

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																																			
TYPE GEN		PERSONAL APPEARANCE COUNSEL YES <input type="checkbox"/> No <input checked="" type="checkbox"/>	X RECORD REVIEW ADDRESS AND OR ORGANIZATION OF COUNSEL																																			
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE																																						
<p>Case heard in Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>																																						
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																																				

INDORSEMENT

DATE: 3/5/2007

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2006-00263

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 and unjust because the information used was false and damaging to his career. He states the information he provided was not considered and his integrity questioned. The record indicates that the applicant received three Letters of Counseling for failure to attend a scheduled training appointment and late for duty (twice); two Letters of Reprimand for failing a room inspection and failing to obey a lawful order; and an Article 15 for intent to deceive and making false official statements to two noncommissioned officers. The Board reviewed the records and found no evidence that substantiate the applicant's inequity issue. He did not appeal his Article 15 nor did he submit rebuttals to any of his administrative actions. The Board opined that through these administrative actions the applicant had ample opportunities to change his negative behavior; therefore, the Board concludes the characterization of the discharge 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

[REDACTED] (Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Offutt AFB, NE on 4 Nov 99 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 Oct 71. Enlmt Age: 25 8/12. Disch Age: 28 0/12. Educ: HS DIPL. AFQT: N/A. A-60, E-42, G-46, M-56. PAFSC: 2A551L - Aerospace Maintenance Journeyman. DAS: 2 Feb 98.

b. Prior Sv: (1) AFRes 20 Jun 97 - 3 Sep 97 (2 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Sep 97 for 4 yrs. Svd: 02 Yrs 02 Mo 01 Das, all AMS.

b. Grade Status: AB - 05 Oct 99 (Article 15, 5 Oct 99)
A1C - 4 Jan 99
Amn - 4 Mar 98

c. Time Lost: None.

d. Art 15's: (1) 5 Oct 99, Offutt AFB, NE - Article 107. You did, on or about 14 Sep 99, with intent to deceive, make to TSgt [REDACTED], an official statement, to wit: "I went to Chili's and passed out," or words to that effect, which was totally false, and was then known by you to be so false. Article 107. You did, on or about 14 Sep 99, with intent to deceive, make to SSgt [REDACTED], an official statement, to wit: "The effective date of the insurance is 10 Aug 99," or words to that effect, which was totally false, and was then known by you to be so false. Reduction to AB, and 21 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 10 SEP 99 - Failure to obey a lawful order.
RIC, 08 SEP 99 - Continuously calling in late.
RIC, 21 JUN 99 - Failure to report to work with Area Line Badge, and failure to follow proper procedures for reporting extended absences from work.
RIC, 17 MAY 99 - Missed appointment.
LOR, 13 APR 98 - Failed room inspection.

f. CM: None.

- g. Record of SV: 4 Sep 97 - 3 May 99 Offutt AFB 4 (Initial)
- h. Awards & Decs: AFTR, AFOUA.
- i. Stmt of Sv: TMS: (02) Yrs (04) Mos (15) Das
TAMS: (02) Yrs (02) Mos (01) Das

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

Issue 1: My discharge was inequitable and unjust because the information used in my discharge was not only false but damaging to my military career. The information I provided was never even considered. My integrity was called into question and I choose to step up to the plate by getting information on my military and personal life from my fellow Air Force brothers and sisters. I have attached the following statements to dispute the information in my discharge.

ATCH

1. Eight Character References.

09AUG06/ia

g. On or about 14 September 1999, at or near Offutt AFB, NE, you did, with intent to deceive, make to Staff Sergeant [redacted] an official statement, to wit: "The effective date of the insurance is 10 August 1999," or words to that effect, which was totally false, and then known by you to be so false.

For the incidents listed in paragraphs f and g you received Nonjudicial Punishment dated 5 October 1999, consisting of reduction to the grade of Airman Basic with a new date of rank of 5 October 1999, and 21 days extra duty. (Atch 1-6)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably any other branch of the military.

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, Bldg 323C, RM 302, Phone 4-3939, at 1000 on 21 Oct 99. 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 26 Oct 99 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 55th Medical Group, Physical Exams, Room 115, Building 527, at 22 Oct 99 on 1100 hrs for the examination. Please pick up your medical records 24 hrs prior to your appointment.

8. You have been scheduled for an initial separation appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 21 Oct 99 on 1400 hrs with your escort.

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 in the unit orderly room.

10. Execute the acknowledgment provided and return it to me immediately.



Commander, 38th Reconnaissance Squadron

Attachments:

- Atch 1-1; Letter of Reprimand, 13 Apr 98
- Atch 1-2; Record of Individual Counseling, 17 May 99
- Atch 1-3; Record of Individual Counseling, 21 Jun 99
- Atch 1-4; Record of Individual Counseling, 8 Sep 99
- Atch 1-5; Letter of Reprimand, 10 Sep 99
- Atch 1-6; Nonjudicial Punishment, 5 Oct 99