

# 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  NAME OF COUNSEL AND OR ORGANIZATION  AMERICAN LEGION																																
COUNSEL YES <input checked="" type="checkbox"/> No <input type="checkbox"/>		RECORD REVIEW  ADDRESS AND OR ORGANIZATION OF COUNSEL  1608 K ST NW WASHINGTON DC 20006																																
MEMBER SITTING  <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		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%;">UOHC</th> <th style="width: 15%;">OTHER</th> <th style="width: 15%;">DENY</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> <td style="text-align: center;">*+</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> <td style="text-align: center;">*+</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> <td style="text-align: center;">*+</td> </tr> <tr> <td style="text-align: center;">X+</td> <td></td> <td></td> <td></td> <td style="text-align: center;">*</td> </tr> <tr> <td style="text-align: center;">X+</td> <td></td> <td></td> <td></td> <td style="text-align: center;">*</td> </tr> </tbody> </table>			HON	GEN	UOHC	OTHER	DENY	X				*+	X				*+	X				*+	X+				*	X+				*
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HEARING DATE  23 Jan 2007	CASE NUMBER  FD-2006-00235																																	
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 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.          <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">           * CHANGE RE CODE            + CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY  <div style="border: 1px dashed black; height: 40px; width: 100%;"></div> </div> <div style="width: 50%;"></div> </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																																

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE	CASE NUMBER <b>FD-2006-00235</b>
<p><b>GENERAL:</b> The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.</p> <p>The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB on 23 Jan 2007. The following witness also testified on the applicant's behalf: Sgt First Class [redacted] (mother).</p> <p>The following additional exhibits were submitted at the hearing: Exhibit 5: American Legion Statement</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p><b>FINDINGS:</b> The discharge is upgraded to Honorable. The change of reason and authority for discharge and change of reenlistment code are denied.</p> <p>The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's characterization should be changed to Honorable.</p> <p><b>ISSUE:</b></p> <p>Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. Applicant contends he was unfairly singled out for minor infractions and these were used to eliminate him from the Air Force. The applicant expressed his desire for upgrade of his discharge to allow for reenlistment into the armed forces. The records indicated the applicant received an Article 15, a Vacation, two Letters of Reprimand and a Letter of Counseling for misconduct. The applicant was disciplined for failure to obey a lawful order from a superior noncommissioned officer, failure to go to appointed place of duty, being late for dorm inspection, a failed dorm inspection, and failure to return to duty in a reasonable period of time. After a thorough and complete consideration of the information submitted by the applicant, the applicant's compelling personal testimony, information provided by the applicant's witness, and information contained in the record, the Board concluded there was sufficient mitigation and extenuation to substantiate upgrade of his discharge to Honorable. The Board did not however agree to change the applicant's reason and authority or his reenlistment code.</p> <p><b>CONCLUSIONS:</b> 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.</p> <p>However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge under the provisions of Title 10, USC 1553.</p> <p>Attachment: Examiner's Brief</p>	

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 F.E. Warren AFB, WY on 22 Dec 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions. Appeals for Honorable Discharge, and to Change the RE Code, Reason for Disch.

2. **BACKGROUND:**

a. DOB: 29 Jul 86. Enlmt Age: 17 6/12. Disch Age: 19 4/12. Educ: HS DIPL. AFQT: N/A. A-61, E-76, G-53, M-42. PAFSC: 3P031 - Security Forces Apprenctice. DAS: 4 May 05.

b. Prior Sv: (1) AFRes 5 Feb 04 - 31 Aug 04 (6 mos 27 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Sep 04 for 6 years. Svd: 01 Yrs 03 Mo 22 Das, all AMS.

b. Grade Status: Amn - 29 Jul 05 (Article 15, 29 Jul 05)  
A1C - 15 Oct 04

c. Time Lost: None.

d. Art 15's: (1) 1 Nov 05, Vacation, F.E. Warren AFB, WY - Article 86. You did, on or about 7 Oct 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 34. Forfeiture of \$100.00 pay per month for two months. (No appeal) (No mitigation)

(2) 29 Jul 05, F.E. Warren AFB, WY - Article 91. You, having received a lawful order from SMSgt [REDACTED], a superior noncommissioned officer, then known by you to be a superior noncommissioned officer, to inprocess through the dorm manager at 1300 sharp, an order which it was your duty to obey, did, on or about 6 Jul 05, willfully disobey the same. Reduction to Amn. Suspended forfeiture of \$100.00 pay per month for two months and a Reprimand. (No appeal) (no mitigation)

e. Additional: LOR, 11 AUG 05 - Late for dorm inspection.  
LOR, 11 AUG 05 - Failed second dorm inspection.  
LOC, 11 JUL 05 - Failure to return to duty in a reasonable amount of time.

f. CM: None.

g. Record of SV: None.



**DEPARTMENT OF THE AIR FORCE**  
90th SPACE WING (AFSPC)

6 Dec 2005

MEMORANDUM FOR AMN: \_\_\_\_\_

FROM: 790 MSFS/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. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

a. You, having received a lawful order from SMSgt: \_\_\_\_\_, a superior noncommissioned officer, then known by you to be a superior noncommissioned officer, to in-process through the dorm manager at 1300 sharp, an order which it was your duty to obey, did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 6 Jul 05, willfully disobey the same. For violation of Article 91 of the UCMJ, you received an Article 15 dated 29 Jul 05.

b. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 8 Jul 05, fail to return to your place of duty in a reasonable amount of time. For this misconduct you received a Letter of Counseling (LOC) dated 11 Jul 05.

c. You were, at or near Francis E. Warren Air Force Base, Wyoming, on or about 10 Aug 05, derelict in the performance of your duties, to wit: failing to maintain your dorm room within Air Force standards. For this misconduct you received a Letter of Reprimand (LOR) dated 11 Aug 05.

d. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 11 Aug 05, fail to obey a direct order given by SMSgt: \_\_\_\_\_, your superior, to clean your dorm room and to be in front of your dorm room door at 0700 in full service dress uniform. For this misconduct you received an LOR dated 11 Aug 05.

e. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 7 Oct 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 34. For violation of Article 86 of the UCMJ, you received a Vacation Action dated 1 Nov 05.

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 \_\_\_\_\_ at \_\_\_\_\_, on \_\_\_\_\_, at \_\_\_\_\_ 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 December 2005 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 6 December on PRP walking at \_\_\_\_\_ 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 command support staff office.

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



Commander, 790th Missile Security Forces Squadron

Attachments:

1. Article 15, dated 29 Jul 05
2. LOC, dated 11 Jul 05
3. LOR, dated 11 Aug 05
4. LOR, dated 11 Aug 05
5. Vacation Action, dated 1 Nov 05