

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN
[]		AB	[]

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	UO/HC	OTHER	DENY
[]					X*
[]					X*
[]					X*
[]					X*
[]					X*

ISSUES A92.35 A93.01 A94.05	INDEX NUMBER A67.90	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	CASE NUMBER
20 Mar 2007	FD-2006-00255

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.

* Reason and Authority

[]

INDORSEMENT	DATE: 3/26/2007
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-2006-00255

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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 reason and authority for discharge 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.

ISSUE:

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He admits that he was young and immature and states his discharge was due to minor infractions. The records indicated the applicant received two Article 15s, a Vacation, four Letters of Reprimand, a Letter of Counseling, and three Records of Individual Counseling for misconduct. His first Article 15 was for dereliction of duty. He was punished with a reduction in grade to Airman Basic (reduction below Airman was suspended), suspended forfeiture of pay, restriction to base for 45 days, and 45 days of extra duty. He received a Vacation for failure to go to his appointed place of duty in which he forfeited pay for two months. His second Article 15 was for having alcohol in his dormitory room and underage drinking. He was punished with a reduction in grade to Airman Basic, forfeiture of pay, restriction to base for 30 days, and 30 days of extra duty. He had additional misconduct and was administratively disciplined for failing dorm room inspections, failure to report damage to a vehicle, being late for work, failure to communicate, and underage drinking. The DRB recognized the applicant was 21 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.

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

[REDACTED] (Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Elmendorf AFB, AK on 16 Oct 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 23 Jul 82. Enlmt Age: 17 9/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-39, E-31, G-32, M-26. PAFSC: 3A031 - Information Management Apprentice. DAS: 11 Jul 01.

b. Prior Sv: (1) AFRes 08 May 00 - 29 Jan 01 (8 Months 22 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Jan 01 for 4 yrs. Svd: 02 Yrs 08 Mo 10 Das, all AMS.

b. Grade Status: AB - 29 Aug 03 (Article 15, 29 Aug 03
Amn - 27 May 03
A1C - 30 May 02

c. Time Lost: None.

d. Art 15's: (1) 29 Aug 03, Elmendorf AFB, AK - Article 92. You, having knowledge of a lawful order issued by Brigadier General [REDACTED], 3rd Wing Commander, not to have alcohol in the dormitories, an order which it was your duty to obey, did, on or about 20 Jul 03, fail to obey the same by wrongfully having alcohol in the dormitories. You, who knew or should have known of your duties, on or about 20 Jul 03, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21 years, as it was your duty to do. Reduction to AB, forfeiture of \$575.00 pay per month for 2 months. Restriction to the limits of Elmendorf AFB, Alaska for 30 days, and 30 days extra duty. (No appeal) (No mitigation)

(2) 15 Jul 03, Vacation, Elmendorf AFB, AK - Article 86. You did, on divers occasions, between on or about 19 Jun 03 and on or about 20 Jun 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 10437, Official Mail Center. Forfeiture of \$300.00 pay per month for 2 months. (No

appeal) (No mitigation)

(3) 27 May 03, Elmendorf AFB, AK - Article 92. You, who knew or should have known of your duties, on or about 13 May 03, were derelict in the performance of your duties in that you negligently failed to complete the mail run, which includes mail drop-off and pick-up at several locations, as it was your duty to do. Reduction to AB (reduction below Airman suspended). Suspended forfeiture of \$300.00 pay per month for 2 months. Restriction to the limits of Elmendorf AFB, Alaska for 45 days, and 45 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 20 MAR 03 - Failed dorm room inspection.
 DD 1408, 16 JAN 03 - Failure to stop at a stop sign.
 LOR/UIF, 23 OCT 02 - Failure to maintain dorm room.
 LOC, 22 OCT 02 - Failure to maintain dorm room.
 RIC, 27 AUG 02 - Failure to report damage to vehicle.
 LOR, 18 JUL 02 - Late for work.
 DD 1408, 14 APR 02 - Parking in fire lane.
 RIC, 04 SEP 02 - Failure to communicate.
 RIC, 01 APR 01 - Late for work repeatedly.
 LOR, 05 NOV 01 - Apprehended for underage drinking.

f. CM: None.

g. Record of SV: 31 Jan 01 - 30 Sep 02 Elmendorf AFB 3 (Initial)

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (03) Yrs (05) Mos (09) Das
 TAMS: (02) Yrs (08) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Jun 06.
 (Change Discharge to Honorable, and Change the Reason for Discharge)

Issue 1: I am requesting that my RE Code be changed to allow me to re-enlist in the Air Force Reserves. I have been out of the service for 2 years now and would like to go back and serve my country. The reason for my discharge was for mainly minor infractions and since the time I have been out, I have grown to become a (sic) more responsible. I have matured enough to understand that my actions were wrong but are correctable.

ATCH

None.

