

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> | GRADE AB | AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> |
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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 |
| YES | No | |
| | X | |

| MEMBER SITTING | VOTE OF THE BOARD | | | | |
|----------------|-------------------|-----|-------|-------|------|
| | HON | GEN | UOTHC | OTHER | DENY |
| | | | | | X |
| | | | | | X |
| | | | | | X |
| | | | | | X |
| | | | | | X |

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| ISSUES A94.06 A92.01 | 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 |

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| HEARING DATE 22 Feb 2007 | CASE NUMBER FD-2006-00249 | |
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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.

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| <p align="center">INDORSEMENT</p> <p>TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742</p> | <p align="right">DATE: 2/22/2007</p> <p>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</p> |
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, one Letter of Reprimand, one Letter of Counseling, and one Record of Individual Counseling for misconduct. The misconduct included insubordinate conduct towards a noncommissioned officer, dereliction of duty, failure to go, unlawfully entering the dorm room of two female airmen, fleeing from armed forces policemen, failing to obey by wrongfully exiting an armed forces police vehicle, resisting apprehension by an armed forces policeman, making a false official statement and failing to install a forward track safety pin in preparing ammunition for removal. 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 accomplishments. 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 AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Shaw AFB, SC on 2 Feb 06 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 22 Jul 82. Enlmt Age: 18 0/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-45, E-49, G-36, M-24. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 8 Apr 05.

b. Prior Sv: (1) AFRes 26 Jul 00 - 2 Oct 00 (2 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Oct 00 for 6 yrs. Svd: 05 Yrs 04 Mo 00 Das, all AMS.

b. Grade Status: AB - 14 Dec 05 (Article 15, 14 Dec 05)
Amn - 5 May 05 (Article 15, 5 May 05)
SrA - 17 Mar 03
A1C - 17 Nov 00

c. Time Lost: None.

d. Art 15's: (1) 14 Dec 05, Shaw AFB, SC - Article 92. You, having knowledge of a lawful order issued by TSgt [REDACTED], a Security Forces member, to "Halt", or words to that effect, an order which it was your duty to obey, did, at or near Shaw AFB, SC, on or about 22 Sep 05, fail to obey the same by wrongfully continuing to flee. You, having knowledge of a lawful order issued by TSgt [REDACTED], a Security Forces member, to remain in the car, or words to that effect, an order which it was your duty to obey, did, at or near Shaw AFB, SC, on or about 22 Sep 05, fail to obey the same by wrongfully exiting the vehicle. You, who knew of your duties, on or about 26 Oct 05, were derelict in the performance of those duties in that you willfully failed to install the forward track safety pin in preparing munition for removal in accordance with AFTO IF-16C-33-1-2CL-14, as it was your duty to do. Article 95. You did, at or near Shaw AFB, SC, on or about 22 Sep 05, resist being apprehended by TSgt [REDACTED], a Security Forces member, a person authorized to apprehend you. Article 107. You did, on or about 22 Sep 05, with intent to deceive, make to TSgt [REDACTED] an official

statement, to wit: "SrA [REDACTED]; DOB 8/23/82 of 23 CES/MXAWB, Dorm 407 room 703" or words to that effect, when questioned as to who you were, which statement was totally false, and was then known by you to be so false. Reduction to AB, forfeiture of \$617.00 pay per month for 2 months, and 45 days extra duty. (Appeal/Denied) (No mitigation)

(2) 5 May 05, Osan AB, Republic of Korea - Article 134. You, did, at or near Osan AB, Republic of Korea, on or about 13 Feb 05, unlawfully enter the dorm room of SrA [REDACTED]. You, did, at or near Osan AB, Republic of Korea, on or about 4 Dec 04, unlawfully enter the dorm room of SrA [REDACTED]. Reduction to AB (reduction below Airman suspended). Restriction to the limits of Osan AB, Republic of Korea for 30 days. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 03 OCT 05 - Failure to go.
 RIC, 22 OCT 05 - Dereliction of duty.
 LOC, 30 NOV 05 - Insubordinate conduct towards a noncommissioned officer.

f. CM: None.

g. Record of SV: 03 Oct 00 - 15 Apr 02 Minot AFB 5 (HAF Dir)
 16 Apr 02 - 10 Jan 03 Minot AFB 5 (CRO)
 11 Jan 03 - 26 Dec 03 Minot AFB 5 (CRO)
 27 Dec 03 - 26 Dec 04 Osan AB 5 (Annual)

h. Awards & Decs: AFAM W/1 OLC, AFOUA/V W/1 OLC, AFGCM, NDSM, GWOTEM, GWOTSM, KDSM, AFLSAR, AFTR.

i. Stmt of Sv: TMS: (05) Yrs (06) Mos (07) Das
 TAMS: (05) Yrs (04) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Jun 06.
 (Change Discharge to Honorable)

Issue 1: I feel that there was complete injustice done by my commander(s). I feel that there was not any evidence that could have ever proved me to be guilty of what I was accused of. There was no evidence to support their actions that were taking (sic) against me. These actions cost my military career dearly. I was a very good troop as well as a well-rounded individual. I had all "firewall" five EPR'S(sic), two Achievement medals and I feel that my commander(s) failed or neglected to notice the good or take into consideration of what I had accomplished prior to my punishment(s). I even had witnesses to my whereabouts when these incidents were in question. I feel that if these incidents were handled correctly off of what information my commanders had, I would still be a Senior Airman and serving proudly.

ATCH

1. DD Form 214.
2. Certificate of Recognition.
3. Air Force Achievement Medal.
4. Copy of Discharge Correspondence.

01AUG06/ia



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

FD 2006-00249

MEMORANDUM FOR AB: [REDACTED]

FROM: 20 AMXS/CC

SUBJECT: Notification Memorandum

17 Jan 06
16:50 SMC

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFD 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 or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action:

a. On or about 13 Feb 05, you unlawfully entered the dorm room of Senior Airman [REDACTED]. On or about 4 Dec 04, you unlawfully entered the dorm room of Senior Airman [REDACTED]. For this misconduct, you received an Article 15, dated 5 May 05.

b. On or about 1 Oct 05, you failed to report to work for weekend duty. For this misconduct, you received a Letter of Reprimand, dated 3 Oct 05.

c. On or about 19 Oct 05, you failed to stop and perform a FOD check and remove your hat as required. For this misconduct, you received a Record of Individual Counseling, dated 22 Oct 05.

d. On or about 30 Nov 05, you were disrespectful in nature to an NCO. For this misconduct, you received a Letter of Counseling, dated 30 Nov 05.

e. On or about 22 Sep 05, you failed to obey a lawful order given by a Security Forces member to "halt" and continued to flee. You also resisted arrest and failed to remain in the vehicle when told by Security Forces personnel. Lastly, you falsely informed Security Forces that your name was SrA: [REDACTED] when questioned about who you were. On 26 Oct 05, you failed to install the forward track safety pin in preparing a munition for removal in accordance with Air Force Technical Order 1F-16C-33-1-2CL-14. For this misconduct, you received an Article 15, dated 14 Dec 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

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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 0830 hours on 18 Jan 2006. 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 16:50 hours on 20 Jan 2006 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 1000 hours on 18 Jan 2006 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 signature box]

Commander

Attachments:
Supporting Documents

- 1) AF Form 3070, dated 5 May 05.
- 2) LOR, dated 3 Oct 05.
- 3) AF Form 174, dated 22 Oct 05.
- 4) LOC, dated 30 Nov 05.
- 5) AF Form 3070, dated 14 Dec 05.