

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 AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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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 A95.00 A01.00	INDEX NUMBER A67.90	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-2006-00327	
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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: 2/20/2007
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, 3RD FLOOR ANDREWS AFB, MD 20762-7002

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 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:

The applicant submitted no issues and requested that the review be completed based on the available service record. 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 applicant had received an Article 15, a Vacation, six Letters of Reprimand and a Letter of Counseling for misconduct. The applicant received an Article 15 for sleeping on post while assigned as a sentinel at Nighthawk 4. He received a suspended reduction in grade to Airman, 30 days extra duty and a reprimand. The Vacation was received for failure to go to appointed place of duty at the United States Air Force firing range. As a result, he was punished with a reduction in grade to Airman. The applicant had additional misconduct and was administratively disciplined for failure to obey an order, failure to respond to unannounced alarm activation, reporting to duty with uniform below standards, failure to go on two separate occasions, and dereliction of duty. 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.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Peterson AFB, CO on 7 May 01 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 24 Sep 78. Enlmt Age: 19 9/12. Disch Age: 22 7/12. Educ: HS DIPL. AFQT: N/A. A-60, E-64, G-57, M-34. PAFSC: 3P031 - Security Forces Apprentice. DAS: 15 Jul 98.

b. Prior Sv: (1) AFRes 3 Feb 98 - 24 Feb 98 (22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Feb 98 for 4 yrs. Svd: 03 Yrs 02 Mo 13 Das, all AMS.

b. Grade Status: AMN - 15 Dec 00 (Vacation of Article 15, 1 Feb 00)
A1C - 25 Jun 99
AMN - 25 Jul 98

c. Time Lost: None.

d. Art 15's: (1) 01 Feb 01, Vacation, Peterson AFB, CO - Article 86. You, did, at or near Cheyenne Mountain AFS, on or about 10 Jan 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: United States Air Force Academy firing range. Reduction to Airman. (No appeal) (No mitigation)

(2) 15 Dec 00, Peterson AFB, CO - Article 113. You, on or about 6 Dec 00, at or near Cheyenne Mountain AFS, Colorado, bring posted as a sentinel at Nighthawk 4, were found sleeping upon your post. Suspended reduction to Airman. Thirty days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 29 MAR 01 - Failure to obey an order or regulation.
LOC, 25 NOV 00 - Failure to respond to unannounced alarm activation and failure to respond to internal SRT dispatch.
LOR, 13 AUG 00 - Reporting to duty with uniform below minimum standards.
LOR, 13 AUG 00 - Failure to go.
LOR, 12 AUG 00 - Failure to go.
LOR, 19 MAY 99 - Dereliction of duty.

LOR, UNDATED - Accessing pornographic websites.

f. CM: None.

g. Record of SV: 25 Feb 98 - 24 Oct 99 Cheyenne Mountain AS 4 (Initial)
25 Oct 99 - 24 Oct 00 Cheyenne Mountain AS 4 (Annual)

h. Awards & Decs: AFTR, AFOUA W/2 DEVS.

i. Stmt of Sv: TMS: (03) Yrs (03) Mos (05) Das
TAMS: (03) Yrs (02) Mos (14) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 21 Aug 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

None.

18SEP06/ia



DEPARTMENT OF THE AIR FORCE
21ST SPACE WING (AFSPC)

FD2006-00337

19 April 2001

MEMORANDUM FOR AMN: [REDACTED], 721 SFS

FROM: 721 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline). The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as either Honorable, Under Honorable Conditions (General), or Under Other Than Honorable Conditions (UOTHC). I am recommending that your service be characterized as General.

2. My reasons for this action are that:

a. In March 2000, you were operating a motor vehicle without auto insurance. This vehicle was involved in an accident with a civilian's vehicle. For this misconduct, you received a Letter of Reprimand, dated 29 Mar 01. (Atch 1)

b. You, did at or near Cheyenne Mountain Air Force Station, Colorado Springs, on or about 10 Jan 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: United States Air Force Academy firing range. For this misconduct, your suspended nonjudicial punishment from an Article 15, dated 15 Dec 00, was vacated on 2 Feb 01. Punishment consisted of reduction to the grade of airman, with a new date of rank of 15 Dec 00 and was placed in your existing Unfavorable Information File (UIF). (Atch 2)

c. You, on or about 6 Dec 00, at or near Cheyenne Mountain Air Force Station, Colorado, being posted as a sentinel at Nighthawk 4, were found asleep upon your post. For this misconduct, you received an Article 15, dated 15 Dec 00. Punishment consisted of reduction to the grade of airman (suspended until 14 Jun 01), 30 days extra duty, a reprimand, and the establishment of a UIF. (Atch 3)

d. On or about 21 Nov 00, you were derelict in the performance of your duties. For this misconduct, you received a Letter of Counseling, dated 25 Nov 00. (Atch 4)

e. On or about 11 Aug 00, you failed to follow dress and appearance standards. For this misconduct, you received a Letter of Reprimand, dated 13 Aug 00. (Atch 5)

f. On or about 10 Aug 00, you failed to be prepared for your duty shift. For this misconduct, you received a Letter of Reprimand, dated 13 Aug 00. (Atch 6)

g. On or about 10 Aug 99, you failed to report to your appointed place of duty. For this misconduct, you received a Letter of Counseling, dated 12 Aug 99. (Atch 7)

h. On or about 14 May 99, your lack of attention to detail caused damage to a government vehicle. For this misconduct, you received a Letter of Reprimand, dated 19 May 99. (Atch 8)

i. On or about 2 Mar 99 and on or about 3 Mar 99, you accessed pornographic web sites from a government computer. For this misconduct, you received a Letter of Reprimand, dated 5 March 1999. (Atch 9)

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 Captain _____, the Area Defense Counsel, on 20 April 01 at 0900 hours. You may consult civilian counsel at your own expense. (6-7611)

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me NLT 1600 hours on 24 April 2001 (3 workdays) unless you request and receive an extension from me for good cause shown. I will forward any matters you submit 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 have been scheduled for a medical examination. You must report to the Peterson Air Force Base Clinic, at 0815 hours on 26 April 2001 for the examination. (Primary Care)

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 orderly room.

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

Commander

See Attachments: next page

Attachments:

1. Letter of Reprimand, dated 29 Mar 01
2. Vacation Action, dated 2 Feb 01 w/UIF
3. Article 15, dated 15 Dec 00 w/UIF
4. Letter of Counseling, dated 25 Nov 00
5. Letter of Reprimand, dated 13 Aug 00
6. Letter of Reprimand, dated 13 Aug 00
7. Letter of Counseling, dated 12 Aug 99
8. Letter of Reprimand, dated 19 May 99
9. Letter of Reprimand, dated
10. Enlisted Performance Reports
11. Member's Receipt of Notification Memorandum