

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				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;">YES</td> <td style="width:50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </table>	YES	No	X			
YES	No					
X						

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHIC	OTHER	DENY
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ISSUES A95.00 A01.00	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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
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HEARING DATE 20 Feb 2007	CASE NUMBER FD-2006-00340	
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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.

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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00340

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:

The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on October 26, 2001 that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade. The records indicated the applicant received nine Letters of Reprimand, four Letters of Counseling, and two Records of Individual Counseling for misconduct. Applicant was administratively disciplined for financial irresponsibility, failure to complete assigned duties, failures to obey lawful orders, failure to meet AF weight standards, and being disrespectful towards an NCO. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Tyndall AFB, FL on 30 Jul 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 28 Sep 78. Enlmt Age: 23 0/12. Disch Age: 25 9/12. Educ: HS DIPL. AFQT: N/A. A-76, E-63, G-70, M-52. PAFSC: 1C131 - Air Traffic Control Apprentice. DAS: 5 May 02.

b. Prior Sv: (1) AFRes 28 Sep 01 - 10 Oct 01 (13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Oct 01 for 6 yrs. Svd: 02 Yrs 09 Mo 19 Das, of which AMS is 02 Yrs 09 Mos 18 Days (excludes 1 day lost time).

b. Grade Status: A1C - 25 Nov 01

c. Time Lost: 5 Apr 04 thru 5 Apr 04 (1 day).

d. Art 15's: None.

e. Additional:

- LOC, 23 FEB 04 - Failure to obey a lawful order.
- LOC, 10 FEB 04 - Allowing unauthorized person to sleep in dorm room.
- LOR, 28 OCT 03 - Failure to meet AF Weight Standards.
- RIC, 02 OCT 03 - Failure to complete assigned duties.
- LOR, 03 SEP 03 - Financial irresponsibility.
- LOR, 02 SEP 03 - Failure to go.
- LOR, 25 AUG 03 - Financial irresponsibility.
- LOC, 11 AUG 03 - Failure to obey a lawful order.
- LOR, 08 AUG 03 - Failure to go and failure to obey a lawful order.
- LOR, 08 AUG 03 - Failure to maintain residence.
- LOR, 20 JUL 03 - Failure to meet AF Weight Standards.
- LOR, 29 JAN 03 - Failure to go.
- LOR, 08 JAN 03 - Disrupting an official meeting and disrespect to an NCO.
- LOC, 16 DEC 02 - Failure to meet AF Weight Standards.
- RIC, 21 OCT 02 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 11 Oct 01 - 10 Jun 03 Tyndall AFB 2 (Initial)REF

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

i. Stmt of Sv: TMS: (02) Yrs (10) Mos (03) Das
TAMS: (02) Yrs (09) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 08 Aug 06.
(Change Discharge to Honorable)

Issue 1: I would like to go to school for sports management. I cannot receive my MGI Bill unless I have an Honorable Discharge.

ATCH

1. Character Reference.

28SEP06/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2006-00340

JUL 1 9 2004

MEMORANDUM FOR A1C: [REDACTED]

FROM: 325 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: 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 an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

- a. As evidenced by a Letter of Counseling, dated 23 Feb 04, you, having received a lawful command from 1Lt: [REDACTED]; your superior commissioned officer, then known by you to be your superior commissioned officer, to collect all the temporary parking signs from the parking lot, or words to that effect, did, at or near Tyndall AFB FL, on or about 17 Feb 04, willfully disobey the same, in violation of Article 90, UCMJ. (atch 1a)
- b. As evidenced by a Letter of Counseling, dated 10 Feb 04, you, who knew of your duties at or near Tyndall AFB FL, between on or about 10 Jan 04 and 10 Feb 04, on divers occasions, were derelict in the performance of those duties in that you willfully failed to refrain from having overnight guests in your dormitory room, as it was your duty to do, in violation of Article 92, UCMJ. (atch 1b)
- c. As evidenced by a Letter of Reprimand, dated 28 Oct 03, you, who knew of your duties at or near Tyndall AFB FL, between on or about 20 Sep 03 and 20 Oct 03, were derelict in the performance of those duties in that you negligently failed to make acceptable progress in the weight management program, as it was your duty to do, in violation of Article 92, UCMJ. (atch 1c)
- d. As evidenced by a Record of Individual Counseling, dated 2 Oct 03, you, who knew of your duties at or near Tyndall AFB FL, on or about 2 Oct 03, were derelict in the performance of those duties in that you willfully failed to complete entries in your training records requested by your supervisor, as it was your duty to do, in violation of Article 92, UCMJ. (atch 1d)
- e. As evidenced by a Letter of Reprimand, dated 3 Sep 03, you, who knew of your duties at or near Tyndall AFB FL, on or about 23 Aug 03, were derelict in the performance of those duties in that you willfully failed to make the required payment on your military star account, as it was your duty to do, in violation of Article 92, UCMJ. (atch 1e)

