

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

A1C

TYPE GEN

PERSONAL APPEARANCE

X

RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES

No

X

MEMBER SITTING

VOTE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X

X

X

X

X

ISSUES

A92.21

A93.07

A93.11

A94.05

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-2006-00285

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.

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**

CASE NUMBER

**FD-2006-00285**

**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. Although not explicitly stated, applicant contends discharge was inequitable because it was too harsh. He states there were issues beyond his control and that he began to experience severe emotional and financial problems. The records indicated the applicant received an Article 15, a Vacation, four Letters of Reprimand, a Letter of Counseling, and seven Records of Individual Counseling for misconduct. The applicant received an Article 15 for failure to go at the prescribed time to his appointed place of duty. He was punished with a suspended reduction in grade to Airman First Class, twenty days extra duty, and a reprimand. His promotion was vacated for driving his car in a reckless manner at an extremely high rate of speed. The applicant was administratively disciplined on numerous occasions for being late for work, disobeying a direct order, financial irresponsibility, drinking after the cutoff to report for duty in a sober state, failure to go, and continual tardiness to duty. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the applicant's 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.

Issue 2. The DRB was pleased to see that the applicant is doing well, has a good job and continuing his education. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

**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 Cannon AFB, NM on 20 Jul 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 26 Dec 79. Enlmt Age: 20 5/12. Disch Age: 25 6/12. Educ: HS DIPL. AFQT: N/A. A-74, E-72, G-76, M-73. PAFSC: 2W051 - Munitions Systems Journeyman. DAS: 2 Dec 00.

b. Prior Sv: (1) AFRes 16 Jun 00 - 12 Jul 00 (27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 13 Jul 00 for 6 yrs. Svd: 05 Yrs 00 Mo 08 Das, all AMS.

b. Grade Status: A1C - 26 Apr 05 (Vacation of Article 15, 28 Jun 05)  
SrA - 13 Nov 02

c. Time Lost: None.

d. Art 15's: (1) 28 Jun 05, Vacation, Cannon AFB, NM - Article 111. You did, at or near Clovis, New Mexico, on or about 18 Jun 05, at or near the intersection of Prince and 8<sup>th</sup> Street operate a vehicle, to wit: a passenger car in a reckless manner by driving at an extremely high rate of speed. Reduction to A1C. (No appeal) (No mitigation)

(2) 26 Apr 05, Cannon AFB, NM - Article 86. You did, on or about 12 Apr 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 27<sup>th</sup> Equipment Maintenance Squadron, building 2123. Suspended reduction to A1C. Twenty days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 18 MAR 05 - Late for work.  
LOC, 07 DEC 04 - Late for work.  
RIC, 19 DEC 03 - Late for work.  
LOR, 12 AUG 03 - Drinking after the cutoff to report for duty in a sober state, failure to go, dereliction of duty, and disobeying a direct order.  
LOR, 27 FEB 03 - Disobeying a direct order.  
LOR, 18 MAR 03 - Financial irresponsibility.  
RIC, 25 FEB 03 - Late for duty.

RIC, 19 FEB 03 - Financial irresponsibility.  
RIC, 31 OCT 02 - Failure to go.  
RIC, 31 OCT 02 - Financial irresponsibility.  
RIC, 05 AUG 02 - Unable to contact for weekend duty.  
RIC, 22 JUL 02 - Continual tardiness to duty.

f. CM: None.

g. Record of SV: 13 Jul 00 - 15 Jan 02 Cannon AFB 5 (HAF Dir)  
16 Jan 02 - 21 Nov 02 Cannon AFB 4 (CRO)  
22 Nov 02 - 30 Sep 03 Cannon AFB 2 (CRO)REF  
01 OCT 03 - 30 SEP 04 Cannon AFB 5 (Annual)

h. Awards & Decs: AFTR, NDSM, AFLSAR, GWOTSM, AFOUA, BMTHGR, AFGCM.

i. Stmt of Sv: TMS: (05) Yrs (01) Mos (05) Das  
TAMS: (05) Yrs (00) Mos (08) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 28 Jul 06.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Notification Memorandum With Response.
3. Medical Documents.
4. DD Form 214.
5. State of New Mexico Uniform Incident Report.
6. Clovis Police Background Check.
7. Three Internet News Articles.

