

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%; margin-top: 5px;"></div>	GRADE AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>
--	---------------------	--

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
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES 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-2006-00300	
------------------------------------	-------------------------------------	--

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-2006-00300

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:

Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s and a Letter of Reprimand for misconduct. The applicant's first Article 15 was for making a false official statement. He was reduced in grade to Airman First Class, suspended forfeiture of pay, 5 days extra duty and a reprimand. The second Article 15 which led to his administrative discharge was for failure to go to his appointed place of duty. He was reduced in grade to Airman and received a reprimand. He was administratively disciplined with a Letter of Reprimand for failure to go on three 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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Pope AFB, NC on 5 Dec 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Dec 80. Enlmt Age: 18 8/12. Disch Age: 24 11/12. Educ: HS DIPL. AFQT: N/A. A-95, E-76, G-57, M-76. PAFSC: 3E032 - Electrical Power Production Apprentice. DAS: 5 Jun 03.

b. Prior Sv: (1) AFRes 26 Aug 99 - 12 Oct 99 (1 month 17 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 13 Oct 99 for 6 yrs. Extended 19 Dec 03 for 8 months. Extended 21 Dec 04 for 13 months. Svd: 06 Yrs 01 Mo 23 Das, all AMS.

b. Grade Status: Amn - 23 Aug 05 (Article 15, 23 Aug 05)
A1C - 18 Jul 05 (Article 15, 18 Jul 05)
SrA - 30 Mar 02
A1C - 30 Nov 99

c. Time Lost: None.

d. Art 15's: (1) 23 Aug 05, Ramstein AB, Germany - Article 86. You, did, on or about 21 Jul 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 859. Reduction to Airman, and a reprimand. (No appeal) (No mitigation)

(2) 18 Jul 05, Ramstein AB, Germany - Article 107. You, did, on or about 21 Jun 05, with intent to deceive, sign an official statement, to wit: "On 12 May 05, I was attending Speech 100," which statement was false in that you did not attend your Speech 100 class on 12 May 05, and was then known by you to be so false. Reduction to A1C. Suspended forfeiture \$820.00 pay per month for 2 months. Five days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 20 JUN 05 - Failure to go on three occasions.

f. CM: None.



DEPARTMENT OF THE AIR FORCE
435 AIR BASE WING (USAF)

26 OCT 2005

MEMORANDUM FOR AMN: [redacted] 735 CES

FROM: 735 CES/CC

SUBJECT: Notification Letter – Board Hearing

1. I am recommending your discharge from the United States Air Force for *Minor Disciplinary Infractions*. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. Copies of the documents to be forwarded to the separation authority to support the recommendation are attached.

2. My reasons for this action are:

- a. On 21 July 2005, you failed to go to work on time. For this misconduct, you received an Article 15, dated 23 August 2005.
- b. On 21 June 2005, you made a false official statement. For this misconduct, you received an Article 15, dated 18 July 2005.
- c. On 12 May 2005, you failed to show up for your first day of Airman Leadership School (ALS). Additionally, on 16 & 17 June 2005, you failed to go to work. For this misconduct, you received a Letter of Reprimand (LOR), dated 20 June 2005.

3. This action could result in your separation with an Honorable, Under Honorable Conditions (General), or Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending that you receive a General discharge. The commander exercising Special Court-Martial jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces, and any special pay, bonus, or education assistance funds may be subjected to recoupment.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.

e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report in uniform with your medical records and an escort to your Primary Care Manager on 18 November 2005 at 0720 hours for the examination. Tell the doctor you need a "separation" physical examination. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

6. 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 with 27 October Capt Area Defense Counsel, Ramstein AB, GE, Building 2111, DSN 480-2182/2492 on 27 Oct 2005 at _____ hours. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a board hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, *Administrative Separation of Airmen*, is available for your use in the orderly room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

11. Execute the attached acknowledgement and return it to me immediately.

Commander

Attachments:

1. Supporting Documents:
 - a. Article 15, dated 23 August 2005
 - b. Article 15, dated 18 July 2005
 - c. LOR, dated 20 June 2005
2. Airman's Receipt of Notification Memorandum