

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []		GRADE AMN	AFSN/SSAN []			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No	00				
X	Lynn Williamson					
MEMBER SITTING []		VOTE OF THE BOARD				
		HON	GEN	UOHC	OTHER	DENY
						X*
		X*				
						X*
						X*
ISSUES A94.05		INDEX NUMBER A67.30		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 Feb 2007		CASE NUMBER FD-2006-00323				
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				DATE: 2/23/2007		
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-2006-00323**

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 and he was not guilty of test compromising. The records indicated the applicant received an Article 15 for misconduct. The Article 15 was for being derelict in the performance of duties by willfully failing to refrain from reconstructing the National Registry of Emergency Medical Technicians Test by using his memory or that of others. He was punished with a forfeiture of \$692.00 pay for two months and seven days of extra duty (suspended). The Board considered the applicant's contentions along with the supporting documents within his record and determined 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.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Sheppard AFB, TX on 23 Aug 05 UP AFI 36-3208, para 5.52.3 (Commission of a Serious Offense). Appeals for Honorable Discharge, and to Change the Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 1 Jun 84. Enlmt Age: 19 11/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-52, E-46, G-64, M-38. PAFSC: 4N011 - Aerospace Medical Services Helper. DAS: 29 Nov 04.

b. Prior Sv: (1) AFRes 24 May 04 - 11 Oct 04 (4 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Oct 04 for 4 yrs. Svd: 00 Yrs 10 Mo 12 Das, all AMS.

b. Grade Status: Amn - 12 Apr 05

c. Time Lost: None.

d. Art 15's: (1) 20 Jun 05, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties, between on or about 4 Mar 05 and on or about 28 Mar 05, were derelict in the performance of those duties in that you willfully failed to refrain from reconstructing the National Registry of Emergency Medical Technicians Test by using your memory or that of others, as it was your duty to do. Forfeiture of \$692.00 pay per month for two months. Seven days extra duty (suspended). Reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM, GWOTSM.

i. Stmt of Sv: TMS: (01) Yrs (03) Mos (00) Das
TAMS: (00) Yrs (10) Mos (12) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Aug 06.
(Change Discharge to Honorable, and Change the Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Written Response to Offer of Nonjudicial Punishment Proceedings.
4. Article 15.
5. Record of Administrative Training Action.
6. Discharge Documentation.
7. Student Training Reports.

14SEP06/ia

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES <i>(Please read instructions on Pages 3 and 4 BEFORE completing this application.)</i>	OMB No. 0704-0004 OMB approval expires Aug 31, 2006
---	---

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Service Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.**

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.
PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.
ROUTINE USE(S): None.
DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one)	<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
	E-2				

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)	5. BOARD ACTION REQUESTED (X one)
20050823	<input type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:
383rd TRS Sheppard AFB, TX	<input type="checkbox"/> UNCHARACTERIZED	Good Conduct
	<input type="checkbox"/> OTHER (Explain)	

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in item 14. See instructions on Page 3.)

I am requesting a discharge upgrade, new re-entry code, and change in narrative reason for separation because I received an article 15 and general discharge for test compromising in which I didn't do. I had failed the N.R.E.M.T. with many other individuals and was put in a separate class to study strictly for the test. We were instructed to go over as much information as possible about things that we weren't quite sure about on the test. We were even given study material from instructors whom trained us.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD)

AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in item 17. If military documents or medical records are relevant to your case, please send copies.)

I have already submitted the attached documented evidence for my application which you all retained upon the return of my DD Form 293.

9. TYPE OF REVIEW REQUESTED (X one)

<input checked="" type="checkbox"/>	CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.
<input type="checkbox"/>	I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
<input type="checkbox"/>	I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS (See item 10 of the instructions about counsel/representative.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate and relationship by marking a box below.

<input type="checkbox"/>	SPOUSE	<input type="checkbox"/>	WIDOW	<input type="checkbox"/>	WIDOWER	<input type="checkbox"/>	NEXT OF KIN	<input type="checkbox"/>	LEGAL REPRESENTATIVE	<input type="checkbox"/>	OTHER (Specify)
--------------------------	--------	--------------------------	-------	--------------------------	---------	--------------------------	-------------	--------------------------	----------------------	--------------------------	-----------------

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)

.....

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

CASE NUMBER
(Do not write in this space.)

a. SIGNATURE - REQUIRED (Applicant or person in item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

20060824

FD 2006-00323

14. CONTINUATION OF ITEM 6, ISSUES (if applicable)

I would stay up late nights getting maybe 2-4 hours of sleep, so I could pass this test. I knew test compromising was wrong and I'm confused til this day about why I am no longer apart of the Air Force. All I did was studied among my fellow airmen, and we would all help each other by being good wingmen. Yes, a book of questions was distributed within the group but I had no need for it, because being in the same class for 8 hours a day, and going back to the dorms to study was enough to help me pass that test. I have never had any disciplinary actions until that point of my Air Force career, and I say again, I did not test compromise.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (if applicable)

16. REMARKS (if applicable)

It is August 24, 2006 and I am not doing so well. Right now I am laid off from my job and it is really hard to find work. I have a general discharge with misconduct on my record and many employers will not consider me for employment. I am really disappointed still at what has happened a year ago. My future plans involved me going to school and working my way up as an officer in the Air Force. I wanted to do 20+ years and retire. That was my goal. It hurts everyday I wake up and realize I could have been doing something for my country. I was never a bad person, and for this to have happened when I followed orders of my superior officers; it pains me. The Air Force was the perfect opportunity for me, because where I'm from is a horrible environment. Up to this point I've been staying out of trouble, and trying my best to survive in this economy. I'm really hoping that you'll consider my discharge upgrade and hopefully I can once again serve in the world's greatest Air Force. AEF!!!

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

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

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (G-WPM)
2100 Second Street, S.W. Room 5500
Washington, DC 20593



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

03 AUG 2005

MEMORANDUM FOR AMN SHARMAR M. PHILLIPS, FR367-02-8443, 383 TRS

FROM: 383 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for commission of a serious offense. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.52.3. 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 reason for this action is you, who knew or should have known of your duties at or near Sheppard Air Force Base, TX, between on or about 4 Mar 05 and on or about 28 Mar 05, were derelict in the performance of those duties in that you willfully failed to refrain from reconstructing the National Registry of Emergency Medical Technicians Test by using your memory or that of others, as it was your duty to do. For this misconduct you received Article 15 punishment on 20 Jun 05. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.
3. 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] at building 1638 on 3 Aug 05 at 0930. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 8 Aug 05 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a medical examination. You must report to the 82d Medical Group, Bldg 1200, Physical Examinations, at 1000 on 4 Aug 05.

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 Commander's Support Staff Office.

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

[Redacted Signature Box]

Commander

Attachments:

1. AF Form 3070, 20 Jun 05
2. Written Response to Article 15, 13 Jun 05
3. Report of Investigation, 12 Apr 05 with 6 exhibits
4. AETC Form 125A, 1 Jun 05
5. Student Training Report, 05012
6. LAFB Form 205, 29 Nov 04
7. Airman's Receipt of Notification Memo *wcl*