

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

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

ISSUES	A94.53	INDEX NUMBER	A67.10	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	08 Feb 2007	CASE NUMBER	FD-2006-00221
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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

INDORSEMENT		DATE: 2/12/2007
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-2006-00221

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The applicant submitted no issues and requested that the review be completed based on the available service record. He has expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received a Summary Court Martial, two Article 15's, a Letter of Reprimand, two Records of Individual Counseling and six AETC Form 173's for misconduct. Applicant had a Summary Court Martial for being absent from his unit for three days without authority and derelict in the performance of duties by failing to stay within 25 miles of Sheppard AFB. He was punished with a forfeiture of \$737.00 pay, 30 days of hard labor without confinement, and a reprimand. He received his first Article 15 for failure to go to appointed place of duty, failure to adhere to the call to quarters and remain on Sheppard AFB, and making a false official statement. He was punished with 30 days of extra duty and a reprimand. The second Article 15 was for failure to go to appointed place of duty. For this misconduct, he forfeited \$550.00 pay for two months, was restricted to Sheppard AFB for 30 days, 30 days of extra duty, and a reprimand. Applicant also was administratively disciplined for failure to follow prescribed directions; dereliction of duty; failure to maintain appearance standards; sleeping in class; performing an unsafe act, violation of Phase II restrictions, and failure to obey. 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 Sheppard AFB, TX on 9 Aug 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for an Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 29 Jul 82. Enlmt Age: 19 1/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-57, E-75, G-70, M-88. PAFSC: 2A615 - Aircraft Hydraulic Systems Helper. DAS: 26 Feb 02.

b. Prior Sv: (1) AFRes 30 Aug 01 - 01 Jan 02 (4 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Jan 02 for 6 yrs. Svd: 00 Yrs 07 Mo 08 Das, of which AMS is 00 Yrs 07 Mos 04 Days (excludes 4 days lost time).

b. Grade Status: None.

c. Time Lost: 24 May 02 thru 7 May 02 (4 days).

d. Art 15's: (1) 18 Jul 02, Sheppard AFB, TX - Article 86. You did, on or about 16 Jun 02 and on or about 17 Jun 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Security Forces, building 2118. Forfeiture of \$550.00 pay per month for 2 months, restriction to Sheppard AFB, Texas for 30 days, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 28 May 02, Sheppard AFB, TX - Article 86. You did, on or about 19 Apr 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: formation at building 1012. Article 92. You, who knew or should have known of your duties, between on or about 3 May 02, and on or about 6 May 02, were derelict in the performance of those duties in that you willfully failed to adhere to the call to quarters and remain on Sheppard AFB, Texas, as it was your duty to do. You, who knew or should have known of your duties, between on or about 19 Apr 02 and on or about 21 Apr 02, were derelict in the performance of those duties in that you willfully failed to adhere to the call to quarters and remain on Sheppard AFB, Texas, as it was your duty to do. Article 107.

You did, on or about 22 Apr 02, with intent to deceive, sign an official statement, to wit: AF Form 1168, Statement of Suspect/Witness/Witness/Complaint in reference to an incident between on or about 19 Apr 02 and on or about 21 Apr 02, which statement was totally false, and was then known by you to be so false. Thirty days extra duty and a reprimand. (No appeal) (No mitigation)

- e. Additional: AETC 125A, 18 JUL 02 - Disenrolled from training.
 AETC 173, 10 MAY 02 - Failure to follow prescribed directions.
 AETC 173, 08 MAY 02 - Dereliction of duty.
 RIC, 08 MAY 02 - Failure to maintain appearance standards.
 AETC 173, 06 MAY 02 - Sleeping in class.
 AETC 173, 02 MAY 02 - Performing an unsafe act.
 AETC 173, 02 MAY 02 - Safety violation.
 AETC 173, 10 APR 02 - Sleeping in class.
 LOR, 08 APR 02 - Violation of Phase II restrictions.
 RIC, 21 MAR 02 - Failure to obey, failure to maintain uniform within standards, and failure to stay awake in class.
- f. CM: Summary Court Martial - 13 Jun 02
- CHARGE I: Article 86.
- Specification: Did, on or about 24 May 02, without authority, absent himself from his unit, to wit: 364 TRS, located at Sheppard AFB, Texas and did remain absent until on or about 26 May 02.
 Plea: Guilty. Finding: Guilty.
- CHARGE II: Article 92.
- Specification: Who knew or should have known of his duties at or near Sheppard AFB, Texas, on or about 1 Jun 02 and on or about 2 Jun 02, was derelict in the performance of those duties in that he willfully failed to remain within 25 miles of Sheppard AFB, Texas, as it was his duty to do. Sentence adjudged on 13 Jun 02: Forfeiture of \$737.00 pay, 30 days hard labor without confinement, and a reprimand.
- g. Record of SV: None.
- h. Awards & Decs: AFTR, NDSM.
- i. Stmt of Sv: TMS: (00) Yrs (11) Mos (06) Das
 TAMS: (00) Yrs (07) Mos (04) Das
4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 06 Jun 06.
 (Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: Upgrade reentry code from 2B to allow reentry to Army.

