

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%; margin-top: 5px;"></div> | GRADE AMN | AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div> |
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| TYPE GEN COUNSEL YES No X | PERSONAL APPEARANCE | X | RECORD REVIEW |
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| COUNSEL YES No X | NAME OF COUNSEL AND OR ORGANIZATION | ADDRESS AND OR ORGANIZATION OF COUNSEL |
|-------------------------------|-------------------------------------|----------------------------------------|

| MEMBER SITTING | VOTE OF THE BOARD | | | | |
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| | HON | GEN | UOTHC | OTHER | DENY |
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| ISSUES A92.21 A92.01 A94.05 | INDEX NUMBER A67.10 | <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 5px; text-align: center;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HE</td> </tr> </tbody> </table> | 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 Mar 2007 | CASE NUMBER FD-2006-00260 | |
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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.

X - Upgrade, Change Reason and Authority and Change Reenlistment Code

| | |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742 | DATE: 5/3/2007 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

FD-2006-00260

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

ISSUE:

Issue 1. Applicant contends that he was young and immature; he made bad decisions and would like another chance. The record indicates that the applicant received a Record of Individual Counseling for failing to return from lunch, returning late from lunch and failing to meet standards (twice--boots not shined and failing to get a haircut); a Letter of Counseling for failure to go; three Letters of Reprimand for failing to obey an order and insubordinate conduct, failing to return from lunch at appointed time (twice), and for being arrested for shoplifting cough/cold medicine and ingesting 16 pills; an Article 15 for failure to go (twice), and on divers occasions with intent to deceive made a false official statements to a senior noncommissioned officer. The Board opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct of the applicant appropriately characterized his term of service, as does the reason for discharge and the reenlistment code received.

Issue 2. Applicant states that he was very successful in training and duties. The Board took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments; however, found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded that the characterization of the applicant's discharge, reason for discharge and reenlistment code was appropriate due to the misconduct.

Issue 3. Applicant states since his discharge he enrolled in college, completed his Associate's Degree, has kept the same job and is deeply involved in local church. The Board was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the review. The Board concluded the misconduct of the applicant appropriately characterized his term of service as does the reason for discharge and the reenlistment code.

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 6 Aug 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 15 Jul 84. Enlmt Age: 17 10/12. Disch Age: 19 0/12. Educ: HS DIPL. AFQT: N/A. A-72, E-62, G-64, M-38. PAFSC: 1A431 - Airborne Battle Management Apprentice. DAS: 1 Mar 03.

b. Prior Sv: (1) AFRes 31 May 02 - 5 Jun 02 (5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Jun 02 for 6 yrs. Svd: 01 Yrs 02 Mo 01 Das, all AMS.

b. Grade Status: Amn - 22 May 03 (Article 15, 22 May 03)
A1C - 19 Jul 02

c. Time Lost: None.

d. Art 15's: (1) 22 May 03, Tinker AFB, OK - Article 86. You, did, on divers occasions between on or about 14 Apr 03 and on or about 16 Apr 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 215. You, did, on or about 21 Apr 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 5801. Article 107. You, did, on divers occasions between on or about 14 Apr 03 and on or about 16 Apr 03, with intent to deceive, make to MSgt [redacted]; an official statement, to wit: you were at the Flight Surgeon's office trying to get off DNIF, which statement was false in that you were only at the Flight Surgeon's office on 15 Apr 03, and was then known by you to be so false. Reduction to AB (reduction below Airman suspended). Suspended forfeiture of \$500.00 pay per month for 2 months. Thirty days correctional custody (suspended). Reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 18 APR 03 - Failure to return from lunch at the appointed time on two occasions.
LOC, 11 APR 03 - Failure to go.
LOR, 20 JUN 03 - Arrested for shoplifting cough/cold medicine and ingesting 16 of the pills.

RIC, 26 MAR 03 - Failure to return from lunch and late returning from lunch on 23 Mar 03. Boots not cleaned and shined on two occasions. Failure to get a haircut on two occasions.
LOR, 08 JAN 03 - Failure to Obey Order or Regulation, and Insubordinate Conduct.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (02) Mos (06) Das
TAMS: (01) Yrs (02) Mos (01) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 03 Jul 06.
(Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Letter of Support.
3. AF Form 100.
4. DD Form 214.
5. Academic Document.
6. Certificate of Acceptance.

10AUG06/ia

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

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

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

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.

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 AIR FORCE COAST GUARD
b. NAME (Last, First, Middle Initial)
c. GRADE/RANK AT DISCHARGE Amn
d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 20030801
4. DISCHARGE CHARACTERIZATION RECEIVED (X one) HONORABLE GENERAL/UNDER HONORABLE CONDITIONS UNDER OTHER THAN HONORABLE CONDITIONS
5. BOARD ACTION REQUESTED (X one) CHANGE TO HONORABLE CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) CHANGE NARRATIVE REASON FOR SEPARATION TO:

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 552 TRAINING TUNISER AFB
UNCHARACTERIZED
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.) BECAUSE WHILE I WAS ENLISTED, I WAS VERY SUCCESSFUL IN TRAINING AND OBTAINING AND ACQUIRED A LOT OF RESPECT. I LOVED ABSOLUTELY THE LIFESTYLE AND I MADE SOME BAD...

