

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE A1C	AFSN/SSAN []
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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 A92.01 A94.05 A92.05	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align:center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align:center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align:center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align:center;">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 HE</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 HE
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HEARING DATE 22 Feb 2007	CASE NUMBER FD-2006-00240	
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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.

+ 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

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

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, four Letters of Reprimand, and one Record of Individual Counseling for misconduct. The misconduct included making a false official statement, failure to secure personal equipment, late for duty, dereliction of duty, failure to go, and making a false official statement. 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 states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other information submitted by the applicant and contained in the records. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 SRA)

1. **MATTER UNDER REVIEW:** Appl. rec'd a GEN Disch fr USAF Little Rock AFB, AR on 9 Dec 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 17 May 82. Enlmt Age: 20 2/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-80, E-81, G-68, M-66. PAFSC: 2A551J - Aerospace Maintenance Journeyman. DAS: 25 Apr 03.

b. Prior Sv: (1) AFRes 30 Jul 02 - 02 Sep 02 (1 month 3 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Sep 02 for 6 yrs. Svd: 03 Yrs 03 Mo 07 Das, all AMS.

b. Grade Status: A1C - 8 Nov 05 (Article 15, 8 Nov 05)
SrA - 18 Feb 05
A1C - 18 Oct 02

c. Time Lost: None.

d. Art 15's: (1) 8 Nov 05, Little Rock AFB, AR - Article 86. You, did, on or about 27 Oct 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 250. Reduction to A1C. (No appeal) (No mitigation)

(2) 31 Oct 03, Little Rock AFB, AR - Article 86. You, did, on or about 19 Sep 03 and on or about 22 Sep 03, without authority, go from your appointed place of duty, to wit: hanger 250. You, did, on or about 1 Oct 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: hanger 250 immediately after you had been released from your appointment at approximately 1015 hours. Article 107. You, did, on or about 1 Oct 03, with intent to deceive, sign an official document, to wit: an AF Form 1168, Statement of Suspect/Witness/Complainant, which document was false in that your appointment with the Office of Special Investigations on 1 Oct 03 ended at approximately 1015 hours, not at 1215 hours, and was then known by you to be so false. Suspended reduction to Airman. Fourteen days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 21 SEP 05 - Failure to go.
LOR, 29 DEC 04 - Dereliction of duty.
LOR, 16 OCT 03 - Late for duty.
RIC, 13 AUG 03 - Failure to secure personal equipment.
LOR, 15 JUL 03 - False official statement.

f. CM: None.

g. Record of SV: 03 Sep 02 - 02 May 04 Little Rock AFB 2 (Initial)REF
03 May 04 - 02 May 05 Little Rock AFB 3 (Annual)

h. Awards & Decs: GWOTSM, AFTR, NDSM, AFOUA W/1 OLC.

i. Stmt of Sv: TMS: (03) Yrs (04) Mos (10) Das
TAMS: (03) Yrs (03) Mos (07) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Jun 06.
(Change Discharge to Honorable, and Change the RE Code)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Letter of Commendation.
3. Honorable Mentions.
4. Character References.

01AUG06/ia

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES

Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C.1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one)		ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)			c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER	
			A1C/E-3			
2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)		4. DISCHARGE CHARACTERIZATION RECEIVED (X one)			5. BOARD ACTION REQUESTED (X one)	
20051209		<input checked="" type="checkbox"/> HONORABLE			<input checked="" type="checkbox"/> CHANGE TO HONORABLE	
		<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS			<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS	
		<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS			<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)	
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION		<input type="checkbox"/> BAD CONDUCT (Special court-martial only)			<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:	
Little Rock Air Force Base		<input type="checkbox"/> UNCHARACTERIZED				
		<input type="checkbox"/> OTHER (Explain)				

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)
I am seeking an upgrade because I was a hard working individual in my squadron. I feel that the discharge given to me at the time was not thought out considering the documentation from my supervisors about the quality of my work. (cont.)

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) _____ AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)
Attached are recommendation letters from my supervisors in regards to me staying in when I was fighting the discharge decision. (cont.)

9. TYPE OF REVIEW REQUESTED (X one)

CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.

I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10. a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW: If the record in question is that of a deceased or incompetent person; LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

12. a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. SIGNATURE-REQUIRED (Applicant or person in item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

20060620

CASE NUMBER (Do not write in this space.)

