

**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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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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%; padding: 2px;">YES</td> <td style="width:50%; padding: 2px;">No</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><b>X</b></td> <td style="padding: 2px;"></td> </tr> </table>	YES	No	<b>X</b>			
YES	No					
<b>X</b>						

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES <b>A95.00</b> <b>A01.00</b>	INDEX NUMBER <b>A67.10</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 2px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 2px; text-align: center;"><b>1</b></td> <td style="padding: 2px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 2px; text-align: center;"><b>2</b></td> <td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 2px; text-align: center;"><b>3</b></td> <td style="padding: 2px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px; text-align: center;"><b>4</b></td> <td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE HE</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<b>1</b>	ORDER APPOINTING THE BOARD	<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	<b>3</b>	LETTER OF NOTIFICATION	<b>4</b>	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 <b>22 Mar 2007</b>	CASE NUMBER <b>FD-2006-00345</b>
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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, Change Reason for Discharge and Reenlistment Code

INDORSEMENT 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: <b>5/4/2007</b>

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2006-00345**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, to change the reason for discharge and 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 for discharge and change of reenlistment code are 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 request the review be based on the available service record. The record indicates that the applicant received an Article 15 and two Letters of Reprimand for misconduct. The applicant's Article 15 was for violating a general regulation by wrongfully carrying a knife with a blade greater than 3 inches and dereliction of duty. He was reduced in grade to Airman Basic, forfeited pay, restricted to the limits of Sheppard AFB for 14 days, performed 7 days of extra duty, and received a reprimand. He was administratively disciplined with Letters of Reprimand for failure to go on three separate occasions, dereliction of duty and lying to a noncommissioned officer. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade. The Board found the characterization, reason for discharge and reenlistment code received by the applicant 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Sheppard AFB, TX on 22 Aug 06 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: 22 Nov 86. Enlmt Age: 18 6/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A. A-78, E-62, G-72, M-64. PAFSC: 2W131F - Aircraft Armament Systems Apprentice. DAS: 7 Dec 05.

b. Prior Sv: (1) AFRes 8 Jun 05 - 17 Oct 05 (4 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Oct 05 for 6 yrs. Svd: 00 Yrs 10 Mo 06 Das, all AMS.

b. Grade Status: AB - 29 Jun 06 (Article 15, 29 Jun 06)  
A1C - 2 Dec 05

c. Time Lost: None.

d. Art 15's: (1) 29 Jun 06, Sheppard AFB, TX - Article 92. You did, on or about 29 May 06, violate a lawful general regulation, to wit: paragraph 13.13 AETCI 36-2216, Administration of Military Standards and Discipline Training, dated on 16 Jun 04, by wrongfully carrying a knife with a blade greater than 3 inches. Article 92. You, who knew or should have known of your duties, on or about 29 May 06, were derelict in the performance of those duties in that you willfully failed to remain within the limits of Sheppard AFB, Texas, while in Phase I and willfully failed to wear the appropriate uniform while in Phase I, as it was your duty to do. Reduction to AB. Forfeiture of \$636.00 pay. Restriction to the limits of Sheppard AFB, Texas, for 14 days, 7 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 15 MAY 06 - Failure to go on two occasions, dereliction of duty, and lying.  
LOR, 27 APR 06 - Failure to go.

f. CM: None.

g. Record of SV: None.

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

i. Stmt of Sv: TMS: (01) Yrs (02) Mos (15) Das  
TAMS: (00) Yrs (10) Mos (06) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 23 Aug 06.  
(Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

Issue 1: I would like my discharge to be upgraded because, due to the type I received, and the code I recieved (sic), I cannot re-enlist in any other branch, and I plan to re-enlist in the Army or Navy, after I'm done with school.

ATCH  
None.

02OCT06/ia



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

FD 2006-00345

AUG 07 2006

MEMORANDUM FOR AB: \_\_\_\_\_; 363 TRS

FROM: 363 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 Air Force Base, Texas, on or about 29 May 06, violate a lawful general regulation, to wit: paragraph 13.13 Air Education and Training Command Instruction 36-2216, Administration of Military Standards and Discipline Training, dated on 16 Jun 04, by wrongfully carrying a knife with a blade greater than 3 inches. For this misconduct and subparagraph "b" below, you received Article 15 punishment on 29 Jun 06.

b. You, who knew or should have known of your duties at or near Sheppard Air Force Base, Texas, on or about 29 May 06, were derelict in the performance of those duties in that you willfully failed to remain within the limits of Sheppard Air Force Base, Texas, while in Phase I and willfully failed to wear the appropriate uniform while in Phase I, as it was your duty to do.

c. You did, at or near Sheppard AFB TX, on or about 12 May 06, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: duty. For this misconduct and subparagraphs "d", "e" and "f" below, you received a Letter of Reprimand (LOR) on 15 May 06.

d. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 23 Apr 06, were derelict in the performance of those duties in that you failed to refrain from leaving the limits of Sheppard AFB, wearing civilian clothes and driving a privately owned vehicle (POV) while in Phase I, as it was your duty to do.

e. You did, at or near Sheppard AFB TX, on or about 22 Apr 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Physical Readiness Training (PRT).

f. You did, at or near Sheppard AFB TX, on or about 22 Apr 06, with intent to deceive make to the non-commissioned officer on duty (NCOD), an official statement, to wit: you were in Phase III, which statement was false and was then known by you to be so false, in that you were phased back to Phase I earlier in the day.

g. You did, at or near Sheppard AFB TX, on or about 22 Apr 06, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: mandatory make-up PRT. For this misconduct, you received an LOR on 27 Apr 06.

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.

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], Area Defense Counsel, at Bldg 1638, on 07 Aug 06 at 1630. You may consult civilian counsel at your own expense.

4. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 10 Aug 06 @ 1400 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 are scheduled for a medical examination on 07 Aug 06 at 1300 at the Student Health Clinic in Bldg 1200.

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 Military Training Flight administration office.

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

[Redacted Signature Box]

Commander, 363d Training Squadron

Attachments listed on next page

**Attachments:**

1. AF Form 3070, 29 Jun 06
2. Response to Art 15, 27 Jun 06 w/ 1 Atch
3. AF Form 1168, SSgt [redacted], 8 Jun 06
4. AF Form 1168, SSgt [redacted], 29 May 06
5. AF Form 1168, SSgt [redacted], 29 May 06
6. AF Form 1168, SSgt [redacted], 8 Jun 06
7. AF Form 1168, AB [redacted], 7 Jun 06
8. AF Form 1168, AB [redacted], 7 Jun 06
9. AF Form 1168, AB [redacted], 23 May 06
10. LOR, 15 May 06
11. LOR, 27 Apr 06
12. LOR Response, 27 Apr 06
13. Student Training Report, 06019
14. LAFB 205, 5 Dec 05
15. Airman's Receipt to Notification Memorandum *wad*