

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []		GRADE AIC	AFSN/SSAN []			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING []		VOTE OF THE BOARD				
		HON	GEN	UOHC	OTHER	DENY
						X*+
						X*+
						X*+
						X*+
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A94.05	A67.10	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	CASE NUMBER					
20 Feb 2007	FD-2006-00217					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard in Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <p>* Reason and Authority + Reenlistment Code</p>						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT			
[]			[]			
INDORSEMENT			DATE: 2/22/2007			
TO:			FROM:			
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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

FD-2006-00217

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:

Applicant contends discharge was inequitable because it was too harsh and he was under emotional stress from home and work. He has expressed a desire for upgrade of his discharge to allow for reenlistment in the armed forces. The records indicated the applicant received an Article 15, a Vacation, and two Letters of Reprimand, and a Memorandum for Record for misconduct. Applicant received an Article 15 for failure to go to appointed place of duty by not participating in an Exercise Evaluation scenario and failure to shave before reporting for duty. He was punished with a reduction in grade to Airman First Class, forfeiture of pay, restriction to base, 14 days extra duty (suspended) and a reprimand. He received a Vacation action for failing to maintain his dormitory room to standards. He received 14 days of extra duty. Applicant had additional misconduct and was administratively disciplined for failure to go, failure to obey a lawful order and being insubordinate towards an NCO. 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Elmendorf AFB, AK on 27 Jun 05 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: 25 Jan 85. Enlmt Age: 17 6/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-91, E-83, G-80, M-81. PAFSC: 1C331 - Command Post Apprentice. DAS: 26 Mar 04.

b. Prior Sv: (1) AFRes 29 Jul 02 - 11 Oct 02 (2 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Oct 02 for 6 yrs. Svd: 02 Yrs 08 Mo 16 Das, all AMS.

b. Grade Status: A1C - 18 Apr 05 (Article 15, 18 Apr 05)
SrA - 22 Mar 05
A1C - 22 Nov 02

c. Time Lost: None.

d. Art 15's: (1) 20 May 05, Vacation, Elmendorf AFB, AK - Article 92. You, who knew your duties, on or about 11 May 05, were derelict in the performance of those duties in that you willfully failed to maintain your dorm room to dormitory standards, as it was your duty to do. Fourteen days extra duty. (No appeal) (No mitigation)

(2) 18 Apr 05, Elmendorf AFB, AK - Article 86. You, did, on or about 3 Apr 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 3rd Wing Command Post, 11550 Heritage Circle, Elmendorf AFB, Alaska. Article 91. You, having received a lawful order from TSgt [REDACTED], a noncommissioned officer, then known by you to be a noncommissioned officer, to participate in an Exercise Evaluation scenario, an order which it was your duty to obey, did on or about 6 Apr 05, willfully disobey the same. Article 92. You, who should have known of your duties, on or about 3 Apr 05, were derelict in the performance of those duties in that you negligently failed to shave prior to reporting for work, as it was your duty to do. Reduction to A1C, forfeiture of \$361.00 pay, and restriction to the limits of Elmendorf

AFB, Alaska. Fourteen days extra duty (suspended).
Reprimand. (No appeal) (No mitigation)

- e. Additional: MFR, 11 APR 05 - Insubordinate conduct towards an NCO.
LOR, 23 MAR 05 - Failure to go, failure to obey a lawful
order, and failure to maintain uniform.
LOR, 21 MAR 05 - Failure to go.
- f. CM: None.
- g. Record of SV: 11 Oct 02 - 31 Aug 04 Elmendorf AFB 4 (Initial)
- h. Awards & Decs: GWOTSM, AFTR, NDSM.
- i. Stmt of Sv: TMS: (02) Yrs (10) Mos (29) Das
TAMS: (02) Yrs (08) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 May 06.
(Change Discharge to Honorable, and Change the RE Code, Reason for
Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

- 1. Applicant's Issues.
- 2. Birth Certificate.
- 3. DD Form 214 (Members 1 & 4).

12JUL06/ia

**APPLICATION FOR THE REVIEW OF DISCHARGE
FROM THE ARMED FORCES OF THE UNITED STATES**
(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.**

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.
PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.
ROUTINE USE(S): None.
DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA *(The person whose discharge is to be reviewed).* PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE <i>(X one)</i>	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME <i>(Last, First, Middle Initial)</i>	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
	E-3				

2. DATE OF DISCHARGE OR SEPARATION <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i>	4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i>	5. BOARD ACTION REQUESTED <i>(X one)</i>
	<input type="checkbox"/> HONORABLE <input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS <input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i> <input type="checkbox"/> UNCHARACTERIZED <input type="checkbox"/> OTHER <i>(Explain)</i>	
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 3rd Wing HQ Elmendorf AFB		

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST *(Continue in Item 14. See instructions on Page 3.)*
 NAME Change on DD FORM 214 From middle Name Drive to Allen. Also change in Reentry code from current to allow reentry into Air Guard or Active duty. I feel that past incidents for my discharge do not merit with holding a chance to reenter the armed forces.

7. *(X if applicable)* AN APPLICATION WAS PREVIOUSLY SUBMITTED ON *(YYYYMMDD)* _____ AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: *(Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)*

9. TYPE OF REVIEW REQUESTED *(X one)*

CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR *(counsel/representative)* WILL NOT APPEAR BEFORE THE BOARD.

I AND/OR *(counsel/representative)* WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

I AND/OR *(counsel/representative)* WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO *(enter city and state)* *(NOTE: The Navy Discharge Review Board does not have a traveling panel.)*

10. a. COUNSEL/REPRESENTATIVE *(If any)* NAME *(Last, First, Middle Initial)* AND ADDRESS *(See Item 10 of the instructions about counsel/representative.)*

b. TELEPHONE NUMBER *(Include Area Code)*

c. E-MAIL

d. FAX NUMBER *(Include Area Code)*

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name *(print)* and relationship by marking a box below.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER *(Specify)*

12. a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE *(Forward notification of any change in address.)*

b. TELEPHONE NUMBER *(Include Area Code)*

c. E-MAIL

d. FAX NUMBER *(Include Area Code)*

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. *(U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)*

CASE NUMBER
(Do not write in this space.)
FD 2006-00217

a. SIGNATURE - REQUIRED *(Applicant or person in Item 11 above)*

b. DATE SIGNED - REQUIRED *(YYYYMMDD)*
2006/05/30

14. CONTINUATION OF ITEM 6, ISSUES (If applicable)

The incidence that caused my separation should be reviewed. I believe that I should be allowed to reenter the armed forces. due to the fact that the incident can be prevented and wouldn't happen again. At the current time of discharge I was under emotional stress from both events from home and at the work place. Under review before discharge however I feel the counselors did not help in any way to identify or help clear up the cause of stress. I feel I am fit for reentry and can fulfill the duties required for honorable completion of another term or Retirement from the military. cont'd (16)

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

16. REMARKS (If applicable)

The incident that caused my discharge from the military was a failed room inspection. This was the first one I have failed at my term in Elmendorf AFB. This was a single incident that was tacked on to previous incidence of being late. I recieved a vacation of punishment from the Article 15 paperwork I recieved for lateness and disobeying a lawful order (I was requested to come to a certain spot and I asked for a minute to calm down. instead of going to the spot.) This vacation of punishment was said to be article 15 level paperwork thus giving the military grounds to discharge me. All I request at lease is a change from Under honorable conditions (General) to honorable discharge and an upgrade of the reentry code 2B to something better.

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

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

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (G-WPM)
2100 Second Street, S.W. Room 5500
Washington, DC 20593



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD 2006-00217

MEMORANDUM FOR A1C: [REDACTED]

JUN 8 2005

FROM: 3 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, 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 a general discharge.

2. My reasons for this action are:

- a. On 11 May 05, you failed to maintain your dorm room within standards. For this offense, you received a vacation of previously suspended punishment, under Article 15, dated 20 May 05, consisting of 14 days extra duty. (Atch 1)
- b. On 3 Apr 05, you failed to go at the time prescribed to your appointed place of duty. On or about 6 Apr 05, you willfully disobeyed a lawful order from a noncommissioned officer. On 3 Apr 05, you negligently failed to shave prior to reporting for work. For these offenses, you received nonjudicial punishment, under Article 15, dated 18 Apr 05, consisting of a reduction to the rank of airman first class, forfeiture of \$361.00 pay, restriction to the limits of Elmendorf AFB for 14 days and 14 days extra duty suspended. This action established an Unfavorable Information File (UIF). (Atch 2)
- c. On 22 Mar 05, you failed to report to your appointed place of duty at the time prescribed. On 22 Mar 05, you failed to maintain your uniform IAW AFI 36-2903, *Dress and Appearance*. For these offenses, you received a Letter of Reprimand, dated 23 Mar 05. (Atch 3)
- d. On 21 Mar 05, you failed to report for your end-of-course testing and failed to report on time to your appointed place of duty. For these offenses, you received a Letter of Reprimand, dated 21 Mar 05. (Atch 4)

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 are 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 legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt: [redacted], 552-3887, at Bldg 10480, Room 330 on 8 Jun 05 at 1030. 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 within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide 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 medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 5595, at 0915 on 8 Jun 05 for your first exam, at which time you will be notified of the time for your second exam. Bring Medical Assessment Letter (DD Form 2697). You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.

8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 0930 on 9 Jun 05. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Room 247 at 1300 on 8 Jun 05. You must be in uniform for all appointments.

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 your Squadron Orderly Room.

[Redacted Signature Box]

Commander

Attachments:

1. AF Form 366 (Vacation Action), dtd 20 May 05
2. AF Form 3070 (Article 15), dtd 18 Apr 05
3. Letter of Reprimand, dtd 23 Mar 05
4. Letter of Reprimand, dtd 21 Mar 05