

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; width: 150px; height: 20px; margin-top: 5px;"></div>		GRADE AMN	AFSN/SSAN <div style="border: 1px dashed black; width: 100px; height: 20px; margin-top: 5px;"></div>	
TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL YES <input type="checkbox"/> No <input checked="" type="checkbox"/> X		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
MEMBER SITTING <div style="border: 1px dashed black; width: 200px; height: 130px; margin-top: 10px;"></div>			VOTE OF THE BOARD	
			HON	GEN
			UOTIC	OTHER
			DENY	X
			X	X
			X	X
			X	X
ISSUES A94.05		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD
				1
				2
				3
				4
				COUNSEL'S RELEASE TO THE BOARD
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
				TAPE RECORDING OF PERSONAL APPEARANCE HE
HEARING DATE 13 Mar 2007		CASE NUMBER FD-2006-00329		
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>				
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		DATE: 3/19/2007

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00329

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 discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, two Letters of Reprimand, a Letter of Counseling, and two Memorandums for Record for misconduct. Applicant received an Article 15 for failure to go to appointed place of duty, failing to remain in proper military uniform, and wrongfully operating a privately owned vehicle. He was punished with a reduction in grade to Airman, forfeiture of pay, restriction to base for 30 days, and 30 days of extra duty. He was administratively disciplined for failure to go, dereliction of duty, sleeping on duty, security violation, wearing jewelry while working on an energized test station, failing to shave, and room failure. 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 Sheppard AFB, TX on 8 Aug 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Jul 81. Enlmt Age: 17 6/12. Disch Age: 19 0/12. Educ: HS DIPL. AFQT: N/A. A-60, E-71, G-72, M-39. PAFSC: 2A011A - Avionics Test Standards and Components Helper. DAS: 20 Jan 00.

b. Prior Sv: (1) AFRes 29 Jan 99 - 17 Aug 99 (6 months 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Aug 99 for 6 yrs. Svd: 00 Yrs 11 Mo 21 Das, all AMS.

b. Grade Status: Amn - 19 Jun 00 (Article 15, 19 Jun 00)
A1C - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 19 Jun 00, Sheppard AFB, TX - Article 86. You did, on or about 25 May 00, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: F15 Avionics Teststations class located at Building 922. Article 92. You did, on or about 3 Jun 00, violate a lawful general instruction, to wit: Paragraph 5.2.2, SAFB 36-2902, dated 15 Oct 97, by wrongfully failing to remain in proper military uniform at all times. Article 92. You did, on or about 3 Jun 00, violate a lawful general instruction, to wit: Paragraph 5.2.3., SAFB 36-2902, dated 15 Oct 97, by wrongfully operating a privately owned vehicle. Reduction to Airman, forfeiture of \$200.00 pay per month for 2 months, restriction to the limits of Sheppard AFB, Texas for 30 days, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: AETC 125A, 25 JUL 00 - Removed from training.

LOR, 20 JUL 00 - Failure to return and remain in dormitory from 2100-0400 on nights prior to duty day.

MFR, 25 MAY 00 - Failure to go.

LOC, 31 MAY 00 - Security violation, wearing jewelry while working on an energized test station,

failing to shave, and room failure.
LOR, 24 APR 00 - Dereliction of duty.
MFR, UNDATED - Sleeping on duty.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (06) Mos (10) Das
TAMS: (00) Yrs (11) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Aug 06.
(Change Discharge to Honorable)

Issue 1: While serving in the USAF, was working 12 hour CQ duty. While on duty, I fell asleep. I informed my MSG that I was being treated with muscle relaxers which made me very drowsy. MSGT [] assured me that nothing would happen. The next thing I knew, I was being given a General Discharge.

I was 19 years old and didn't realize that this would affect me in the future. Had I been older and more mature, I would have disagreed with this type of discharge and sought professional assistance before accepting this discharge.

I request that my discharge be upgraded to Honorable as this was not a serious offense, my drowsiness was caused due to taking prescribed medications and I believe the seriousness of the offense did not warrant a General Discharge.

I request that this be reviewed for an upgrade in character of service.

ATCH

1. DD Form 214 (Member 1).

20SEP06/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2006-00329

1 AUG 2000

MEMORANDUM FOR AMN: [REDACTED], 365 TRS

FROM: 365 TRS/CC

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 AFPD 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 did, at or near Sheppard AFB TX, on or about 18 Jul 00, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 8.3, by failing to return to and remain in your dormitory from 2200 until 0400 on nights prior to a duty day. For this misconduct you received a Letter of Reprimand (LOR) on 20 Jul 00.

b. You did, at or near Sheppard AFB TX, on or about 25 May 00, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: F15 Avionics Test Stations class located at building 922. For this action and paragraphs "c" and "d" below, you received an Article 15 on 19 Jun 00.

c. You did, at or near Sheppard AFB TX, on or about 3 Jun 00, violate a lawful general instruction, to wit: Paragraph 5.2.2, Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully failing to remain in proper military uniform at all times.

d. You did at or near Sheppard AFB TX, on or about 3 Jun 00, violate a lawful general instruction, to wit: Paragraph 5.2.3, Sheppard AFB Instruction 36-2902, dated 15 Oct 97, by wrongfully operating a privately owned vehicle.

e. You did, at or near Sheppard AFB TX, on or about 30 May 00, violate a lawful general instruction, to wit: SAFBI 36-2902, dated 15 Oct 97, paragraph 2.1.3, by failing to keep your dormitory room in inspectable order at all times. For this misconduct and paragraphs "f" and "g" below, you received a Letter of Counseling (LOC) on 31 May 00.

f. You did, at or near Sheppard AFB TX, on or about 3 May 00, violate a lawful general instruction, to wit: AFOSH 9166, Chapter 2, paragraph 2.2, by wearing jewelry while working on an energized test station.

g. You did, at or near Sheppard AFB TX, on or about 4 May 00, violate a lawful general instruction, to wit: AFI 36-2903, Table 1.4, Line 1, by failing to shave.

h. You, who knew or should have known of your duties at Sheppard AFB TX, on or about 3 May 00, were derelict in the performance of those duties by committing a security violation.

i. You, who knew or should have known of your duties at Sheppard AFB TX, on or about 22 Apr 00, were derelict in the performance of those duties, by sleeping in your room while on CQ duty as it was your duty not to do. For this misconduct you received a LOR, on 24 Apr 00.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court Martial (SPCM) 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 and will probably be denied enlistment in any component of the armed forces.

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 with Captain [redacted]; extension 6-2186, the Area Defense Counsel (ADC), at building 1638 on 2 Aug 00 at 1030 hours. 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 4 Aug 00, 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 were scheduled and reported for a medical examination at 1600 hours on 25 Jul 00 at the Student Health Clinic.

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 365th Training Squadron's Military Training Flight Personnel Office.

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

[Redacted Signature Box]

Commander

Attachments:

1. LOR, 20 Jul 00
2. AF Form 3070, 19 Jun 00

Additional attachments listed on next page

3. MFR, SSgt [redacted], 25 May 00
4. AF Form 1168, Amn [redacted], 25 May 00
5. AF Form 1168, TSgt [redacted], 4 Jun 00
6. LOC, 31 May 00
7. 365 TRS/MTF Memo, 31 May 00
8. AETC Form 341, 4 May 00 & 3 May 00 (2)
9. LOR, 24 Apr 00
10. Response to LOR, undated
11. Patient Education Report, 24 Apr 00
12. MFR, MSgt [redacted], 25 Apr 00
13. AETC Form 125A, 25 Jul 00
14. Student Training Report, 00006
15. Airman's Receipt to Notification Memorandum

Wd