

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%;"></div>					GRADE AB		AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>							
TYPE GEN		PERSONAL APPEARANCE			X		RECORD REVIEW							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">COUNSEL</td> </tr> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">X</td> </tr> </table>		COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL			
COUNSEL														
YES	No													
	X													
MEMBER SITTING					VOTE OF THE BOARD									
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ISSUES A95.00 A01.00		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 20 Feb 2007		CASE NUMBER FD-2006-00322												
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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 + Reenlistment Code</p> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>														
INDORSEMENT					DATE: 2/21/2007									
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-2006-00322

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment 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: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

Issue 1. The applicant submitted no issues and realized his actions while in the military were unacceptable and requested that the review be completed based on the available service record. He was expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received an Article 15 and six Letters of Reprimand for misconduct. He received an Article 15 for failing to remain in his dorm from 2100 to 0400 and for stealing six CD's from AAFES. He was punished with a forfeiture of pay and 30 days correctional custody. Applicant had additional misconduct in which he was administratively disciplined for leaving place of duty without approval, violation of curfew restrictions, underage drinking and violation of Phase 1. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the 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 was doing well and has a good job. 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 AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Ft. Leonard Wood AIN, MO on 01 Feb 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for an Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 23 Jun 82. Enlmt Age: 17 9/12. Disch Age: 18 7/12. Educ: HS DIPL. AFQT: N/A. A-55, E-59, G-53, M-43. PAFSC: 3E211 - Pavements and Construction Equipment Helper. DAS: 31 Jul 00.

b. Prior Sv: (1) AFRes 31 Mar 00 - 13 Jun 00 (2 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Jun 00 for 6 yrs. Svd: 00 Yrs 07 Mo 18 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 2 Oct 00, Ft. Leonard Wood AIN, MO - Article 92. You did, on or about 15 Sep 00, violate a lawful general instruction, to wit: paragraph 5.2.5, SAFBI 36-2902, dated 15 Oct 97, by failing to return to and remain in your assigned dormitory room from 2100 to 0400. Article 121. You did, on or about 7 Sep 00, steal 6 compact discs, of a value of about \$77.14, the property of the Army Air Force Exchange Service. Forfeiture of \$465.00 pay and 30 days correctional custody. (No appeal) (No mitigation)

e. Additional: 02 JAN 01 - Removed from training.
LOR/UIF, 28 DEC 00 - Leaving place of duty without approval.
LOR, 20 DEC 00 - Violation of curfew restrictions.
LOR/UIF, 13 SEP 00 - Violation of curfew restrictions.
LOR/UIF, 04 SEP 00 - Violation of Phase I.
LOR/UIF, 29 AUG 00 - Consuming alcoholic beverages underage.
LOR, 22 AUG 00 - Violation of curfew.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (00) Yrs (10) Mos (01) Das
TAMS: (00) Yrs (07) Mos (18) Das

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

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.

13SEP06/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

DD 214

b. DOCUMENT 2:**c. DOCUMENT 3:****8. ISSUES**

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I thought it necessary to submit this form because I feel the re-entry code I given as I was discharged is partially unjust to the experiences I have faced more recently. First of all, I joined the military when I was in my teens. Now going on 25 years of age, I have strong considerations to once again rejoin the military. The only thing holding me back is the nature of my reentry code. I take full responsibility for my actions and my lack of effort to finish my term. But I have done well to better myself in my life. I trudged through college, graduated and now am working for a large poultry company called Perdue Farms Inc.. Here my duties range from directly workign with Directors and Human Resource management for sixteen locations training individuals on efficient methods to leverage technology. I'm proud of where I have come, as I want to become more proud serving my country again. This is my opportunity to make right what I started at the age of 17 and move forward in my career as a part of the military. As well, I enjoy the structure in my life, and have found myself to be very successful even on my own regiment. I support and urge those around me, those who make the decision for this correction to consider my request. I have much to offer, my leadership is second to none, and I have intelect to go along with my work ethic. Providing I have this opportunity, I will be my best, serve with loyalty, and establish a profound career in the armed forces. Thanks for your consideration.