20SEP06/ia

JUL 31 2006

FD 2006-00285

<b>APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES</b> <i>(Please read instructions on Pages 3 and 4 BEFORE completing this application.)</i>				OMB No. 0704-0004 OMB approval 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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.						
<b>PRIVACY ACT STATEMENT</b>						
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.						
<b>1. APPLICANT DATA</b> <i>(The person whose discharge is to be reviewed).</i> PLEASE PRINT OR TYPE INFORMATION.						
<b>a. BRANCH OF SERVICE</b> <i>(X one)</i>		<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
<b>b. NAME</b> <i>(Last, First, Middle Initial)</i>		<b>c. GRADE/RANK AT DISCHARGE</b>		<b>d. SOCIAL SECURITY NUMBER</b>		
20050721		E-3 / AIC		[REDACTED]		
<b>2. DATE OF DISCHARGE OR SEPARATION</b> <i>(YYYYMMDD) If date is more than 15 years ago, submit a DD Form 149)</i>		<b>4. DISCHARGE CHARACTERIZATION RECEIVED</b> <i>(X one)</i>		<b>5. BOARD ACTION REQUESTED</b> <i>(X one)</i>		
20050721		<input checked="" type="checkbox"/> HONORABLE		<input checked="" type="checkbox"/> CHANGE TO HONORABLE		
<b>3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION</b>		<input type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS		<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS		
27EUS Cannon AFB		<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS		<input type="checkbox"/> CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>		
27EUS Cannon AFB		<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>		<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:		
<input type="checkbox"/> UNCHARACTERIZED		[REDACTED]				
<input type="checkbox"/> OTHER <i>(Explain)</i>		[REDACTED]				
<b>6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST</b> <i>(Continue in Item 14. See Instructions on Page 3.)</i>						
The discharge was unjust because it was based on a charge that was amended, along with other issues that were beyond my control.						
<b>7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD)</b> AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.						
<b>8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE:</b> <i>(Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)</i>						
1) Notification Memorandum from 27EUS/CC for discharge recommendation 2) Response to notification memorandum for discharge from SDA David E. Thomas, II 3) Medical Record report showing problem addressed to Life Skills support element chief.						
<b>9. TYPE OF REVIEW REQUESTED</b> <i>(X one)</i>						
<input checked="" type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR <i>(counsel/representative)</i> WILL NOT APPEAR BEFORE THE BOARD.						
<input type="checkbox"/> I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.						
<input type="checkbox"/> I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO <i>(enter city and state)</i> <b>(NOTE: The Navy Discharge Review Board does not have a traveling panel.)</b>						
<b>10.a. COUNSEL/REPRESENTATIVE</b> <i>(If any) NAME</i> <i>(Last, First, Middle Initial)</i> AND ADDRESS <i>(See Item 10 of the instructions about counsel/representative.)</i>				<b>b. TELEPHONE NUMBER</b> <i>(Include Area Code)</i>		
[REDACTED]				[REDACTED]		
[REDACTED]				<b>c. E-MAIL</b>		
[REDACTED]				[REDACTED]		
[REDACTED]				<b>d. FAX NUMBER</b> <i>(Include Area Code)</i>		
[REDACTED]				[REDACTED]		
<b>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 the name <i>(print)</i> and relationship by marking a box below.</b>						
<input type="checkbox"/> SPOUSE <input type="checkbox"/> WIDOW <input type="checkbox"/> WIDOWER <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> OTHER <i>(Specify)</i>						
<b>12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE</b> <i>(Forward notification of any change in address.)</i>				<b>b. TELEPHONE NUMBER</b> <i>(Include Area Code)</i>		
[REDACTED]				[REDACTED]		
[REDACTED]				<b>c. E-MAIL</b>		
[REDACTED]				[REDACTED]		
[REDACTED]				<b>d. FAX NUMBER</b> <i>(Include Area Code)</i>		
[REDACTED]				[REDACTED]		
<b>13. CERTIFICATION.</b> 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. <i>(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.)</i>				<b>CASE NUMBER</b> <i>(Do not write in this space.)</i>		
<b>a. SIGNATURE - REQUIRED.</b> <i>(Signature of person in Item 13. above)</i>				<b>b. DATE SIGNED - REQUIRED</b> <i>(YYYYMMDD)</i>		
[REDACTED]				20060728		

## 14. CONTINUATION OF ITEM 8, ISSUES (If applicable)

1) I was arrested for reckless driving in June of 2005. Because of that arrest, I was discharged from the United States Air Force. My case was not tried in the Clovis Municipal Court until 26 October 2005. The ~~reckless~~<sup>driving</sup> reckless driving arrest was amended to basic rule, which turned the charge into a \$70.00 speeding ticket.

2) In 2002 my 15 month old son passed away. In 2003, 1 month later, his mother was charged with his murder. The circumstances that followed helped devastate me and my career. My wife was also military. I began to have severe emotional and financial problems.

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

4) Medical record report documenting depression

5) DD Form 214

6) State of New Mexico uniform incident report

7) Clovis Police Department criminal background check

8) Clovis Municipal Court Agreement to pay proving arrest charge amended

9) KOBTV.Com News Article to show the mental anguish from the situation and staying at the base.

