

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 AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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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	UOHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A94.05 A92.05	INDEX NUMBER A67.10	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 13 Mar 2007	CASE NUMBER FD-2006-00269	
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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

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.

INDORSEMENT	DATE: 3/21/2007
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-2006-00269

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 was too harsh. The record indicates the applicant received an Article 15 for being derelict in the performance of his duties by failing to prepare for the ECAMP inspection by not marking chemical bottles which were found in the cleaning locker, having unmarked chemicals at the soldering station, and not fixing the six discrepancies in the continuity folder; and failure to turn in a propane bottle to HAZMART. He was punished with a suspended reduction in grade to Airman and 30 days of extra duty. His promotion was vacated for failing to obey a lawful order by not cleaning the floors and latrines as instructed. The record shows that the applicant was discharged for minor disciplinary infractions, but was missing the discharge documentation. Lacking this evidence, the Board relies on the presumption of regularity and finds the characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The Board took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They 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 discharge was appropriate for the reasons which were the basis for this case.

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.

The Board recommends that if the applicant can provide additional documented information to substantiate his issue, he should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide any exemplary post-service accomplishments as well as any contributions to the community.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AMN) (HGH A1C)

MISSING DISCHARGE PACKAGE

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Ellsworth AFB, SD on 4 May 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Mar 79. Enlmt Age: 17 10/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 2E133 - Ground Radio Communications Apprentice. DAS: Unknown.

b. Prior Sv: (1) AFRes 11 Feb 97 - 8 Jul 97 (4 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Jul 97 for 4 yrs. Svd: 01 Yrs 09 Mo 26 Das, all AMS.

b. Grade Status: Amn - 15 Mar 99 (Vacation of Article 15, 16 Apr 99)
A1C - Unknown.
Amn - 09 Jan 98

c. Time Lost: None.

d. Art 15's: (1) 16 Apr 99, Vacation, Ellsworth AFB, SD - Article 92. You, having knowledge of a lawful order issued by MSgt [REDACTED], to clean building 4304, an order which it was your duty to obey, did, on or about 3 Apr 99, fail to obey the same by wrongfully not cleaning the floors and latrine as instructed. Reduction to Airman. (No appeal) (No mitigation)

(2) 15 Mar 99, Ellsworth AFB, SD - Article 92. You, who knew of your duties, on or about 24 Feb 99, were derelict in the performance of those duties in that you willfully failed to prepare for the ECAMP inspection by not marking chemical bottles which were found in the cleaning locker, having unmarked chemicals at the soldering station, and not fixing the six discrepancies in the continuity folder which you assured SSgt [REDACTED] [REDACTED] was complete and ready for the inspection, as it was your duty to do. Article 92. You, who knew of your duties, on or about 22 Feb 99, were derelict in the performance of those duties in that you willfully failed to turn in a propane bottle to HAZMART, as you were told to do by SSgt [REDACTED] and TSgt [REDACTED].

Suspended reduction to Airman. Thirty days extra duty.
(No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (02) Mos (24) Das
TAMS: (01) Yrs (09) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Jul 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.

18SEP06/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

After years of contemplation, it is my opinion that the "misconduct" charges were unfounded. I believe that the circumstances surround my discharge were acts of personal politics of my command structure. My NCO and first Sgt were looking for a scapegoat for the failure of a safety & hazard inspection. As an A1C who received zero training on this duty, I should never have been placed in charge. Other charges regarding my 2nd Art 15 were false and not at all serious enough to deem Art 15 proceedings. Which is why I requested a discharge at the end of those proceedings. I felt as if that I could not have performed my duties in an environment where the people placed in charge over me had no interest in my career, training, or moral, but only interested in their own.

My record should also show that the events + charges that led to my discharge are the only negative remarks in my file. In the course of my duties I received many letters of appreciation, letters of commendation, as well as many personal compliments from base leaders, including the base commander + most squadron commanders. My positive reports far outweigh the negative. If not for the events leading to my discharge + the personal agendas of my superiors I believe I would have excelled in my Air Force career.

As well as upgrade to "honorable" I request consideration for upgrade to A1C.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD) b. SIGNATURE

17 July 06 

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001