

**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%; margin-top: 5px;"></div>	GRADE <b>AMN</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>
--	---------------------	--

<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>								
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;"><b>COUNSEL</b></td> <td style="padding: 2px;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td style="padding: 2px;"> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;"><b>X</b></td> </tr> </table> </td> <td style="padding: 2px;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> </table>	<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;"><b>X</b></td> </tr> </table>	YES	No		<b>X</b>	ADDRESS AND OR ORGANIZATION OF COUNSEL			
<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;"><b>X</b></td> </tr> </table>	YES	No		<b>X</b>	ADDRESS AND OR ORGANIZATION OF COUNSEL						
YES	No										
	<b>X</b>										

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

ISSUES <b>A93.01</b> <b>A94.05</b>	INDEX NUMBER <b>A67.10</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; text-align: center;"><b>1</b></td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;"><b>2</b></td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;"><b>3</b></td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>4</b></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> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<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
EXHIBITS SUBMITTED TO THE BOARD																		
<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-2006-00252</b>																	

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.

<b>INDORSEMENT</b>		DATE: <b>2/23/2007</b>
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.

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 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 two Article 15s and two Letters of Reprimand for misconduct. The misconduct included failure to go, making verbal threats to another airman, conspiracy to commit an assault and battery, and unlawfully striking another airman. 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 a mistake he made when young. The DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

Issue 3. The applicant stated he was told his discharge would automatically be upgraded in six months. The DRB noted the issue was common, the result of miscommunication. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal.

**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 Tinker AFB, OK on 25 Mar 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 11 Apr 76. Enlmt Age: 18 7/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-86, E-71, G-55, M-78. PAFSC: X1A531 - Aircrew Airborne Computer Systems Apprentice. DAS: 9 Feb 96.

b. Prior Sv: (1) AFRes 19 Nov 94 - 14 Mar 95 (3 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Mar 95 for 6 yrs. Svd: 02 Yrs 00 Mo 11 Das, all AMS.

b. Grade Status: Amn - 24 Oct 96 (Vacation of Article 15, 6 Mar 97)  
A1C - 29 Apr 95

c. Time Lost: None.

d. Art 15's: (1) 06 Mar 97, Vacation, Tinker AFB, OK - Article 117. You, did, on or about 1 Dec 96, wrongfully communicate to SrA [redacted] a threat to kick his ass and cap him in the knee. Article 86. You, did, on or about 26 Feb 97, without authority, absent yourself from your place of duty at which you were to be, to wit: building 282 room 126, located at Tinker AFB, OK, and did remain so absent until on or about 28 Feb 97. Reduction to Amn. (No appeal) (No mitigation)

(2) 24 Oct 96, Tinker AFB, OK - Article 81. You, did, on or about 24 Sep 96 conspire with SrA [redacted], Amn [redacted], Amn [redacted] and [redacted] to commit an offense under the Uniform Code of Military Justice, to wit: assault consummated by a battery and in order to effect the object of the conspiracy you, SrA [redacted], Amn [redacted], Amn [redacted] and [redacted] did invite Amn [redacted] to room 105, building 5903 where he was in fact assaulted. Article 128. You, did, on or about 24 Sep 96 unlawfully strike Amn [redacted] in the face and arms with your closed fist. Suspended reduction to Airman. Forfeiture of \$228.00 pay and 14 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 27 FEB 97 - Failure to go.  
LOR, 27 JAN 97 - Making verbal threats via telephone.
- f. CM: None.
- g. Record of SV: 15 Mar 95 - 15 Oct 96 Tinker AFB 2 (HAF Dir)REF
- h. Awards & Decs: AFTR, NDSM, AFOUA.
- i. Stmt of Sv: TMS: (02) Yrs (04) Mos (07) Das  
TAMS: (02) Yrs (00) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jan 06.  
(Change Discharge to Honorable)

Issue 1: It has been 8 years, I was told after 6 months could be move to honorable. I have grown as a man. I am a Father & Husband now and would like to be able tell my children I was Honorably (sic) released.

**ATCH**  
None.

02AUG06/ia



DEPARTMENT OF THE AIR FORCE  
552d OPERATIONS GROUP (ACC)  
TINKER AIR FORCE BASE, OKLAHOMA

FD 2006-00252

20 March 1997

MEMORANDUM FOR A1C [REDACTED], 965 AACCS

FROM: 965 AACCS/CC  
Tinker AFB OK 73145

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49, Minor Disciplinary Infractions. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 24 Sep 96, you conspired with SrA [REDACTED], Amn [REDACTED], Arm [REDACTED] and [REDACTED] to invite Amn [REDACTED] into a room for the purpose of committing an offense upon Amn [REDACTED], specifically assault and battery. At that time, you did in fact, unlawfully strike Amn [REDACTED] in the face and arms with your fist. As a result, you received an Article 15, dated 24 Oct 96. Punishment was reduction to the grade of airman (suspended until 23 Apr 97), forfeiture of \$228 pay, and 14 days extra duty. See Atch 1.

b. On 1 Dec 96, you made verbal threats to SrA [REDACTED]. As a result, you received a Letter of Reprimand (LOR), dated 27 Jan 97. See Atch 2.

c. On 26 Feb 97 and 27 Feb 97, you failed to go to your place of duty, Bldg 282, Tinker AFB OK. You also did not make yourself available to be contacted about reporting for duty. As a result, you received a Letter of Reprimand, dated 27 Feb 97. See Atch 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 and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made arrangements for you to consult Capt [REDACTED] at Bldg 452, Tinker AFB OK on 24 March 1997, at 1030 hours. If it is necessary to change this appointment time, call Capt Mobly's office at 405/739-7713. You may consult civilian counsel at your own expense.

*Global Power for America*

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 25 March 1997, 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 were scheduled for a medical examination on 19 Mar 97, and you should have reported to the Tinker AFB Hospital, Physical Exam Section, on that date 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 in the orderly room.

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



Squadron Section Commander, 965 AACCS

**Attachments:**

1. Art 15, dtd 24 Oct 96
2. LOR, dtd 27 Jan 97
3. LOR, dtd 27 Feb 97
4. Acknowledgment Ltr