10) Clovis News Journal News Article

11) The Augusta Chronicle News Article

## 16. REMARKS (If applicable)

All of the events that followed my son's death affected me largely. I, however, have not given up on success. I have worked as a bartender, server, and sales associate (retail) since being discharged. I am preparing for college in the spring of 2007. I am proud to be a veteran of the United States Armed Forces. I was proud to be an AMMO troop. I, regardless of my past mistakes, did indeed serve my country honorably. I ask that, with your approval, my military records show exactly that. Thank you.

## 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 20374-5023

## AIR FORCE

Air Force Review Boards Agency  
SAF/MRBR  
550-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**

**HEADQUARTERS 27th FIGHTER WING (ACC)  
CANNON AIR FORCE BASE NEW MEXICO**

FD 2006-00285

29 JUN 2005

MEMORANDUM FOR A1C: [REDACTED], 27 EMS

FROM: 27 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. 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 or about 22 Jul 02, you failed to report to your appointed place of duty on time for the third time in six work days, as evidenced by Written Counseling, dated 22 Jul 02. (Atch a)
- b. On or about 2 Aug 02, you were unavailable for duty while on standby, as evidenced by Written Counseling, dated 5 Aug 02. (Atch b)
- c. On or about 31 Oct 02, you bounced a check, as evidenced by Written Counseling, dated 31 Oct 02. (Atch c)
- d. On or about 31 Oct 02, you were late to work, as evidenced by Written Counseling, dated 31 Oct 02. (Atch d)
- e. On or about 19 Feb 03, you were 30 days delinquent on your base club credit card, as evidenced by Written Counseling, dated 19 Feb 03. (Atch e)
- f. On or about 21 Feb 03 and on or about 24 Feb 03, you failed report to your appointed place of duty on time, as evidenced by Written Counseling, dated 25 Feb 03. (Atch f)
- g. On or about 27 Feb 03, you disobeyed your NCOIC's direct order to report to his office, as evidenced by Letter of Reprimand, dated 27 Feb 03. (Atch h)
- h. On or about 18 Mar 03, you had three past due debts, as evidenced by Letter of Reprimand, dated 18 Mar 03. (Atch g)
- i. On numerous occasions in March and July 2003, you failed to report to your appointed place of duty on time. In addition, you failed to refrain from drinking alcohol after the cutoff to report for duty in a sober state, as evidenced by Letter of Reprimand, dated 12 Aug 03. (Atch i)

- j. On or about 19 Dec 03, you failed to report to your appointed place of duty on time, as evidenced by Written Counseling, dated 19 Dec 03. (Atch j)
- k. On or about 6 Dec 04, you failed to report to your appointed place of duty on time, as evidenced by Letter of Counseling, dated 7 Dec 04. (Atch k)
- l. On or about 18 Mar 05, you failed to report to your appointed place of duty on time, as evidenced by Letter of Reprimand, dated 18 Mar 05. (Atch l)
- m. On or about 12 Apr 05, you failed to report to your appointed place of duty on time, as evidenced by Article 15 action, dated 26 Apr 05. (Atch m)
- n. On or about 18 Jun 05, you drove your vehicle in a reckless manner, as evidenced by Article 15 vacation action, dated 28 Jun 05. (Atch n)
3. 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 in the Air Force, and any special pay, bonuses, or education assistance funds may be subject to recoupment.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment will be made for you to consult with a military legal counsel from the Cannon AFB Area Defense Counsel's Office at building 600, ext. 2915. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within 3 duty days from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.
7. You will complete a medical examination at the 27th Medical Group on 30 Jun 05 at 1505 hours.
8. 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 your unit orderly room, or you may download a copy from <http://afpubs.hq.af.mil/>.



Commander, 27 EMS

**Attachments:**

- a. Written Counseling, dated 22 Jul 02
- b. Written Counseling, dated 5 Aug 02
- c. Written Counseling, dated 31 Oct 02
- d. Written Counseling, dated 31 Oct 02
- e. Written Counseling, dated 19 Feb 03
- f. Written Counseling, dated 25 Feb 03
- g. Letter of Reprimand, dated 18 Mar 03
- h. Letter of Reprimand, dated 27 Feb 03
- i. Letter of Reprimand, dated 12 Aug 03
- j. Written Counseling, dated 19 Dec 03
- k. Letter of Counseling, dated 7 Dec 04
- l. Letter of Reprimand, dated 18 Mar 05
- m. Article 15 action, dated 26 Apr 05
- n. Article 15 vacation action, dated 28 Jun 05