

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE AB	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	UOTHIC	OTHER	DENY
					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 22 Mar 2007	CASE NUMBER FD-2006-00318	
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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: 5/2/2007
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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 he was young and immature when he committed his misconduct; he is requesting an upgrade so he can enlist into the National Guard. The record indicates that the applicant received two Article 15s, a vacated Article 15, a Letter of Counseling and Record of Individual Counseling for a failure to go, failing to deploy with chemical warfare equipment, misuse of the government travel card, failing to pay debts, and failure to obey a lawful general order. The Board recognized that the applicant was 21 years of age when the discharge took place. However, there was no evidence he was immature or did not know right from wrong. The Board found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance and concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Fairchild AFB, WA on 25 Jan 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Jan 81. Enlmt Age: 18 3/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-46, E-50, G-55, M-15. PAFSC: 1T131 - Aircrew Life Support Apprentice. DAS: 13 Aug 00.

b. Prior Sv: (1) AFRes 4 May 99 - 30 Nov 99 (6 months 27 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Dec 99 for 4 yrs. Svd: 02 Yrs 01 Mo 26 Das, all AMS.

b. Grade Status: AB - 16 Nov 01 (Article 15, 16 Nov 01)
Amn - 18 Jun 01 (Vacation of Article 15, 8 Nov 01)
A1C - 01 Apr 01
Amn - 01 Jun 00

c. Time Lost: None.

d. Art 15's: (1) 16 Nov 01, Fairchild AFB, WA - Article 92. You, did, at or near Thumrait AB, Oman, on or about 3 Nov 01, fail to obey a lawful general order, to wit: paragraph 2e, General Order Number 1, Joint Task Force Southwest Asia, United States Central Air Forces, dated 29 Jan 97, by wrongfully displaying pornographic explicit images. Reduction to AB. (No appeal) (No mitigation)

(2) 08 Nov 01, Vacation, Fairchild AFB, WA - Article 92. You, did, at or near Thumrait AB, Oman, on or about 3 Nov 01, fail to obey a lawful general order, to wit: paragraph 2e, General Order Number 1, Joint Task Force Southwest Asia, United States Central Air Forces, dated 29 Jan 97, by wrongfully displaying pornographic explicit images. Reduction to Airman. (No appeal) (No mitigation)

(3) 18 Jul 01, Fairchild AFB, WA - Article 92, You, who knew of your duties at or near Airway Heights, Washington, on or about 6 Jun 01, were derelict in the performance of those duties in that you willfully failed to use your Government Travel Card for official travel

and official travel related expenses only, as it was your duty to do. Article 134. You, being indebted to Bank of America Government Services in the sum of \$440.85, for goods, money, and services charged to your government travel card, which became due and payable on or about 26 Jun 01, did, from 26 Jun 01 to 11 Jul 01, dishonorably fail to pay said debt. Suspended reduction to Airman. Thirty days correctional custody. (Appeal/Denied) (No mitigation)

- e. Additional: LOC, 06 JUN 01 - Dereliction of duty.
RIC, 10 JAN 01 - Failure to go.
- f. CM: None.
- g. Record of SV: 1 Dec 99 - 31 Jul 01 Fairchild AFB 2 (Initial)REF
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (02) Yrs (08) Mos (22) Das
TAMS: (02) Yrs (01) Mos (26) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Aug 06.
(Change Discharge to Honorable)

Issue 1: When I initially joined the U.S. Air Force I was very young and not capable in making rational decisions (sic) in my personal life. That eventually came to haunt me during my military career. But one way I carried myself exceptionally is through my work ethic & my will to never give up. I have since gotten my life together and I am also more mature in the way I carry myself emotionally. I want to enlist for the national guard and really show what I can do. I feel like I disgraced my country and I want to show the Air Force that I am not all talk.

ATCH

- 1. DD Form 214.

28SEP06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 92D AIR REFUELING WING (AMC)
FAIRCHILD AIR FORCE BASE WASHINGTON

FD2006-00318

MEMORANDUM FOR AB: _____; 92 OSS 4 Jan 02

FROM: 92 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions in accordance with 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 recommend your service be characterized as general.

2. My reasons for this action are:

a. On or about 9 Jan 01, you failed to show for a scheduled PHA at the hospital and failed to enter this appointment into CASS. For this action, you received a record of individual counseling dated 10 Jan 01.

b. On or about 6 Jun 01, you failed to follow the prescribed guidelines in that you deployed to Prince Sultan Air Base, Saudi Arabia without your chemical warfare mask. For this action, you received a letter of Counseling dated 6 Jun 01.

c. You, who knew of your duties at or near Airway Heights, Washington, on or about 6 Jun 01 were derelict in the performance of those duties in that you willfully failed to use your Government Travel Card for only official travel and official travel related expenses, as it was your duty to do. For this action, you received an Article 15 dated 17 Jul 01 and an Unfavorable Information File was established. The punishment consisted of reduction to the grade of airman (suspended until 17 Jan 02) and 30 days correctional custody.

d. You, being indebted to Bank of America Government Services in the sum of \$440.85, for goods, money, and services charged to your government travel card, which became due and payable on or about 26 Jun 01, did at or near Fairchild Air Force Base, Washington, from 26 Jun 01 to 11 Jul 01, dishonorably fail to pay said debt. This incident was included in the Article 15 action referred to in paragraph 2c above.

e. You, did, at or near Thumrait Air Base, Oman, on or about 3 Nov 01, fail to obey a lawful general order, to wit: paragraph 2e, General Order Number 1, Joint Task Force-Southwest Asia, United States Central Air Forces, dated 29 Jan 97, by wrongfully displaying pornographic explicit images. For this action, the suspended portion of your Article 15 punishment dated 17 Jul 01, which called for the reduction to the grade of Airman, was vacated. In addition, you received an Article 15 dated 16 Nov 01. The punishment consisted of reduction to the grade of airman basic, with new date of rank of 16 Nov 01.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. 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.
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: _____, Area Defense Counsel, at 247-2918 for an appointment on 4 Jan 02 at 1300. 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 9 Jan 02 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 are scheduled for a medical examination with Family Practice on 7 Jan 02 at 0800. Report 30 minutes prior to your appointment to Physical Exams to complete a DD form 2697. Ensure that you complete this form prior to your appointment. Complete all follow up appointments.
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.
9. Execute the attached acknowledgment and return it to me immediately.

Commander

5 Attachments:

1. RIC, dated 10 Jan 01 (2 pages)
2. LOC, dated 6 Jun 01 (2 pages)
3. Article 15, dated 17 Jul 01 (3 pages)
4. Vacation of Nonjudicial Punishment, dated 8 Nov 01 (3 pages)
5. Article 15, dated 16 Nov 01 (3 pages)