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.) SINCE LEAVING THE AIR FORCE I HAVE ENROLLED IN COLLEGE FOR A BUSINESS MANAGEMENT DEGREE. I HAVE KEPT A JOB THE ENTIRE TIME, AND ALSO AM DEEPLY...

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 end 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) 20060703
CASE NUMBER (Do not write in this space.) FD 2006-00260

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

JUDGEMENTS THAT I HAVE LEARNED FROM. I MADE SOME EXTREMELY BAD DECISIONS THAT I DEEPLY REGRET AND APOLOGIZE FOR. I KNOW THAT THE UNITED STATES AIR FORCE IS THE LIFESTYLE FOR ME AND I ASK FOR ONE MORE CHANCE. THANKS YOU FOR YOUR TIME AND CONSIDERATION.

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

I INCLUDED IN MY LOCAL CHURCH. I HAVE DOCUMENT SUPPORT FOR MY COLLEGE ONLY. I DO HAVE A RECOMMENDATION LETTER FROM MY FATHER WHO HAS BEST FIRSTHAND SEEN MY PROGRESS AND THINKS THIS IS THE BEST THING FOR ME.

18. REMARKS (if applicable)

I UNDERSTAND THIS PANEL MUST SEE A THOUSAND PLUS OF THESE A WEEKS. I KNOW THAT I WOULD BE VERY SUCCESSFUL IF GIVEN ANOTHER CHANCE AND HAVE MY IDEAS CHANGE TO HONORABLES, RATHER THAN GENERAL. THE AIR FORCE WAS THE BEST THING TO EVER HAPPEN TO ME PERSONALLY, AND I'VE BEEN WAITING FOR ANOTHER CHANCE. IT CHANGED MY LIFE AND I KNOW I WOULD NEVER TAKE ADVANTAGE OR FOR GRANTED THAT OPPORTUNITY AGAIN. THANK YOU FOR YOUR TIME AND CONSIDERATION AGAIN, AND I TRUST IN YOUR EXPERTISE TO MAKE THE RIGHT DECISION.

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 20374-6023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
650-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
552d TRAINING SQUADRON (ACC)
TINKER AIR FORCE BASE OKLAHOMA

FD 2006-00260

18 July 2003

MEMORANDUM FOR AMN: [REDACTED]

FROM: 552 TRS/CC
Tinker AFB OK 73145

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct. My 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 8 Jan 03, you failed to obey an order or regulation and you presented insubordinate conduct when you fabricated appointment slips for the purpose of deceiving your Military Training Leader. When confronted with the situation, you lied to SSgt: [REDACTED]. As a result, you received a Letter of Reprimand (LOR), dated 8 Jan 03. See Atch 1.

b. On 23 Mar 03, you returned late from lunch. Also you had been told on two different occasions that your boots needed to be cleaned and shined. You also had been told on two different occasions that you needed to get a hair cut. As a result, you received a Letter of Counseling (LOC), dated 26 Mar 03. See Atch 2.

c. On or about 27 Mar 03, you were arrested for shoplifting at a Wal-Mart Super Center in Oklahoma City. You stole boxes of cold medicine and then it was revealed you had ingested 16 of the pills. As a result, you received a Letter of Reprimand, dated 20 Jun 03. See Atch 3.

d. On 11 Apr 03, you failed to report to your place of duty, a mandatory B Flight Roll call. As a result, you received a Letter of Counseling, dated 11 Apr 03. See Atch 4.

e. On or about 25 Mar 03, you failed to return from lunch to your place of duty, First Term Airman Center. On 27 Mar 03, you again failed to return at the proper time from your lunch. As a result, you received a Letter of Reprimand, dated 18 Apr 03. See Atch 5.

f. On divers occasions between on or about 14 Apr 03 and on or about 16 Apr 03, without authority, at or near Tinker AFB OK, you failed to go at the time prescribed to Bldg 215. On or about 21 Apr 03, without authority, at Tinker AFB OK, you failed to go at the time prescribed to Bldg 5801. On or about 14 Apr 03 and on or about 16 Apr 03, with intent to deceive, you made a false official statement to MSgt [redacted] by telling him you were at the Flight Surgeon's office. As a result, you received an Article 15, dated 22 May 03. Punishment was reduction to the grade of airman basic, with reduction below airman suspended until 21 Nov 03, forfeiture of \$500 pay per month for 2 months, suspended until 21 Nov 03, 30 days correctional custody, suspended until 21 Nov 03, and a reprimand. See Atch 6.

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 an Area Defense Counsel, at Bldg One, Tinker AFB OK. You should telephone Capt [redacted] office at 405/739-7713 on Monday, 21 July 2003 for the purpose of making an appointment to see an Area Defense Counsel. You may consult civilian counsel at your own expense.

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 23 July 2003, 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 2 July 2003, 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.



Commander

Attachments:

1. LOR, dtd 8 Jan 03
2. RIC, dtd 26 Mar 03
3. LOR, dtd 20 Jun 03
4. LOC, dtd 11 Apr 03
5. LOR, dtd 18 Apr03
6. Art 15, dtd 22 May 03
7. Acknowledgment Ltr