f. As evidenced by a Letter of Reprimand, dated 2 Sep 03, you, did at or near Tyndall AFB FL, on or about 28 Aug 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Family Support Center, in violation of Article 86, UCMJ. (atch 1f)

g. As evidenced by a Letter of Reprimand, dated 25 Aug 03, you, who knew of your duties at or near Tyndall AFB FL, on or about 12 Jun 03, were derelict in the performance of those duties in that you willfully failed to maintain sufficient funds in your account for payment of a check you wrote to pay rent and utilities, as it was your duty to do, in violation of Article 92, UCMJ. (atch 1g)

h. As evidenced by a Letter of Counseling, dated 11 Aug 03, you, who knew of your duties at or near Tyndall AFB FL, on or about 11 Aug 03, were derelict in the performance of those duties in that you willfully failed to report for duty in the correct uniform, as it was your duty to do, in violation of Article 92, UCMJ. (atch 1h).

i. As evidenced by a Letter of Reprimand, dated 8 Aug 03, you, did at or near Tyndall AFB FL, on or about 5 Aug 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Security Forces Building, in violation of Article 86, UCMJ. (atch 1i)

j. As evidenced by a Letter of Reprimand, dated 8 Aug 03, you, having received a lawful command from 1Lt: _____, your superior commissioned officer, then known by you to be your superior commissioned officer, to contact your landlord and clean up your apartment in order to terminate your lease, or words to that effect, did, at or near Tyndall AFB FL, on or about 30 Jul 04, willfully disobey the same, in violation of Article 90, UCMJ. (atch 1j)

k. As evidenced by a Letter of Reprimand, dated 20 Jul 03, you, who knew of your duties at or near Tyndall AFB FL, between on or about 16 Jun 03 and 16 Jul 03, were derelict in the performance of those duties in that you negligently failed to make acceptable progress in the weight management program, as it was your duty to do, in violation of Article 92, UCMJ. (atch 1k)

l. As evidenced by a Letter of Reprimand, dated 29 Jan 03, you, did at or near Tyndall AFB FL, on or about 29 Jan 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: RAPCON, in violation of Article 86, UCMJ. (atch 1l)

m. As evidenced by a Letter of Reprimand, dated 8 Jan 03, you, on or about 7 Jan 03, were disrespectful in language and deportment toward SSgt: _____ a non-commissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of his office, by failing to refrain from making outbursts and unnecessary comments during a meeting, in violation of Article 91, UCMJ. (atch 1m)

n. As evidenced by a Letter of Counseling, dated 16 Dec 02, who knew of your duties at or near Tyndall AFB FL, between on or about 13 Nov 02 and 13 Dec 02, were derelict in the performance of those duties in that you negligently failed to make acceptable progress in the weight management program, as it was your duty to do, in violation of Article 92, UCMJ. (atch 1n)

- o. As evidenced by a Record of Individual Counseling, dated 12 Oct 02, you, who knew of your duties at or near Tyndall AFB FL, on or about 21 Oct 02, were derelict in the performance of those duties in that you willfully failed to make the required payment on your military star account, as it was your duty to do, in violation of Article 92, UCMJ. (atch 1o)
- p. As evidenced by a Record of Individual Counseling, dated 8 Sep 02, you, having received a lawful order from MSgt: _____, a noncommissioned officer, then known by you to be a noncommissioned officer, to complete your in-processing checklist, an order which it was your duty to obey, did, at or near Tyndall AFB FL, on or about 5 Aug 02, willfully disobey the same, in violation of Article 91, UCMJ. (atch 1p)
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 higher authority will decide whether you will be discharged or retained in the United States 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 any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).
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: _____ at 903 Beacon Beach Rd, Building 1287, on _____, at _____ hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by JUL 2 2004 unless you request and receive an extension for good cause shown. I will send them 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 Public Health, Building 1311 on _____, at _____ hours for the examination.
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 at <http://www.e-publishing.af.mil/pubfiles/af/36/afi36-3208/afi36-3208.pdf>.

FD 2006-00340

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



Commander

Attachments:

- 1a. Letter of Counseling, dated 23 Feb 04
- 1b. Letter of Counseling, dated 10 Feb 04
- 1c. Letter of Reprimand, dated 28 Oct 03
- 1d. Record of Individual Counseling, dated 2 Oct 03
- 1e. Letter of Reprimand, dated 3 Sep 03
- 1f. Letter of Reprimand, dated 2 Sep 03
- 1g. Letter of Reprimand, dated 25 Aug 03
- 1h. Letter of Counseling, dated 11 Aug 03
- 1i. Letter of Reprimand, dated 8 Aug 03
- 1j. Letter of Reprimand, dated 8 Aug 03
- 1k. Letter of Reprimand, dated 20 Jul 03
- 1l. Letter of Reprimand, dated 29 Jan 03
- 1m. Letter of Reprimand, dated 8 Jan 03
- 1n. Letter of Counseling, dated 16 Dec 02
- 1o. Record of Individual Counseling, dated 12 Oct 02
- 1p. Record of Individual Counseling, dated 8 Sep 02
- 2. Receipt of Notification Memorandum