

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [] | | GRADE AB | AFSN/SSAN [] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--|------------------|------|----------------------------|-----|-------------------------------------|-------|------------------------|---|-------------------------|--|--------------------------------|-----|--|--|---|--|-----|--|--|--|--|-----|--|--|--|--|-----|--|--|--|--|-----|
| TYPE GEN | PERSONAL APPEARANCE | X | RECORD REVIEW | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| COUNSEL YES No [] X | | NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MEMBER SITTING [] | | VOTE OF THE BOARD <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;">HON</th> <th style="width:15%;">GEN</th> <th style="width:15%;">UOTHC</th> <th style="width:15%;">OTHER</th> <th style="width:15%;">DENY</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td align="center">X**</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td align="center">X**</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td align="center">X**</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td align="center">X**</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td align="center">X**</td> </tr> </tbody> </table> | | | HON | GEN | UOTHC | OTHER | DENY | | | | | X** | | | | | X** | | | | | X** | | | | | X** | | | | | X** |
| HON | GEN | UOTHC | OTHER | DENY | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | X** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | X** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | X** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | X** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | X** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ISSUES A93.01 A94.05 | INDEX NUMBER A67.10 | EXHIBITS SUBMITTED TO THE BOARD <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td>2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td>3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td>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 III</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 III | | | | | | | | | | | | | | | | | |
| 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 III | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| HEARING DATE 06 Feb 2007 | CASE NUMBER FD-2006-00233 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 <div style="border: 1px dashed black; height: 40px; width: 100%;"></div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INDORSEMENT | | DATE: 2/8/2007 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00233

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:

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He admits that he made bad decisions and wished he had exercised better judgment. He has expressed a desire to upgrade his discharge to allow for reenlistment into the armed forces. The records indicated the applicant received two Articles 15, a Vacation, two Letters of Reprimand, two Letters of Counseling, a Letter of Admonishment, and two Records of Individual Counseling for misconduct. Applicant received his first Article 15 for failing to escort visitors at all times while on Beale Air Force Base. He was punished with a suspended reduction in grade to Airman, forfeiture of pay, and a reprimand. The Vacation action for failure to go to appointed place of duty resulted in a forfeiture of pay. The second Article 15 was for failure to properly insure his vehicle; making a false official statement; and altering an insurance card. He was punished with a reduction in grade to Airman Basic and a reprimand. Applicant had other misconduct in which he was administratively disciplined for dereliction of duty, safety violation, making a false statement, having an unescorted female in his dorm room, and disobeying a direct order. 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Beale AFB, CA on 14 Dec 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code and Reason for Disch.

2. **BACKGROUND:**

a. DOB: 29 Sep 83. Enlmt Age: 18 10/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-76, E-72, G-70, M-52. PAFSC: 2W051 - Munitions Systems Journeyman. DAS: 4 Jan 04.

b. Prior Sv: (1) AFRes 13 Aug 02 - 01 Sep 03 (1 Yr 00 Mos 19 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Sep 03 for 6 years. Svd: 02 Yrs 03 Mo 13 Das, all AMS.

b. Grade Status: AB - 01 Nov 05
A1C - 17 Oct 03

c. Time Lost: None.

d. Art 15's: (1) 1 Nov 05 - Beale AFB, CA - Article 92. You, who knew of your duties, from on or about 1 Jan 05 to on or about 3 Oct 05, were derelict in the performance of those duties in that you willfully failed to properly insure your privately owned vehicle as it was your duty to do. Article 107. You did, on or about 3 Oct 05, with intent to deceive, make to TSgt:.....an official statement to wit: "I had insurance on the day of the car accident," which statement was totally false, and was then known by you to be so false. Article 123. You did, on or about 3 Oct 05, with intent to defraud, falsely alter a certain insurance card in the following words and figures, to wit: changing the policy period dates, by inserting 3 Apr 05 to 3 Oct 05, which said insurance card would, if genuine, apparently operate to legal harm of another. Reduction to AB and Reprimand. (No appeal) (No mitigation)

(2) 17 Oct 05, Vacation, Beale AFB, CA - Article 86. You did, on or about 17 Aug 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1086. Forfeiture of \$250.00 pay. (No appeal) (No mitigation)

(3) 2 Jun 05, Beale AFB, CA - Article 92. You, who knew or should have known of your duties, on or about 13 May 05, were derelict in the performance of those duties in that you negligently failed to escort your visitors at all times while on Beale AFB, as it was your duty to do. Suspended reduction to Amn. Forfeiture of \$250.00 pay per month for 2 months (forfeitures in excess of 1 month is suspended). Reprimand. (No appeal) (No mitigation)

- e. Additional: LOC, 9 SEP 05 - Dereliction of duty.
 LOA, 30 JUN 05 - Dereliction of duty and safety violation.
 LOC, 6 JUN 05 - Dereliction of duty.
 LOR, 25 FEB 05 - Had unescorted female in his dorm room.
 LOR, 13 OCT 04 - Disobeyed a direct order.
 RIC, 03 AUG 04 - Making a false statement.
 RIC, 13 MAY 04 - Traffic Violation.
 DD 1408, 13 MAR 04 - Nonfunctional odometer on POV.
 DD 1408, 28 FEB 04 - Mutilated Drivers License.
- f. CM: None.
- g. Record of SV: 02 Sep 03 - 02 May 05 Beale AFB 3 (Initial)
- h. Awards & Decs: GWOTSM, NDSM, AFTR, AFOUA.
- i. Stmt of Sv: TMS: (03) Yrs (04) Mos (02) Das
 TAMS: (02) Yrs (03) Mos (13) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 5 Jun 06.
 (Change Discharge to Honorable, and to Change the RE Code and Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Ten Character References.
3. Notification Memorandum.

