

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []		GRADE A1C	AFSN/SSAN []			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING []		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A93.21 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 HEARING			
HEARING DATE 15 Mar 2007	CASE NUMBER FD-2006-00265					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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> 						
INDORSEMENT			DATE: 3/16/2007			
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

FD-2006-00265

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:

Issue 1. Applicant contends discharge was inequitable because it did not take into account the medical issues he was experiencing at the time. The board acknowledged that the member received medical treatment for depression, anxiety, insomnia, frequent headaches, and a pineal lesion. Following a review of all available facts and evidence in the case, the Board found no causal or mitigating relationship between the member's instances of misconduct and his medical condition. The records indicated the applicant received two Article 15s, four Letters of Reprimand, one Letter of Counseling, and one Record of Individual Counseling for misconduct. The misconduct included failure to complete training by suspense date, dereliction of duty, failure to go on divers occasions, failure to obey a lawful order, unprofessional behavior, financial irresponsibility, and failure to pay overdue Government Travel Card balance. 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.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF MacDill AFB FL, on 13 Feb 06 UP AFI 36-3208, para 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 30 Jun 81. Enlmt Age: 20 0/12. Disch Age: 24 7/12. Educ: HS DIPL. AFQT: N/A. A-74, E-83, G-83, M-71. PAFSC: 4N051 - Aerospace Medical Service Journeyman. DAS: 9 Sep 02.

b. Prior Sv: (1) AFRes 18 Jul 01 - 3 Dec 01 (4 mos 16 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 4 Dec 01 for 6 years. Svd: 04 Yrs 02 Mo 10 Das, all AMS.

b. Grade Status: A1C - 15 Nov 05 (Vacation of Suspension, 18 Jan 06)
SrA - 18 May 04
A1C - 07 Jun 02

c. Time Lost: None.

d. Art 15's: (1) 18 Jan 06, Vacation, MacDill AFB, FL - Article 92. You, who knew of your duties, from on or about 15 Nov 05 to on or about 15 Dec 05, were derelict in the performance of those duties in that you willfully failed to pay your overdue Government Travel Card balance, as it was your duty to do. Reduced to A1C. (No appeal) (No mitigation)

(2) 15 Nov 05, MacDill AFB, FL - Article 86. You, did, on or about 4 Oct 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 711. You, did, on or about 11 Oct 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 711. You, did, on or about 18 Oct 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 711. Suspended reduction to A1C. Forfeiture of \$100.00 pay per month for 2 months and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 05 JAN 06 - Financial irresponsibility.
RIC, 29 NOV 05 - Unprofessional behavior.



**DEPARTMENT OF THE AIR FORCE
6TH AIR MOBILITY WING (AMC)
MACDILL AIR FORCE BASE FLORIDA**

FEB 1 2006

MEMORANDUM FOR A1C:.....

FROM: 6 MDOS/CC

SUBJECT: Notification Memorandum

1. I am recommending you be discharged from the United States Air Force for Misconduct: A Pattern of Misconduct Consisting of 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, Under Honorable Conditions (General), or Under Other Than Honorable Conditions (UOTHC). I am recommending that your service be characterized as Under Honorable Conditions (General).
2. My reasons for this action are:
 - a. From on or about 15 November 2005 to 15 December 2005, you, who knew of your duties, were derelict in the performance of those duties in that you willfully failed to pay your overdue Government Travel Card balance, as it was your duty to do. This incident resulted in a Letter of Reprimand (LOR), dated 5 January 2006, and a vacation of suspended nonjudicial punishment, dated 18 January 2006. Punishment consisted of reduction to the grade of airman first class (Attch 2).
 - b. On or about 22 November 2005, you were observed screening a patient in an unprofessional manner. This incident resulted in a Record of Individual Counseling (RIC), dated 29 November 2005 (Attch 3).
 - c. On or about 4 October 2005, 11 October 2005, and 18 October 2005, you, did, without authority, fail to go at the time prescribed to your appointed place of duty. These incidents resulted in Nonjudicial Punishment under Article 15, UCMJ, dated 15 November 2005. Punishment consisted of reduction to the grade of airman first class suspended through 14 May 2006, forfeitures of \$100.00 pay per month for 2 months, and a reprimand (Attch 4).
 - d. On or about 12 September 2005, 13 September 2005, and 14 September 2005, you, did, without authority, fail to go at the time prescribed to your appointed place of duty. These incidents resulted in a LOR, dated 6 October 05 (Attch 5).
 - e. On or about 16 August 2005, you, did, without authority, fail to go at the time prescribed to your appointed place of duty. This incident resulted in a LOR, dated 16 August 2005 (Attch 6).
 - f. On or about 12 October 2004, you, did, without authority, fail to go at the time prescribed to previously scheduled chemical warfare training, and on or about 2 December 2004 and on or about 14 April 2005, you failed to go to combat arms training, and on or about 27 April 2005, you failed to go to medical unit readiness training. These incidents resulted in a LOR, dated 3 May 2005 (Attch 7).

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g. On or about 26 April 2005, you, did, without authority, fail to go at the time prescribed to your appointed place of duty. This incident resulted in a Letter of Counseling (LOC), dated 3 May 2005 (Atch 8).

h. On or about 19 January 2005, you, who knew of your duties, were derelict in the performance of those duties in that you willfully failed to complete required training by the specified suspense dates. This incident resulted in a RIC, dated 17 February 2005 (Atch 9).

3. 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 the Area Defense Counsel, Captain [REDACTED], at Hangar 4, Suite 3, on **1 February 2006, at 1100 hours**. 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 **6 February 2006** 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 have been scheduled for a medical examination. You must report to Patriot Clinic, 8415 Bayshore Blvd. on **2 February 2006, at 0730 hours** 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 at 6 AMW/JA.

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

[REDACTED]

Commander, 6th Medical Operations Squadron

Attachments:

1. Receipt of Notification Memorandum
2. AF Form 366, dated 18 Jan 06
3. LOR, dated 5 Jan 06
4. RIC, dated 29 Nov 05
5. AF Form 3070, dated 15 Nov 05
6. LOR, dated 6 Oct 05
7. LOR, dated 16 Aug 05
8. LOR, dated 3 May 05
9. LOC, dated 3 May 05
10. RIC, dated 17 Feb 05