

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>			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A93.09	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 01 Mar 2007	CASE NUMBER FD-2006-00225					
<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.</small>						
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.						
INDORSEMENT		DATE: 3/9/2007				
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-2006-00225

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

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 is 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:

The applicant states that he understands the reason for his discharge and that he failed to adhere and follow the expectations that were clearly communicated. The applicant contends he was having personal problems which led to his discharge. The record indicates the applicant received six Records of Individual Counseling (late for duty--twice, conduct unbecoming an Airman, repeated failure to acknowledge verbal instruction from a noncommissioned officer, failure to complete training and dereliction of duty); three Letters of Reprimand (late for duty, dereliction of duty and failure to obey a lawful order); and two Article 15s (failure to go and derelict in performance of duties--two separate occasions). The Board opined that through these administrative actions, the applicant had ample opportunities to change his behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members and found the characterization of the discharge received by the applicant 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Seymour-Johnson AFB, NC on 5 Dec 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 15 Aug 84. Enlmt Age: 19 8/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-55, E-70, G-42, M-43. PAFSC: 2W131E - Aircraft Armament Systems Apprentice. DAS: 6 Jan 05.

b. Prior Sv: (1) AFRes 7 May 04 - 28 Jun 04 (1 month 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Jun 04 for 6 yrs. Svd: 01 Yrs 05 Mo 07 Das, all AMS.

b. Grade Status: AB - 21 OCT 05 (Article 15, 21 Oct 05)
Amn - 4 Aug 05 (Article 15, 4 Aug 05)
A1C - 20 Aug 04

c. Time Lost: None.

d. Art 15's: (1) 21 Oct 05, Seymour-Johnson AFB, NC - Article 86. You did, on or about 23 Sep 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Armament Flight, Building 2150. Article 92. You, who should have known of your duties, on or about 4 Oct 05, were derelict in the performance of those duties in that you willfully failed to do a Composite Tool Kit inventory of the toolbox you were working with, as it was your duty to do. Reduction to AB, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 4 Aug 05, Seymour-Johnson AFB, NC - Article 86. You did, on or about 13 Jul 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Armament Flight, Building 2150. Article 92. You, who knew or should have known of your duties, on or about 11 Jul 05, were derelict in the performance of those duties in that you willfully failed to do a Composite Tool Kit inventory of toolbox #SMERK014, as it was your duty to do. Reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 23 SEP 05 - Failure to obey a lawful order on several occasions.
LOR, 08 SEP 05 - Dereliction of duty and failure to obey a lawful order.
RIC, 23 AUG 05 - Dereliction of duty.
RIC, 05 JUL 05 - Failure to complete training.
RIC, 21 JUL 05 - Repeated failure to acknowledge a verbal instruction from an NCO.
RIC, 20 JUN 05 - Conduct unbecoming an Airman.
LOR, 15 JUN 05 - Late for duty.
RIC, 25 MAY 05 - Late for duty.
RIC, 21 APR 05 - Late for duty.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR, GWOTSM.

i. Stmt of Sv: TMS: (01) Yrs (06) Mos (28) Das
TAMS: (01) Yrs (05) Mos (07) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 07 Jun 06.
(Change Discharge to Honorable)

Issue 1: I understand that the reason I am no longer in the USAF is because I failed to adhere and follow the expectations that were clearly communicated to me. I regret that I did not follow the advice and guidance of my leaders. I permitted my emotions that stemmed from the negative events in my personal life to overwhelm the honor and fidelity that is service to our nation. If I had this to do over again, I assure you I would do things very differently. I respectfully request the board consent to upgrade the status of my discharge to an honorable discharge. Thank you in advance for your consideration.

ATCH
None.