19JUL06/day

Sir/ Ma'am,

My name is [REDACTED] I was recently discharged from the United States Air Force. I am writing this letter to petition the change of my Re-enlistment code. I would like to explain my circumstances that led to my discharge. During my enlistment, I received 2 Article 15's and various additional paperwork.

The first Article 15 was issued after an incident involving improperly escorting visitors on base. I had driven my brother in law who is a military dependant and 3 of his friends on base. I had made arrangements with my mother in law to pick up the children the following day after her shift. I did not forecast this to be an issue as she worked on base and it was her son. During this time my wife and I had left for a baseball game that was out of the area. There was an incident during that same time where the children were reported to have been seen smoking cigarettes. These charges were never substantiated and were dropped. The Article 15 was issued because I was off post when the children got into trouble. First let me say, I understand that because they were brought on base under my responsibility. I assumed that it was not an issue because I was simply trying to help out my mother in law and needless to say did not expect things to happen as they did.

The 2nd Article 15 was issued for failure to maintain insurance on my automobile. This was brought about by a minor traffic accident between myself and another co worker. It was agreed upon by both parties to keep everything in house and without police involvement. My supervisor at the time asked me if I had insurance and for some ridiculous reason I told him that I did when I in truth did not. He later told me that I needed to bring my proof of insurance to his house after duty hours. I found the request odd but complied with it anyways. When I arrived I had a insurance card that I had changed the dates on. I admit that it was a dumb move on my part and I could not even begin to explain what was running through my mind at the time. At the time my wife was in her third trimester of her pregnancy and I was concerned that if I did not provide some sort of documentation that I would be discharged, leaving my family without medical benefits. As it turned out, that was exactly what happened. My family has had to struggle with the consequences of my actions since then.

I regret making the decisions that I did and wish that I had excised better judgment and been able to continue providing a stable life and environment for my wife and daughter. I am requesting that my re enlistment code be upgraded so that I can enlist in the reserves and continue to serve my country and provide for my family. I know that if afforded the opportunity I will strive to exemplify the core values and expectations required of all Air Force personnel. I understand what is required and am willing to dedicate myself completely to the Air Force mission. Please give me a second opportunity to serve and defend this great country and prove myself to be a responsible, dependable Airman who has the strongest desire to serve and support the United States Air Force and my family. Thank you for your time and consideration.

Sincerely,





DEPARTMENT OF THE AIR FORCE

9TH MUNITIONS SQUADRON
BEALE AFB CALIFORNIA 95903

NOV 21 2005

MEMORANDUM FOR AB: [REDACTED]

FROM: 9 MUNS/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 AFD 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.

2. My reason for this action is:

a. On 1 Nov 05, you received a Record of Nonjudicial Punishment for the following misconduct:

i. You were derelict in the performance of your duties by failing to properly insure your vehicle.

ii. You made a false official statement to TSgt: [REDACTED] that you had insurance on the day of your car accident.

iii. You altered your insurance card changing the policy period.

b. On 9 Sep 05, you were derelict in the performance of your duties by leaving your assigned post. For this misconduct you received a Letter of Counseling dated 9 Sep 05.

c. On 21 and 22 Jun 05, you were derelict in the performance of your duties by failing to check a vehicle properly. For this misconduct you received a Letter of Admonishment dated 30 Jun 05.

d. On 6 Jun 05, you failed to go to your appointed place of duty at the time prescribed. For this misconduct you received a Letter of Counseling dated 6 Jun 05.

e. On 13 May 05, you were derelict in the performance of your duties by failing to escort your visitors. For this misconduct you received a Record on Nonjudicial Punishment dated 2 Jun 05.

f. On 7 Feb 05, you were derelict in the performance of your duties by failing to escort you visitors. For this misconduct you received a Letter of Reprimand dated 25 Feb 05.

g. On 5 Oct 04, you failed to obey an order given to you by MSgt Rector to clean your off base quarters. For this misconduct you received a Letter of Reprimand dated 13 Oct 04.

- h. On 2 Aug 04, you made a false official statement to SSgt: [redacted] that block training was not over until 1600, which was false. For this misconduct you received a Record of Individual Counseling dated 3 Aug 04.
- i. On 7 May 04, you were involved in a traffic accident. You had an expired registration and a license plate that did not belong to your vehicle. For this misconduct you received a Record of Individual Counseling dated 13 May 04.
- j. On 13 Mar 04, you received an Armed Forces Traffic Ticket for a nonfunctional odometer while operating a vehicle.
- k. On 28 Feb 04, you received an Armed Forces Traffic Ticket for a mutilated drivers license.
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] on 21 Nov 05 at 1600 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 28 Nov 05 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 own behalf, your failure will constitute a waiver of your right to do so.
6. You have been scheduled for a medical examination. You must report to Flight Medicine, on 21 Nov 05, at 1400 hours for the examination.
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 at the commander's support staff.
8. Execute the attached acknowledgment and return it to me immediately.

[redacted signature box]

Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum