

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 A1C	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	UO/HC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					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-2006-00338	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.

X – Upgrade of discharge, change of reason & authority, and change of reenlistment code are denied.

INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 5/1/2007 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

FD-2006-00338

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason for 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 the discharge, and change of reenlistment code 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:

Applicant contends discharge was inequitable because it was too harsh. The record indicates that the applicant received six Letters of Reprimand and a Letter of Counseling for misconduct. The misconduct included four failures to go, three late for work, three instances of dereliction of duty, illegal parking and a failure to obey a lawful order. The applicant did not submit any additional documents or statements on his behalf. After review of the record, the Board opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance and concluded that the characterization, reason for discharge and reenlistment code were appropriate for the reasons which were the basis for this case.

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, reason for discharge and reenlistment code should not be changed.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Whiteman AFB, MO on 4 Sep 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 24 Apr 83. Enlmt Age: 18 5/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-55, E-47, G-48, M-54. PAFSC: 3P031 - Security Forces Apprentice. DAS: 26 Jul 02.

b. Prior Sv: (1) AFRes 18 Oct 01 - 11 Feb 02 (3 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Feb 02 for 4 yrs. Svd: 01 Yrs 06 Mo 23 Das, all AMS.

b. Grade Status: A1C - 12 Jun 03
Amn - 12 Aug 02

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 30 JUL 03 - Failure to go three times and late for duty twice.
LOR, 18 JUL 03 - Dereliction of duty.
LOC, 16 APR 03 - Illegal parking.
LOR, 18 MAR 03 - Failure to go.
LOR, 09 JAN 03 - Late for work.
LOR, 04 JAN 03 - Failure to obey a lawful order and dereliction of duty.
LOR, 29 DEC 02 - Dereliction of duty.

f. CM: None.

f. Record of SV: The following document is missing from file.

19 Jun 01 - 15 Jan 03 Whiteman AFB 5 (Initial)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (10) Mos (17) Das
TAMS: (01) Yrs (06) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Aug 06.
(Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

Issue 1: I believe my discharge should be changed to honorable because me recieving (sic) that discharge was unfair and a bit too much. I made a mistake and tried to cover up for a fellow team member, and for that I was discharged from the Air Force. I want nothing more to this day than one more chance. All I want is to re-enlist, if anything please change my re-entry code. To serve for the United States military is the only future I see for myself. I thank you for reviewing my discharge and for your consideration.

ATCH
None.

28SEP06/ia



DEPARTMENT OF THE AIR FORCE
52D FIGHTER WING (USAF)

FD 2006-00338

MEMORANDUM FOR AIC: [REDACTED], 52 SFS

FROM: 52 SFS/CC

SUBJECT: Notification Letter

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 general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).

2. My reasons for this action are:

a. On or about 15 Dec 02, you failed to complete Volume 1 of your CDCs as it was your duty to do so. After being given a lawful order on 24 Dec 02 to have your Volume 1 completed by 28 Dec 02, you failed to meet that deadline as well. For disobeying a lawful order, you received a Letter of Reprimand (LOR) dated 29 Dec 02 (Atch 1).

b. On or about 3 Jan 03, you still had not scheduled an appointment to attain a USAREUR driver's license as you had been instructed to do back in Nov 02. For disobeying a lawful order, you received an LOR dated 4 Jan 03 (Atch 2).

c. On or about 9 Jan 03, you failed to go at the time prescribed to your appointed place of duty. For this infraction, you received an LOR dated 9 Jan 03 (Atch 3).

d. On or about 9 Mar 03, you failed to go at the time prescribed to your appointed place of duty. For this infraction, you received an LOR dated 18 Mar 03 (Atch 4).

e. On or about 7 Apr 03, you were issued a DD Form 1408, *Armed Forces Traffic Ticket*, for parking in a fire lane at Dormitory 335. For this infraction, you received a Letter of Counseling dated 16 Apr 03 (Atch 5).

f. On or about 5 Jul 03, you were found to be derelict in your duties as a security forces member. After having been instructed by your flight chief to conduct a walking patrol in Speicher for 2 hours, you notified the control center that you were conducting this patrol. Investigation revealed, however, that you were actually at another security forces member's residence. For this infraction, you received an LOR dated 18 Jul 03 (Atch 6).

g. On or about 15 and 17 Jul 03, you failed to show for mandated study time for your end of course exam; on or about 16 Jul 03, you missed your SMART medical appointment; on or

about 19 and 20 Jul, you reported late for duty. For these infractions, you received an LOR dated 30 Jul 03 (Atch 7).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for re-enlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 _____ at Spangdahlem AB, Germany, DSN 452-6607, on 20 Aug at 0930 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three duty days, unless you request and receive an extension in writing for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements on 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 your PRIMARY CARE MANAGER on 19 Aug at 1005 hours. You must report 15 minutes prior to your appointment.

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 Commander's Support Staff office.

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

Section Commander

Attachments:

- 1. LOR, 29 Dec 02
- 2. LOR, 4 Jan 03
- 3. LOR, 9 Jan 03
- 4. LOR, 18 Mar 03
- 5. LOC, 16 Apr 03
- 6. LOR, 18 Jul 03
- 7. LOR, 30 Jul 03
- 8. Airman's Receipt of Notification Letter, located at Tab 2