provided help to airmen with rides to and from work, CDC's and even designated driver when needed. While on duty I was a PTL for my squadron, and helped the crews of the F-117's when they were falling behind. Furthermore, I have received two Achievement medals, two Outstanding Unit awards, two Expeditionary Service ribbons, and several others.
7. For the past three and half years I dedicated my life to the USAF and the people who surrounded it. When I was asked for help or to volunteer I never hesitated to do so. I now respectfully and humbly ask for help from USAF and Review Board. I ask that the USAF and Review Panel reconsider my discharge. I am 24 years old and am a veteran of a foreign war. Although I've served with honor and pride I'm held back in life because of this discharge that does not allow me to further my education. I ask that I be given a chance to reach my full potential in life. I have never been one just to take; giving and sacrifice have marked my time in the Air Force. I truly believe I deserve nothing less than an Honorable Discharge for my time and efforts given to the USAF.

Thank you for taking the time to read and consider my request for an overturn of my discharge from General under Honorable conditions to an Honorable Discharge.





DEPARTMENT OF THE AIR FORCE
49TH MATERIEL MAINTENANCE SQUADRON (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO 88330

FD2806-00215
OCT 3 1 2005

MEMORANDUM FOR AMN [REDACTED]

FROM: 49 MMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, specifically Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32, *Military Retirements and Separations* (14 Jul 93), and AFI 36-3208, *Administrative Separation of Airmen* (9 Jul 04), paragraph 5.50.2. If my recommendation is approved, your service will be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

(a) You did, on or about 3 Sep 05, without authority, absent yourself from your unit, to wit: 49th Materiel Maintenance Squadron, located at Holloman AFB NM, and did remain so absent until on or about 3 Sep 05. You did, on or about 4 Sep 05, without authority, absent yourself from your unit, to wit: 49th Materiel Maintenance Squadron, located at Holloman AFB NM, and did remain so absent until on or about 4 Sep 05. You, who knew or should have known of your duties, at or near Holloman AFB NM, on or about 4 Sep 05, were derelict in the performance of those duties in that you willfully failed to stay awake and perform your duties, as it was your duty to do. For this misconduct, you received an Article 15 dated 26 Sep 05. (Atch 1)

(b) You did, on or about 2 Jun 05, without authority, absent yourself from your unit, to wit: 49th Materiel Maintenance Squadron, located at Holloman AFB NM, and did remain so absent until on or about 2 Jun 05. For this misconduct, you received a Letter of Reprimand (LOR) dated 2 Jun 05. (Atch 2)

(c) You did, on or about 18 Mar 05, without authority, absent yourself from your unit, to wit: 49th Materiel Maintenance Squadron, located at Holloman AFB NM, and did remain so absent until on or about 18 Mar 05. For this misconduct, you received an LOR dated 18 Mar 05. (Atch 3)

(d) You did, at or near Holloman AFB NM, on or about 11 Mar 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Informed Decision Brief, Building 451. For this misconduct, you received an LOR dated 17 Mar 05. (Atch 4)

(e) You did, at or near Holloman AFB NM, on or about 12 Jan 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Base Fitness Center, Building

588. For this misconduct, you received a Record of Individual Counseling (RIC) dated 12 Jan 05. (Atch 5)

(f) You did, on or about 27 May 04, without authority, absent yourself from your unit, to wit: 49th Materiel Maintenance Squadron, located at Holloman AFB NM, and did remain so absent until on or about 27 May 04. For this misconduct, you received an RIC dated 27 May 04. (Atch 6)

(g) You did, at or near Holloman AFB NM, on or about 14 May 04, fail to obey a lawful regulation, to wit: Air Force Instruction 36-2903, *Dress and Personal Appearance of Air Force Personnel* (29 Sep 02), table 2.3 and table 2.8, by failing to maintain your sideburns within the specified length. For this misconduct, you received an RIC dated 14 May 04. (Atch 7)

(h) You, who knew or should have known of your duties at or near Holloman AFB NM, on or about 10 May 04, were derelict in the performance of those duties in that you willfully failed to refrain from providing the wrong leave address and leave phone number on your Air Force Form 988, Leave Form, as it was your duty to do. For this misconduct, you received an RIC dated 10 May 04. (Atch 8)

(i) You did, at or near Holloman AFB NM, on or about 5 Feb 04, without authority, go from your appointed place of duty, to wit: Base Fitness Center, Building 588. For this misconduct, you received a Letter of Admonishment (LOA) dated 6 Feb 04. (Atch 9)

(j) You did, at or near Holloman AFB NM, on or about 15 Jan 04, without authority, go from your appointed place of duty, to wit: Base Fitness Center, Building 588. For this misconduct, you received an LOR dated 16 Jan 04. (Atch 10)

(k) You did, at or near Holloman AFB NM, on or about 6 Jan 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Base Fitness Center, Building 588. For this misconduct, you received an RIC dated 8 Jan 04. (Atch 11)

(l) You did, on or about 16 Apr 03, without authority, absent yourself from your unit, to wit: 49th Materiel Maintenance Squadron, located at Holloman AFB NM, and did remain so absent until on or about 16 Apr 03. For this misconduct, you received an RIC dated 16 Apr 03. (Atch 12)

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 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 Captain: _____ at Bldg 222, on

1 NOV 05, at 1400 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 5 Nov 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 Family Practice Clinic, Family Practice Bldg 15 on _____, at _____ hours for the examination.
8. You will be escorted by SSgt _____ to all outprocessing appointments. You are ordered to proceed to your escort's office. You and your escort will then immediately report to the NCOIC, Adverse Actions in the Military Justice Section of the 49 FW/JA office.
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. Execute the attached acknowledgment and return it to me immediately.

Commander

Attachments:

1. Article 15 dated 26 Sep 05
2. LOR dated 2 Jun 05
3. LOR dated 18 Mar 05
4. LOR dated 17 Mar 05
5. RIC dated 12 Jan 05
6. RIC dated 27 May 04
7. RIC dated 14 May 04
8. RIC dated 10 May 04
9. LOA dated 6 Feb 04
10. LOR dated 16 Jan 04
11. RIC dated 8 Jan 04
12. RIC dated 16 Apr 03