

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

*NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE AIC	AFSN/SSAN []
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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	UOTHC	OTHER	DENY
[]	X				+*
[]	X				+*
[]					X+*
[]	X				+*
[]	X				+*

ISSUES A94.06	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 08 Mar 2007	CASE NUMBER FD-2006-00313	
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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.

+ RE Code
* Reason and Authority

[]

INDORSEMENT		DATE: 3/9/2007
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-2006-00313

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment eligibility (RE) 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: The board grants partial relief. Discharge is upgraded to Honorable. However, change of reason and authority for the discharge and change of RE code are denied.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's characterization for discharge inequitable.

ISSUE: Applicant contends his discharge was inequitable because it was too harsh. The Board reviewed the entire record and found evidence of an inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received three Letters of Reprimand and one Letter of Counseling for misconduct. The misconduct included failure to evacuate during a fire drill, failure to go, tobacco found in room during Phase 1 training, and driving a vehicle while in Phase 1 training. The Board noted that all incidents occurred within the span of four days. The DRB opined that the applicant was not provided an adequate period for probation and rehabilitation. The Board concluded there was sufficient mitigation to substantiate upgrade of the discharge. Specifically, the Board found the characterization too harsh.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable. The applicant's characterization should be changed to Honorable under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

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

(Former AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Lackland AFB, TX on 18 Nov 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 7 Jun 84. Enlmt Age: 19 3/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-74, E-76, G-80, M-77. PAFSC: 3M011 - Services Helper. DAS: 31 May 04.

b. Prior Sv: (1) AFRes 23 Sep 03 - 08 Mar 04 (5 mos 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Mar 04 for 6 years. Svd: 00 Yrs 08 Mo 10 Das, all AMS.

b. Grade Status: None. (No indication that applicant was ever promoted)

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOC, 14 OCT 04 - Failed to evacuate during fire drill.

LOR, 14 OCT 04 - Failure to go to mandatory meeting, seen at BX.

LOR, 17 OCT 04 - Tobacco found in room against phase rules.

LOR, 17 OCT 04 - Drove vehicle off base while in phase 1.

(EXAMINERS NOTE: LOC and LORs missing from Discharge package. Information taken from Notification Memorandum)

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (01) Mos (26) Das

TAMS: (00) Yrs (08) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Oct 06.

(Change Discharge to Honorable, and Change the RE code, and Reason for Discharge.)

Issue 1: I feel that I was punished for breaking rules and regulations that I was improperly briefed about upon reporting for duty at 344 TRS at Lackland AFB. When I in-processed at the 344 TRS my briefing was conducted by SSgt Rile. My entire briefing lasted no more than 15 minutes. The rules and regulations were explained to me as being the same as Keesler AFB. The only rules that were explained were the rules regarding under age drinking and proper hydration. Until recently I had no idea that I could do anything about my discharge. I would like to request a change in my reentry code from 2B to a code that would allow me to reenlist.

ATCH

1. MTF/Base Mandatory In-Processing Briefings.
2. AF Form 100
3. Two copies of AF Form 214.

17OCT06/day



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

28 OCT 2004

MEMORANDUM FOR AB: [REDACTED]

FROM: 344 TRS/DOM

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The basis for this action is AFPD 36-32 and AFI 36-3208, Paragraph 5.49. If my recommendation is approved, your service could be characterized as Honorable or as Under Honorable Conditions (General) Discharge. I am recommending your service be characterized as General.
2. My reasons for this action are:
 - a. On 13 Oct 04, you didn't evacuate the dorm for a fire drill, and you were not found during accountability. As a result, you received a Letter of Counseling (LOC), dated 14 Oct 04.
 - b. On 14 Oct 04, you did not show up for a mandatory details meeting, but you were seen at the BX by an officer. As a result, you received a Letter of Reprimand (LOR) dated 14 Oct 04.
 - c. On 15 Oct 04, tobacco was found in your room. As a result, you received an LOR dated 17 Oct 04.
 - d. On 17 Oct 04, you drove your vehicle off base while in phase I. As a result, you received an LOR dated 17 Oct 04.
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.
4. You have the right to consult counsel. If you wish to consult military counsel, an appointment will be made upon your request and the date, time and place will be provided. 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 by (3 workdays) 02 NOV 2004 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 have been scheduled for a medical examination. You must report to Bldg 6612, Room 502, Monday – Friday between 1300 – 1500 hours with your medical, immunization, and dental records for the examination.
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 Personnel Office.
9. Execute the attached acknowledgment and return it to me immediately.



Commander, Military Training Flight

Attachments:

1. AETC Form 125A, dated 21 Oct 04
2. Student Training Report
3. Letter of Counseling, dated 14 Oct 04
4. Letter of Reprimand, dated 14 Oct 04
5. Letter of Reprimand, dated 17 Oct 04
6. Letter of Reprimand, dated 17 Oct 04