

**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 <b>AB</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
<b>YES</b>	No	
	<b>X</b>	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X**
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X**
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ISSUES <b>A95.00</b> <b>A01.00</b>	INDEX NUMBER <b>A67.90</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		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 IIF

HEARING DATE <b>21 Feb 2007</b>	CASE NUMBER <b>FD-2006-00267</b>	
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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.

\* Reason and Authority  
 + Reenlistment Code

<b>INDORSEMENT</b>	<b>DATE: 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

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

**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 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:**

The applicant submitted no issues and requested that the review be completed based on the available service record. The applicant has expressed a desire to have his discharge upgraded so that he may reenlist into the armed forces. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant had received a Summary Court Martial, an Article 15, and a Vacation for misconduct. The Summary Court Martial was for unlawfully entering the apartment of a civilian. He was punished with a forfeiture of pay, 11 days confinement, and 10 days hard labor without confinement. He received an Article 15 for allowing another airman to store illegal steroids in his dormitory refrigerator and willingly injecting another airman with what he believed to be illegal steroids. He was punished with a reduction in grade to Airman Basic, suspended forfeiture of pay, 45 days of extra duty (suspended), and a reprimand. The Vacation action was for unlawfully entering an apartment with intent to commit a criminal offense. He was required to forfeit pay for two months and perform 45 days of extra duty. 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Maxwell AFB, AL on 8 Jun 05 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 RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 29 Sep 84. Enlmt Age: 18 9/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-50, E-53, G-42, M-39. PAFSC: 3P031 - Security Forces Apprentice. DAS: 8 Dec 03.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Jul 03 for 4 yrs. Svd: 01 Yrs 10 Mo 14 Das, of which AMS is 01 Yrs 10 Mos 05 Days (excludes 9 days lost time).

b. Grade Status: AB - 8 Sep 04 (Article 15, 8 Sep 04)  
Amn - 16 Jan 04

c. Time Lost: 25 Apr 05 thru 5 May 05 (9 days).

d. Art 15's: (1) 20 Dec 04, Vacation, Maxwell AFB, AL - Article 130. You did, at or near Montgomery, Alabama, on or about 23 Oct 04, unlawfully enter an apartment, the property of [REDACTED], with intent to commit a criminal offense, to wit: Commit larceny and damage to non military property, therein. Forfeiture of \$596.00 pay per month for 2 months, and 45 days extra duty. (No appeal) (No mitigation)

(2) 08 Sep 04, Maxwell AFB, AL - Article 134. You, did, between on or about 1 Jan 04 and on or about 31 Jan 04, allow A1C [REDACTED] to store what you believed to be illegal steroids in your dormitory refrigerator, which conduct was prejudicial to good order and discipline or was of a nature to bring discredit upon the Armed Forces. You, did, between on or about 1 Jan 04 and on or about 31 Jan 04, willingly inject A1C [REDACTED] with what you believed to be illegal steroids, which conduct was prejudicial to good order and discipline or was of a nature to bring discredit upon the Armed Forces. Reduction to AB. Suspended forfeiture of \$596.00 pay per month for 2 months. Forty

five days extra duty (Suspended), and a reprimand.  
(No appeal) (No mitigation)

e. Additional: None.

f. CM: Summary Court Martial - 25 Apr 05

CHARGE: Article 134.

Specification: Did, at or near Montgomery, Alabama, on or about  
23 Oct 04, unlawfully enter the apartment of [REDACTED] Plea:  
Guilty. Finding: Guilty. Sentence adjudged on 25 Apr 05:  
Forfeiture of 1/3 pay for one month, 11 days confinement, and 10  
days hard labor without confinement.

g. Record of SV: 15 Jul 03 - 16 Mar 05 Maxwell AFB 2 (Initial)REF

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

i. Stmt of Sv: TMS: (01) Yrs (10) Mos (05) Das  
TAMS: (01) Yrs (10) Mos (05) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Jul 06.  
(Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

I wish to enlist back into the military and/or get a Federal job.

**ATCH**  
None.

16AUG06/ia



DEPARTMENT OF THE AIR FORCE  
42D AIR BASE WING (AETC)  
MAXWELL AIR FORCE BASE ALABAMA

FD2006-00267

31 MAY 2005

MEMORANDUM FOR AIRMAN BASIC: [REDACTED]

FROM: 42 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Pattern of Misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

a. On or about 23 October 2004, you unlawfully entered the apartment of: [REDACTED] with the intent to commit larceny and destruction of property. For this misconduct, you were punished by Summary Court-Martial, on 25 April 2005. Punishment included Forfeiture of one-third pay for 1 month, 11 days confinement and 10 days hard labor without confinement.

b. On or about 1 January 2004 to on or about 31 January 2004, you allowed AIC: [REDACTED] to store what you believed to be illegal steroids in your dormitory refrigerator. For this misconduct, you were punished IAW Article 15, UCMJ, on 8 September 2004. Punishment included reduction to the grade of Airman Basic, Forfeiture of \$596.00 pay per month for 2 months, suspended through 7 March 2005, 45 days extra duty, suspended through 7 March 2005 and a reprimand. The resulting Air Force Form 3070, Record of Nonjudicial Punishment Proceedings, was used to establish an Unfavorable Information File (UIF).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. Arrangements have been made for you to consult Capt: [REDACTED] at 550 E. Maxwell Blvd, on 1 JUN 05, at 1000 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 3 Jun 05, 1630 unless you request