☒ I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date)
AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

20060815

b. SIGNATURE

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY
Army Review Boards Agency
Support Division, St. Louis
ATTN: SFMR-RBR-SL
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY & MARINE CORPS
Naval Council of Personnel Boards
720 Kennon Street, S.E.
Rm. 309 (NDRB)
Washington Navy Yard, DC
20374-5023

AIR FORCE
SAF/MIBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD
Commandant (G-WPM)
2100 Second Street, S.W.
Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND
DETACHMENT 7, 366TH TRAINING SQUADRON
FT LEONARD WOOD, MO 65473-5000

PD 2006 00322

24 JAN 2001

MEMORANDUM FOR AB [REDACTED], 366 TRS, Det 7

FROM: 366 TRS, DET 7/CC
181 COOLEY DRIVE, SUITE A
FORT LEONARD WOOD MO 65473

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You, who knew or should have known of your duties at or near Fort Leonard Wood, MO, on or about 27 Dec 00 and on or about 28 Dec 00, were derelict in the performance of those duties by wrongfully leaving your place of duty without proper approval. For this misconduct you received a Letter of Reprimand (LOR) on 28 Dec 00.

b. You did, at or near Fort Leonard Wood, MO, on or about 20 Dec 00, violate a lawful general instruction, to wit; SAFBI 36-2902, paragraph 5.2.5, by failing to return to and remain in your assigned dormitory from 2100-0400. For this misconduct you received an LOR on 20 Dec 00.

c. You did, at or near Fort Leonard Wood, MO, on or about 15 Sep 00, violate a lawful general instruction, to wit; paragraph 5.2.5, SAFBI 36-2902, dated 15 Oct 97, by failing to return to and remain in your assigned dormitory room from 2100-0400. For this misconduct and subparagraph "d" below, you received an Article 15 on 02 Oct 00.

d. You did, at or near Fort Leonard Wood, MO, on or about 07 Sep 00, steal 6 compact discs, of a value of about \$77.14, the property of the Army Air Force Exchange Service.

e. You did, at or near Fort Leonard Wood, MO, on or about 09 Sep 00, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 5.2.5, by failing to return to and remain in your assigned dormitory from 2100-0400. For this misconduct you received an LOR on 13 Sep 00.

f. You did, at or near Fort Leonard Wood, MO, on or about 04 Sep 00, violate a lawful general instruction, to wit; SAFBI 36-2902, paragraph 5.2.2, by failing to remain in proper military

7. 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 orderly room.

PD2006-00332

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



Commander

Attachments:

1. LOR, 28 Dec 00
2. AF Form 1058, 09 Jan 01
3. LOR, 20 Dec 00
4. AF Form 3070, 02 Oct 00
5. Response to Article 15, 27 Sep 00
6. MFR, SSgt [redacted] 18 Sep 00
7. DA Form 3975, 07 Sep 00
8. DA Form 2823, SPC [redacted] 04 Sep 00
9. DA Form 2823, Mr [redacted] 07 Sep 00
10. DA Form 4137, 07 Sep 00
11. DA Form 3881, 07 Sep 00
12. DA Form 4833, 27 Oct 00
13. LOR, 13 Sep 00
14. MFR, 2LT [redacted] 11 Jan 01
15. MFR, SSgt [redacted] 12 Jan 01
16. Response to LOR, 12 Sep 00
17. Statement, A1C [redacted] undated
18. AF Form 1058, 20 Sep 00
19. LOR 04 Sep 00
20. AF Form 1058, 07 Sep 00
21. LOR, 29 Aug 00
22. AF Form 1058, 01 Sep 00
23. LOR, 22 Aug 00
24. AETC Form 125A, 02 Jan 01
25. AETC Form 156, 000925
26. AETC Form 581, 20 Dec 00
27. AETC Form 581, 03 Nov 00
28. Airman's Receipt to Notification Memorandum

cc:

82 MSS/DPMAR
366 TRS/CSS (File)
Individual