

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>
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TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No			
	X			

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

ISSUES A94.05	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 22 Feb 2007	CASE NUMBER FD-2006-00242	
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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.

INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 2/22/2007 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00242

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 contends that his discharge was inequitable because his commander did not consider the recommendations of two medical officers that he be retrained. The medical records indicated that the applicant suffered a head trauma after he operated a gas-powered scooter while intoxicated. It was also noted that half of the misconduct occurred before the accident. The Board acknowledged the recommendations of the two medical officers and found that it was within the commander's discretion to retain or discharge the applicant. The records indicated the applicant received two Article 15s and four Letters of Reprimand for misconduct. The misconduct included late for duty on multiple occasions, financial irresponsibility, apprehended for public disorderly conduct by local law enforcement, underage drinking, and failing to notify his supervisor after he contaminated an oil drum with hydraulic fluid. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Shaw AFB, SC on 23 Mar 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 13 Dec 81. Enlmt Age: 19 1/12. Disch Age: 23 3/12. Educ: HS DIPL. AFQT: N/A. A-61, E-74, G-74, M-92. PAFSC: 2A353B - F-16 Tactical Aircraft Maintenance Apprentice. DAS: 6 Oct 01.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Feb 01 for 6 years. Svd: 04 Yrs 01 Mo 18 Das, all AMS.

b. Grade Status: Amn - 02 Mar 05 (Article 15, 2 Mar 05)
A1C - 23 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 2 Mar 05, Shaw AFB, SC - Article 92. You, who should have known of your duties at or near Shaw AFB, SC, on or about 31 Jan 05, were derelict in the performance of those duties in that you willfully failed to notify your supervisor that you contaminated a drum of oil with hydraulic fluid, as it was your duty to do. Reduction to Amn. Suspended forfeiture of \$250.00 pay per month for two months. Thirty days extra duty (suspended) and Reprimand. (No appeal) (No mitigation)

(2) 29 Apr 02, Shaw AFB, SC - Article 92. You, who knew of your duties at or near Shaw AFB, SC, on or about 24 Aug 02, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the age of twenty-one, as it was your duty to do. Suspended reduction to Amn. Forfeiture of \$200.00 pay per month for 2 months and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 22 JUL 04 - Apprehended for Public disorderly conduct by local law enforcement.
LOR, 16 APR 03 - Financial Irresponsibility.
LOR, 19 MAR 03 - Late for duty on three separate occasions.
LOR, 31 JAN 03 - Late for duty on two separate occasions.

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:
Medical Evaluation Board Narrative Summary 11 Feb 2004; Page 3; Recommendations

b. DOCUMENT 2:
Physical Profile Serial Report, AF Form 422 of 01 Jun 2005; Other Block

c. DOCUMENT 3:

8. ISSUES
The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I respectfully request that my discharge be changed to Honorable because I feel that my commanding officer did not consider the recommendations of two medical officers that I be retrained due to my medical condition. On 26 April 2003, I suffered a traumatic head injury. During my recovery process two doctors; CAPT [redacted], M.D. USAF MC (Neurologist), and MAJ [redacted], USAF MC recommended on two separate occasions that I be retrained. See Medical Evaluation Board Narrative Summary of 11 Feb 2004 [Document 1] and Physical Profile Serial Report of 1 June 2005 [Document 2]. Despite these recommendations and my request to be retrained in another AFSC I was assigned to crew chief duties.

Even though I was coping with constant headaches, hearing loss in my left ear, short term memory loss, daily medication, and the stress stemming from the medical board, I did my absolute very best to complete all duties and responsibilities while assigned to the 20th AMXS. From the date I was found fit for limited duty, I showed up to work a head of or on time, looked sharp in uniform, completed all assignments, and received favorable performance evaluations (both verbal and documented). I kept hope that if I continued to perform at or above an acceptable level my commanding officer would approve the doctor's retraining recommendations. However, that never happened, and I made a mistake that I truly believe was due to my documented head injury and ultimately led to my discharge. I believe through no fault of my own I was put into a position that led to this regrettable error. I enjoyed being in the Air Force and was looking forward to the opportunity of being retrained. To this day, I can only image that if the medical doctor's recommendations were followed I could still be a productive member of the Air Force and remained on active duty or at the least received an Honorable discharge.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

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

a. DATE (YYYYMMDD) **2006.06.18** b. SIGNATURE *[Signature]*

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001



**DEPARTMENT OF THE AIR FORCE
20TH FIGHTER WING (ACC)
SHAW AIR FORCE BASE SOUTH CAROLINA**

MEMORANDUM FOR A1C: [REDACTED]

MAR 11 2005

FROM: 20 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. If your discharge is approved, your service will be characterized as honorable, under honorable conditions (general), or under other than honorable conditions (UOTHC). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

- a. On or about 24 Aug 02, you failed to refrain from drinking alcoholic beverages while under the age of twenty-one. For this misconduct, you received an Article 15, dated 29 Aug 02.
- b. On or about 31 Jan 03, you failed to report to roll call on time. For this misconduct, you received a letter of reprimand (LOR), dated 31 Jan 03.
- c. On or about 17 Mar 03, you failed to report to roll call on time. For this misconduct, you received a LOR, dated 19 Mar 03.
- d. On or about 3 Jan 03, you issued a check to AAFES in the amount of \$14.04 without sufficient funds. For this misconduct, you received a LOR, dated 16 Apr 03.
- e. On or about 18 Jul 04, you were arrested by local law enforcement for public disorderly conduct. For this misconduct, you received an LOR, dated 22 Jul 04.
- f. On or about 31 Jan 05, you willfully failed to notify your supervisor that you contaminated a drum of oil with hydraulic fluid. For this misconduct, you received an Article 15, dated 2 Mar 05.

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be

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ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 Captain [REDACTED] Area Defense Counsel, 895-9530, 321 Cullen Street, at 1500 hours on 11 March 2005. 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 1330 hours on 16 Mar 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 have been scheduled for a medical examination. You must report to the 20th Medical Group, Primary Care Clinic at 1130 hours on 21 Mar 2005 and an additional examination will be scheduled if necessary.

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 orderly room.

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

[REDACTED]

Commander

Attachments:
Supporting Documents

1. AF Form 3070, dated 29 Aug 02.
2. LOR, dated 31 Jan 03.
3. LOR, dated 19 Mar 03.
4. LOR, dated 16 Apr 03 w/ evidence.
5. LOR, dated 22 Jul 04.
6. AF Form 3070, dated 2 Mar 05.