ATCH

1. DD Form 149.
2. DD Form 214.

17JUL06/ia



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

FD 2006-00221

AUG 06 2002

MEMORANDUM FOR AB: _____, 364 TRS

FROM: 364 TRS/CSS

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 under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You did, at or near Sheppard AFB TX, on or about 16 Jun 02 and on or about, 17 Jun 02, without authority fail to go at the prescribed time to your appointed place of duty, to wit: Security Forces, building 2118. For this misconduct you received Article 15 punishment on 18 Jul 02.

b. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 1 Jun 02 and on or about 2 Jun 02, were derelict in the performance of those duties in that you willfully failed to remain within 25 miles of Sheppard AFB, as it was your duty to do.

c. You did, on or about 24 May 02, without authority, absent yourself from your unit, to wit: 364 TRS, located at Sheppard AFB TX, and did remain so absent until on or about 26 May 02. For this misconduct and subparagraph "d" below, you were found guilty by a Summary Court-Martial on 13 Jun 02.

d. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 10 May 02, were derelict in the performance of those duties in that you failed to have an instructor check your work, as it was your duty to do. For this misconduct you received an AETC Form 173, Student Record of Academic/Nonacademic Counseling and Comments, on 10 May 02.

e. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 8 May 02, were derelict in the performance of those duties in that you wrote letters in class instead of taking notes, as it was your duty not to do. For this misconduct you received an AETC Form 173 on 8 May 02.

f. You did, at or near Sheppard AFB TX, on or about 8 May 02, violate a lawful general instruction, to wit: AFI 36-2903, dated 8 Jun 98, Table 1.4, Line 1, by failing to shave. For this misconduct you received an AF Form 174, Record of Individual Counseling, on 8 May 02.

g. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 6 May 02, were derelict in the performance of those duties in that you failed to stay awake during class, as it was your duty to do. For this misconduct you received an AETC Form 173 on 6 May 02.

h. You, who knew or should have known of your duties at or near Sheppard AFB TX, between on or about 3 May 02 and on or about 6 May 02, were derelict in the performance of those duties in that you willfully failed to adhere to the call to quarters and remain on Sheppard AFB TX, as it was your duty to do. For this misconduct you subparagraphs "i" through "k" below, you received Article 15 punishment on 28 May 02.

i. You did, at or near Sheppard AFB TX, on or about 22 Apr 02, with intent to deceive, sign an official statement, to wit: Air Force Form 1168, Statement of Suspect/Witness/Complaint in reference to an incident between on or about 19 Apr 02 and on or about 21 Apr 02, which statement was totally false, and was then known by you to be so false.

j. You, who knew or should have known of your duties at or near Sheppard AFB TX, between on or about 19 Apr 02 and on or about 21 Apr 02, were derelict in the performance of those duties in that you willfully failed to adhere to the call to quarters and remain on Sheppard AFB TX, as it was your duty

k. You did, at or near Sheppard AFB TX, on or about 19 Apr 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: formation at building 1012.

l. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 2 May 02, were derelict in the performance of those duties in that you willfully performed an unsafe act on the hose testing machine, as it was your duty not to do. For this misconduct you received an AETC Form 173, Student Record of Academic/Nonacademic Counseling and Comments, on 2 May 02

m. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 2 May 02, were derelict in the performance of those duties in that you failed to remove all jewelry in the hose fabrication and testing lab, as it was your duty to do. For this misconduct you received an AETC Form 173 on 2 May 02.

n. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 10 Apr 02, were derelict in the performance of those duties in that you failed to stay awake in class and lab, as it was your duty to do. For this misconduct you received an AETC Form 173 on 10 Apr 02.

