

**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 <b>A1C</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES		
	No	
	<b>X</b>	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X+*
					X+*
					X+*
					X+*
					X+*

ISSUES <b>A93.01</b> <b>A94.05</b>	INDEX NUMBER <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> 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 <b>22 Feb 2007</b>	CASE NUMBER <b>FD-2006-00238</b>	
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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

INDORSEMENT	DATE: 2/22/2007
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-2006-00238**

**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.

**ISSUES:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received five Letters of Reprimand for misconduct. The misconduct included failure to obey an order, dereliction of duty, lying, underage drinking and braking phase. 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.

Issue 2. Applicant contends that he should not be penalized indefinitely for mistakes he made when young. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Lackland AFB, TX on 22 Nov 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change RE Code and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 9 Feb 83. Enlmt Age: 18 0/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-57, E-70, G-82, M-73. PAFSC: 2T231E - Air Transportation Apprentice. DAS: 20 Aug 02.

b. Prior Sv: (1) AFRes 10 Feb 01 - 02 Oct 01 (7 mos 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 03 Oct 01 for 6 years. Svd: 01 Yrs 01 Mo 20 Das, all AMS.

b. Grade Status: A1C - 16 Nov 01

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 18 OCT 02 - Failure to Obey Order or Regulation.  
LOR, 16 OCT 02 - Dereliction of Duty, and lying.  
LOR, 08 OCT 02 - Failure to Obey Order or Regulation.  
LOR, 07 AUG 02 - Failure to Obey Order or Regulation.  
LOR, 04 MAR 02 - Underage drinking and breaking phase.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (09) Mos (13) Das  
TAMS: (01) Yrs (01) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jun 06.

(Change Discharge to Honorable, and to Change RE Code, and Reason for Discharge.)

Issue 1: I'm trying to get in the Reserves. SSgt Lambrecht stated that I needed to get the characterization and the re-entry code upgraded to start the

re-entry process. I would like to be given the change to finish what I started. I have grown since then in knowledge and would like the chance to re-enter.

**ATCH**

1. DD Form 149.

24Jul06/day

24 OCT 2002



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

MEMORANDUM FOR A1C: [REDACTED]

FROM: 345 TRS/DOM

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The basis for this action is AFPD 36-32 and AFI 36-3208, Paragraph 5.49. If my recommendation is approved, your service could be characterized as Honorable or as Under Honorable Conditions (General) Discharge. I am recommending your service be characterized as General.

2. My reasons for this action are:

a. On 23 Feb 02, you disobeyed a lawful order by drinking alcohol while under legal age in the area of the dormitory, in violation of Article 92, Uniform Code of Military Justice (UCMJ). As a result, you received a Letter of Reprimand dated 4 Mar 02.

b. On 2 Aug 02, you disobeyed a lawful order by driving your private automobile during the duty day and while in Phase 1, in violation of Article 92, UCMJ. As a result, you received a Letter of Reprimand dated 7 Aug 02.

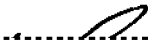
c. On 8 Oct 02, you were derelict in the performance of your duties by leaving your detail without authority from a military training leader for a period of four hours, in violation of Article 92, UCMJ. As a result, you received a Letter of Reprimand dated 8 Oct 02.

d. On 4 Jul 02, you were derelict in the performance of your duties by traveling outside the allotted 300 mile range restriction placed on you while in Phase IV. In addition, you lied about where you had gone when questioned by two commissioned officers and a noncommissioned officer. Both are in violation of Articles 92 and 134, UCMJ, respectively. As a result, you received a Letter of Reprimand dated 16 Oct 02.

e. On 15, 16, 17, and 18 Oct 02, you failed to obey a lawful order by failing to sign in, in violation of Article 92, UCMJ. As a result, you received a Letter of Reprimand dated 18 Oct 02.

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 will be discharged or retained in the Air Force.

4. You have the right to consult counsel. Military legal counsel can be obtained to assist you. An appointment can be made for you to meet with the Area Defense Counsel (ADC) at Bldg 1000 on 28 Oct at 0900. 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 (3 workdays) 31 Oct 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 Bldg 6612, Room 502, Monday – Friday between 1300 – 1500 hours with your medical, immunization, and dental records 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 in the Unit Personnel Office.
9. Execute the attached acknowledgment and return it to me immediately.

  
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Commander, Military Training Flight

5 Attachments:

1. Letter of Reprimand dated 4 Mar 02 w/atch
2. Letter of Reprimand dated 7 Aug 02 w/atch
3. Letter of Reprimand dated 8 Oct 02 w/atch
4. Letter of Reprimand dated 16 Oct 02 w/atchs
5. Letter of Reprimand dated 18 Oct 02 w/atch