31OCT06/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD2006-00255

24 Sep 03

MEMORANDUM FOR AB: [REDACTED], 3 CS

FROM: 3 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically, conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On 20 Jul 03, you violated 3 WG/CC's order against possessing alcohol in the dormitories and you consumed alcohol while under the age of 21. For this misconduct, you received Article 15 punishment, dated 29 Aug 03, of a reduction to airman basic, forfeiture of \$575.00 pay per month for two months, restriction to Elmendorf AFB for 30 days, and 30 days extra duty. This action was filed in your Unfavorable Information File (UIF) (Attachments 1 and 15).

b. Between 19-20 Jun 03, you failed to go to your place of duty at the time prescribed. For this lack of self-discipline, you received a vacation of suspended nonjudicial punishment, dated 15 Jul 03, of forfeiture of \$300.00 pay per month for two months. This action was filed in your UIF (Attachments 2 and 15).

c. On 13 May 03, you failed to complete your mail run duties. For this dereliction of duty, you received Article 15 punishment, dated 27 May 03, of a reduction to the rank of airman, a suspended reduction to the rank of airman basic, suspended forfeitures of \$300.00 pay per month for two months, restriction to Elmendorf AFB for 45 days, and 45 days extra duty. This action was filed in your UIF (Attachments 3 and 15).

d. On 17 Mar 03, you failed a dormitory room inspections. For not adhering to cleanliness standards, you received a Letter of Reprimand (LOR), dated 20 Mar 03 (Attachment 4).

e. On 16 Jan 03, you failed to stop at a posted stop sign. For your failure to follow traffic regulations, you received a DD Form 1408, Armed Forces Traffic Ticket and were verbally counseled on 16 Jan 03 (Attachment 5).

f. On 23 Oct 02, you failed a dormitory room re-inspection. For your failure to maintain your room neat and orderly, you received a LOR, dated 23 Oct 03. This LOR established your UIF (Attachments 6-7 and 15).

g. On 16 Oct 02, you failed a dormitory room inspection. For this failure to follow cleanliness standards, you received a Letter of Counseling (LOC), dated 22 Oct 02 (Attachment 8).

h. On 26 Aug 02, the government vehicle you operate was found damaged. You failed to report the damage to your superiors. For this failure to inform your superiors of the damage, you received an AF Form 174, Record of Individual Counseling, dated 27 Aug 02 (Attachment 9).

i. On 17 Jul 02, you failed to report for duty at the time prescribed. For this lack of self-discipline, you received a LOR, dated 18 Jul 02 (Attachment 10).

j. On 14 Apr 02, you parked your vehicle in a fire lane. For this failure to follow traffic regulations, you received a DD Form 1408, Armed Forces Traffic Ticket and you were verbally counseled (Attachment 11).

k. On 8 Apr 02, you failed to complete your mail run duties and failed to communicate to your superiors that you had forgotten your line badge at home. For this dereliction of duty, you received an AF Form 174, Record of Individual Counseling, dated 9 Apr 02 (Attachment 12)

l. On 2 Apr 02, you failed to report for duty at the time prescribed. For this misconduct, you received an AF Form 174, Record of Individual Counseling, dated 9 Apr 02 (Attachment 13).

m. On 8 Sep 01, you were apprehended for consuming alcohol while under the age of 21. For this misconduct, you received a LOR, dated 5 Nov 01 (Attachment 14).

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 are 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 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 legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt. [redacted]; 552-3887, at Bldg 10480, Room 330 on 24 Sep 03 at 1330 hrs. You may consult civilian counsel at your own expense.

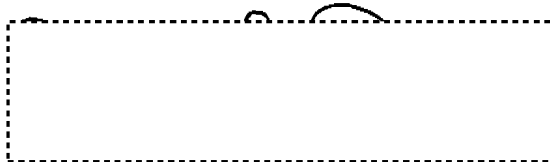
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide to 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 medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 5595, at 0830 hrs on 25 Sep 03 for your first exam, at which time you will be notified of the time for your second exam. Bring Medical Assessment Letter (DD Form 2697). You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.

8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 0900 hrs on 1 Oct 03. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Room 247 at 1000 hrs on 26 Sep 03. You must be in uniform for all appointments.

9. 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 your Squadron Orderly Room.



Commander

Attachments:

1. AF Form 3070 with evidence, 29 Aug 03
2. AF Form 366, 15 Jul 03
3. AF Form 3070, 27 May 03
4. LOR, 20 Mar 03
5. DD Form 1408, 16 Jan 03
6. LOR, 23 Oct 02
7. AF Form 1058, 4 Nov 02
8. LOC, 22 Oct 02
9. AF Form 174, 27 Aug 02
10. LOR, 18 Jul 02
11. DD Form 1408, 14 Apr 02
12. AF Form 174, 9 Apr 02
13. AF Form 174, 9 Apr 02
14. LOR, 5 Nov 01
15. AF Form 1137