FD2006-00240

14. CONTINUATION OF ITEM 8, ISSUES (If applicable)

I also feel that given the documentation that was used in my discharge was not severe enough to give me a general discharge. Also, my RE code is 3A, which it was told was not a negative code at all and most discharges given with that code are Honorable. I also would like an upgrade so that I may utilize all VA services. The change would also greatly improve my chances of continuing serving my country in the civilian sector and also help me with furthering my education and providing for my family in the future. I served my country to the best of my ability through my work and would like to show it more honorably.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

Also attached is a report from QA regarding recognition during the 2004 MSET inspection. Please refer to that on page 2, para. 7. The other pages are documentation backing my work and dedication to the United States Air Force.

16. REMARKS (If applicable)

[This section contains very faint, illegible text, likely bleed-through from the reverse side of the page.]

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

Army Review Boards Agency
 Support Division, St. Louis
 9700 Page Avenue
 St. Louis, MO 63132-5200
 (See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
 720 Kennon Street, S.E.
 Room 309 (NDRB)
 Washington Navy Yard, DC 20374-5023

~~**AIR FORCE**~~

Air Force Review Boards Agency
 SAF/MRBR
 550-C Street West, Suite 40
 Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
 Commandant (G-WPM)
 2100 Second Street, S.W. Room 5500
 Washington, DC 20593



DEPARTMENT OF THE AIR FORCE
314TH MAINTENANCE SQUADRON
LITTLE ROCK AFB, ARKANSAS 72099

FD 2006-00 240

22 November 2005

MEMORANDUM FOR A1C: [REDACTED]

FROM: 314 MXS/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, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, 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 or about 8 July 2003, you knowingly gave false information to your Assistant First Sergeant. For your misconduct, you received a Letter of Reprimand (LOR) dated 15 July 2003 (Attachment 1-1).

b. On or about 12 August 2003, you were derelict in the performance of your duties in that you failed to secure your personal-issued equipment before leaving work for the day. For your misconduct, you received a Record of Individual Counseling (ROIC) dated 13 August 2003 (Attachment 1-2).

c. On or about 16 October 2003, you failed to report at the time prescribed to your appointed place of duty. As this was not the first time that your supervisors had to address your lateness with you, you received an LOR for your misconduct dated 16 October 2004 (Attachment 1-3).

d. On or about 1 October 2003, you failed to report at the time prescribed to your appointed place of duty. In addition, on or about 19 September and on or about 22 September 2003, you left your appointed place of duty without authority. For your misconduct, you received nonjudicial punishment under Article 15 of the Uniform Code of Military Justice (UCMJ) dated 31 October 2003 (Attachment 1-4). Your nonjudicial punishment consisted of suspended reduction to the rank of Airman and 14 days extra duty.

e. On or about 28 December 2004, you failed to maintain an initial issue item. Your noncommissioned supervisors had ordered you one day previously to bring all clothing items necessary to work in all weather conditions, yet you failed to produce a field jacket. For your misconduct, you received an LOR dated 29 December 2004 (Attachment 1-5).

f. On or about 20 September 2005, you failed to report at the time prescribed to your appointed place of duty. For your misconduct, you received an LOR dated 21 September 2005 (Attachment 1-6).

g. On or about 27 October 2005, you failed to report at the time prescribed to your appointed place of duty. For your misconduct, you received nonjudicial punishment under Article 15 of the

UCMJ dated 8 November 2005 (Attachment 1-7). Your nonjudicial punishment consisted of reduction to the rank of Airman First Class.

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 the Area Defense Counsel at Little Rock AFB, on 30 November 2005, at 1000 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 28 Nov 2005 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 are scheduled for the following appointments. You must first report to the Military Personnel Flight, Separations Section, located at 1255 Vandenberg Blvd, Room 100 on 29 November 2005 at 0930 hours. You must then report to the Medical Clinic, located at 1090 Arnold Drive at 0720 hours on 30 November 2005 for your examination with Nurse May. You must fast 14 hours prior to the examination and may drink only water during that time. You must not smoke 14 hours prior, nor may you consume alcohol 72 hours prior to your examination. If you wear glasses, bring them with you. If you wear contact lenses, bring a container to store them in during your eye 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 the orderly room.

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


Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum