

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*
						X*
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A94.05	A67.50	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	CASE NUMBER					
25 Apr 2007	FD-2006-00298					
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> <p>* Reason and Authority</p>						
INDORSEMENT						
TO:			DATE: 5/7/2007			
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-2006-00298

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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 and change of reason and authority for discharge are 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:

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, a Vacation, and six Letters of Reprimand for misconduct. The applicant received an Article 15 for sending an electronic message that was inappropriate and offensive to his entire squadron. He was punished with a suspended reduction to Airman First Class, fourteen days of extra duty and a reprimand. The Vacation action was for failure to obey a lawful order and for being derelict in the performance of his duties in that he willfully failed to refrain from putting bleach on his skin. These actions resulted in his reduction in grade to Airman First Class. He was administratively disciplined for failure to obey an order, failure to return to duty at the appropriate time, threatening to harm another airman, failure to wear his BDU top while dining at a local restaurant, and dereliction of duty on two separate occasions. 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.

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 Dyess AFB, TX on 30 Jun 06 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Discharge, and to Change the Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 30 Sep 76. Enlmt Age: 26 8/12. Disch Age: 29 9/12. Educ: HS DIPL. AFQT: N/A. A-76, E-50, G-66, M-50. PAFSC: 2A551J - Aerospace Maintenance Journeyman. DAS: 5 Apr 04.

b. Prior Sv: (1) AFRes 23 Jun 03 - 23 Jul 03 (1 month 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 24 Jul 03 for 6 yrs. Svd: 02 Yrs 11 Mo 07 Das, all AMS.

b. Grade Status: A1C - 18 Apr 06 (Vacation, 23 Jun 06)
SrA - 24 Nov 05

c. Time Lost: None.

d. Art 15's: (1) 23 Jun 06, Vacation, Dyess AFB, TX - Article 91. You, having received a lawful order from TSgt [REDACTED], a noncommissioned officer, then known by you to be a noncommissioned officer, to continue your weed pulling detail, an order which it was your duty to obey, did, on or about 5 Jun 06, willfully disobey the same. Article 92. You, who knew or should have known of your duties, on or about 7 Jun 06, were derelict in the performance of those duties in that you willfully failed to refrain from putting bleach on your skin, as it was your duty to do. Reduction to A1C. (No appeal) (No mitigation)

(2) 18 Apr 06, Dyess AFB, TX - Article 92. You, did, on or about 19 Mar 06, violate a lawful general regulation, to wit: paragraph 3.9.1.1.4 and 3.9.1.1.6, AFI 33-119, dated 24 Jan 05, by sending an electronic message that was inappropriate and offensive to your entire squadron. Suspended reduction to A1C. Fourteen days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: (Examiner's Note: The following derogatory information was extracted from the Notification Memorandum. The actual documents are missing).

LOR, 05 JUN 06 - Failure to obey a lawful order.
 LOR, 02 MAY 06 - Failure to return to duty at the appropriate time.
 LOR, 02 MAY 06 - Failure to obey a lawful general regulation by not wearing a BDU top while dining at a local restaurant.
 LOR/UIF/CR, 21 FEB 06 - Threatening to harm another Airman.
 LOR/UIF, 16 FEB 06 - Dereliction of duty.
 LOR, 14 JUN 05 - Dereliction of duty.

f. CM: None.

g. Record of SV: Unknown.

h. Awards & Decs: AFAM, GWOTSM, AFTR, AFOUA W/1 DEV, NDSM, GWOTER.

i. Stmt of Sv: TMS: (03) Yrs (00) Mos (08) Das
 TAMS: (02) Yrs (11) Mos (07) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01 Aug 06.
 (Change Discharge to Honorable and Change the Reason for Discharge)

Issue 1: The release of figures to the Unemployment Agency, Texas.
 Unreleased because "A Pattern of Misconduct."

Issue 2: I believe the record to be in error or unjust for the following reasons. 317th AMXS Squadron headed by MSgt [] and MSgt [] colluded with their undersecretaries to undermine the settlement of myself (and?) A1C [] [] Dividing our work schedule whereas communication disappeared. Eventually she disappeared to the dorms with their consent. Accords were again reached that further scaled back my representation. A grotesque lack of controls in a decision they should not have taken. Their undersecretaries unethically supported her courtship with other airmen. The endorsement of this logic pushed comprehensiveness beyond limits. This led to problems the USAF created. I took matters to defend what is mine. You betrayed the trust needed for an ethical work environment. The squadron found ways to secretly write paperwork without a notice, building up a trail to be used for maximum effect leading to my discharge. Racist comments by TSgt [] in front of other airmen and other NCO's (sic) "I don't associate with Mexicans" undersecretary for MSg [] let even more to a suspicion that others were involved. The struggle has not been without personal cost.

ATCH
 None.

08FEB07/ia



DEPARTMENT OF THE AIR FORCE
317TH AIRCRAFT MAINTENANCE SQUADRON (AMC)
DYESS AIR FORCE BASE, TEXAS

FD 7006-00298

26 Jun 06

MEMORANDUM FOR A1C: [REDACTED]

FROM: 317 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, discreditable involvement with military or civil authorities. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, section H, paragraph 5.50.1. If your discharge is approved, your service will be characterized as Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. You were, on 8 Jun 05, derelict in the performance of your duties in that you did not follow technical data while performing oxygen servicing, for which you were reprimanded, as evidenced by LOR, dated 14 Jun 05.

b. You were, on 14 Feb 06, derelict in the performance of your duties in that you did not follow five steps correctly on the dual rail system while performing a pre-flight inspection, for which you were reprimanded and an Unfavorable Information File was established, as evidenced by LOR, dated 16 Feb 06, and AF Form 1058, dated 1 Mar 06.

c. You did, on 21 Feb 06, threaten to harm A1C: [REDACTED] for which you were reprimanded, as evidenced by LOR, dated 21 Feb 06. The LOR was placed in your existing UIF and you were placed on the Control Roster, as evidenced by AF Form 1058, dated 23 Mar 06.

d. You did, on 19 Mar 06, fail to obey a lawful general regulation in that you transmitted an electronic message that was inappropriate and offensive to your entire squadron, for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 18 Apr 06.

e. You did, on 28 Apr 06, fail to obey a lawful general regulation in that you were not wearing your BDU top while dining at a restaurant in Abilene, TX, for which you were reprimanded, as evidenced by LOR, dated 2 May 06.

- f. You did, on 2 May 06, without authority, fail to return to duty at the appropriate time, for which you were reprimanded, as evidenced by LOR, dated 2 May 06.
- g. You did, on 2 Jun 06, fail to obey a lawful order in that you left your residence after being placed on quarters, for which you were reprimanded, as evidenced by LOR, dated 5 Jun 06.
- h. You did, on 5 Jun 06, fail to obey a lawful order given to you by TSgt: [redacted] TSgt [redacted] told you to continue your weed pulling detail, an order you failed to obey. You were, on 7 Jun 06, derelict in the performance of your duties in that you willfully failed to refrain from putting bleach on your skin. For this misconduct your suspended reduction in rank was vacated, as evidenced by AF Form 366, dated 23 Jun 06.
3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The commander exercising special court-martial 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, bonus, 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. I have made an appointment for you to consult Capt: [redacted]; Area Defense Counsel, 397 3rd St, Bldg 7235, Dyess AFB, TX, DSN 461-4233 on 26 Jun 06 at 1530 hours. 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 0800 hours on 30 Jun 06 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 7th Medical Group Hospital, 697 Hospital Rd, Dyess AFB, TX, on 28 Jun 06 at 0935 hours. You will need to report 15 minutes early for this appointment.
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 the unit orderly room.

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



Commander, 317 AMXS

Attachments:

1. Receipt of Notification Memorandum
2. LOR, dated 14 Jun 05 w/Response
3. LOR, dated 16 Feb 06 w/Response
4. AF Form 1058, dated 1 Mar 06
5. LOR, dated 21 Feb 06 w/Response
6. AF Form 1058, dated 23 Mar 06
7. AF Form 3070, dated 18 Apr 06 w/Response
8. E-Mail Message, dated 19 Mar 06
12. AF IMT 1168, dated 27 Apr 06, SrA: [redacted] (2 pages)
13. AF IMT 1168, dated 27 Apr 06, SrA: [redacted] (4 pages)
14. E-Mail Message, dated 27 Apr 06, Subject [redacted] from SrA: [redacted]
15. LOR, dated 2 May 06 w/response
16. LOR, dated 2 May 06 w/response
17. MFR, dated 8 May 06
18. LOR, dated 5 Jun 06 w/Response
29. AF Form 366 dated 23 Jun 06 w/Response
30. MFR, dated 22 Jun 06
31. MFR, dated 8 Jun 06
32. MFR, dated 5 Jun 06
33. 8 Point Notification, dated 9 Dec 04
34. Individual History Record, dated 9 Dec 04