PT 2006-00221

o. You did, at or near Sheppard AFB TX, on or about 23 Mar 02, fail to go to your appointed place of duty at the prescribed time, to wit: 29B Pre-Departure Safety Briefing. For this misconduct and subparagraphs "p" and "q" below, you received an LOR on 8 Apr 02.

p. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 23 Mar 02, were derelict in the performance of those duties in that you failed to adhere to the daily call to quarters, as it was your duty to do.

q. You did, at or near Sheppard AFB TX, on or about 18 Mar 02, fail to go to your appointed place of duty at the prescribed time, to wit: phase up briefing.

r. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 21 Mar 02, were derelict in the performance of those duties in that you failed to stay awake during class, as it was your duty to do. For this misconduct and subparagraphs "s" through "u" below, you received an AF Form 174 on 21 Mar 02.

s. You did, at or near Sheppard AFB TX, on or about 21 Mar 02, violate a lawful general instruction, to wit: AFI 36-2903, dated 8 Jun 98, Table 1.4, Line 1, fail to shave.

t. You did, at or near Sheppard AFB TX, on or about 21 Mar 02, violate a lawful general instruction, to wit: AFI 36-2903, dated 8 Jun 98, Table 1.4, Line 3, fail to get a haircut.

u. You did, at or near Sheppard AFB TX, on or about 21 Mar 02, violate a lawful general instruction, to wit: AFI 36-2903, dated 8 Jun 98, Table 2.5, Line 1, fail to have your uniform up to Air Force standards.

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 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 will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

3. 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], Area Defense Counsel, at building 1638, on 7 Aug 02 at 1130 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 9 Aug 02 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult counsel or to submit statements in your behalf, your failure will constitute a waiver of your right to do so.

FD7006-00771

6. You have been scheduled for a medical examination. You must report to the 82d Medical Group, Bldg 1200, Physical Examinations, at 1530 on 23 Jul 02.
7. 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.
8. Execute the attached acknowledgment and return it to me immediately.



Squadron Section Commander

Attachments: (listed on next page)

Attachments:

1. AF Form 3070, 18 Jul 02
2. Response to Article 15, 11 Jul 02
3. AF Form 1168, SSgt: [redacted], 18 Jun 02
4. AF Form 1168, MSgt: [redacted], 18 Jun 02
5. 364 TRS Missing Person Checklist, 17 Jun 02
6. AF Form 1168, SSgt: [redacted], 17 Jun 02
7. AF Form 1168, AB: [redacted], 17 Jun 02
8. AF Form 1168, A1C: [redacted], 18 Jun 02
9. DD Form 490, 13 Jun 02, w/Article 64(a), 27 Jun 02
10. AF Form 1359, 13 Jun 02
11. DD Form 458, 7 Jun 02
12. DD Form 2329, 13 Jun 02
13. AF Form 2098, 13 Jun 02
14. AF Form 2098, 13 Jun 02
15. AETC Form 173, 10 May 02
16. AETC Form 173, 8 May 02
17. AF Form 174, 8 May 02
18. AETC Form 173, 6 May 02
19. AF Form 3070, 28 May 02
20. Response to Article 15, 21 May 02
21. AF Form 1168, SSgt: [redacted], 3 May 02
22. AF Form 1168, AB: [redacted], 9 May 02
23. AF Form 1168, AB: [redacted], 6 May 02
24. AF Form 1168, AB: [redacted], 2 May 02
25. 364 TRS Missing Person Checklist, 22 Apr 02
26. AF Form 1168, MSgt: [redacted], 22 Apr 02
27. AF Form 1168, AB: [redacted], 22 Apr 02
28. AF Form 1168, AB: [redacted], 22 Apr 02
29. AETC Form 173, 2 May 02
30. AETC Form 173, 2 May 02
31. AETC Form 173, 10 Apr 02
32. LOR, 8 Apr 02
33. AF Form 174, 21 Mar 02
34. AETC Form 125A, 18 Jul 02
35. Student Training Report, 02021
36. LAFB Form 205, 14 Feb 02
37. Airman's Receipt to Notification Memorandum *WR*