15AUG06/ia



DEPARTMENT OF THE AIR FORCE
4th FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

FD 7006-00275

16 Nov 05

MEMORANDUM FOR AB: [REDACTED]

FROM: 4 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 an Under Honorable Conditions (General) Discharge. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.
2. My reasons for this action are:
 - a. On or about 21 Apr 2005, you failed to report for duty at the time prescribed. This action is documented in a Record of Individual Counseling, dated 21 Apr 2005 (Tab 1a).
 - b. On or about 25 May 2005, you failed to report for duty at the time prescribed. This action is documented in a Record of Individual Counseling, dated 25 May 2005 (Tab 1b).
 - c. On or about 15 Jun 2005, you failed to report for duty at the time prescribed. This action is documented in a Letter of Reprimand, dated 15 Jun 2005 (Tab 1c).
 - d. On or about 20 Jun 2005, you displayed unacceptable behavior by throwing tools that could have potentially hurt you or another member of the Armament Flight. This action is documented in a Record of Individual Counseling, dated 20 Jun 2005 (Tab 1d).
 - e. On or about 20 Jun 2005, you failed to bring your workout attire for mandatory physical training. This action is documented in a Record of Individual Counseling, dated 21 Jun 2005 (Tab 1e).
 - f. On or about 5 Jul 2005, you failed to complete your Career Development Course training requirements. This action is documented in a Record of Individual Counseling, dated 5 Jul 2005 (Tab 1f).
 - g. Between on or about 11 Jul 2005 and on or about 13 Jul 2005, you failed to go at the time prescribed to your appointed place of duty. You also failed to complete a Composite Tool Kit inventory, as it was your duty to do. These actions are documented in an AF Form 3070, dated 4 Aug 2005 (Tab 1g).
 - h. On or about 22 Aug 2005, you failed to ensure that all tools and equipment that you were using were returned to the appropriate tool box. This action is documented in a Record of Individual Counseling, dated 23 Aug 2005 (Tab 1h).

i. On or about 7 Sep 2005, you were seen performing maintenance without Technical Data. This action is documented in a Letter of Reprimand, dated 8 Sep 2005 (Tab 1i).

j. Between on or about 13 Sep 2005 and on or about 19 Sep 2005, you failed to follow instructions regarding your Career Development Course as instructed by TSgt Bradley Schaefer. This action is documented in a Letter of Reprimand, dated 23 Sep 2005 (Tab 1j).

k. Between on or about 23 Sep 2005 and on or about 4 Oct 2005, you failed to go at the time prescribed to your appointed place of duty. You also failed to complete a Composite Tool Kit inventory, as it was your duty to do. These actions are documented in an AF Form 3070, dated 21 Oct 2005 (Tab 1k).

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 CPT [redacted] at ADC, on 17 Nov 05, at 1000 L 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 21 Nov 0900 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 DR [redacted] on 18 Nov 05, at 0945 L 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 Area Defense Counsel's Office or Orderly Room.

9. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 21 Nov 2005 at 1300 L hours. You must report to building 3602 for your TAPs counseling.

10. Execute the attached acknowledgment and return it to me immediately.

[Redacted signature box]

Commander

Attachments:

- 1. Supporting Documents**
 - a. Record of Individual Counseling, dated 21 Apr 2005
 - b. Record of Individual Counseling, dated 25 May 2005
 - c. Letter of Reprimand, dated 15 Jun 2005
 - d. Record of Individual Counseling, dated 20 Jun 2005
 - e. Record of Individual Counseling, dated 21 Jun 2005
 - f. Record of Individual Counseling, dated 5 Jul 2005
 - g. AF Form 3070, dated 4 Aug 2005
 - h. Record of Individual Counseling, dated 23 Aug 2005
 - i. Letter of Reprimand, dated 8 Sep 2005
 - j. Letter of Reprimand, dated 23 Sep 2005
 - k. AF Form 3070, dated 21 Oct 2005
- 2. Airman's Receipt of Notification Memorandum**
- 3. Airman's Statement**
- 4. Medical Evaluation**
- 5. EPR**
- 6. Statement of Understanding Regarding Recoupment of Education Assistance, Special Pay, or Bonuses**