

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____		GRADE A1C	AFSN/SSAN _____			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL YES No _____ _____	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBER SITTING _____ _____ _____ _____ _____		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
						X
ISSUES A95.00 A01.00	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 08 Mar 2007	CASE NUMBER FD-2006-00357					
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.						
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, FE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002		DATE: 3/8/2007	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2006-00357

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: Applicant submitted no issues on his own behalf. The records indicated the applicant received two Article 15s, one Letter of Reprimand, and two Records of Individual Counseling for misconduct. The misconduct included failure to obey a direct order, failure to respond to a military recall, and failure to go. The Board acknowledged that the member received a clinical evaluation of his sleep functioning in search of a possible organic cause of his frequent tardiness in reporting to duty. However, the member's sleep study demonstrated "snoring with mild obstructive sleep disordered breathing not currently diagnostic of significant obstructive sleep apnea/hypopnea syndrome" which the board believed did not mitigate either his chronic recurrent tardiness or other misconduct. The DRB opined that through the administrative actions cited above, 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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Robins AFB, GA on 13 Nov 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Aug 79. Enlmt Age: 17 8/12. Disch Age: 22 3/12. Educ: HS DIPL. AFQT: N/A. A-76, E-64, G-74, M-58. PAFSC: 3C051 - Communications-Computer Systems Operations. DAS: 21 Jan 01.

b. Prior Sv: (1) AFRes 10 Apr 97 - 2 Sep 97 (4 months 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 3 Sep 97 for 4 yrs. Svd: 04 Yrs 02 Mo 11 Das, all AMS.

b. Grade Status: A1C - 15 Aug 01 (Vacation of Article 15, 25 Sep 01)
SrA - 3 Jan 00

c. Time Lost: None.

d. Art 15's: (1) 25 Sep 01, Vacation, Robins AFB, GA - Article 86. You did, between on or about 6 Sep 01, and on or about 12 Sep 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 963. Reduction to A1C. (No appeal) (No mitigation)

(2) 15 Aug 01, Robins AFB, GA - Article 86. You did, on or about 7 Aug 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 51st Combat Communications Squadron. Suspended reduction to A1C. Restriction to Robins AFB, GA for 15 days, Fifteen days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 20 JUN 01 - Failure to go.
LOR, 15 JUN 01 - Failure to respond to a military recall.
RIC, 15 JUN 01 - Failure to obey a direct order.

f. CM: None.

g. Record of SV: 03 Sep 97 - 15 Aug 99 Tyndall AFB 5 (HAF Dir)
16 Apr 99 - 15 Oct 99 Tyndall AFB 5 (CRO)
16 Oct 99 - 28 Oct 00 Tyndall AFB 3 (Annual)

h. Awards & Decs: AFTR, AFLSAR, AFOSSTR, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (04) Yrs (07) Mos (04) Das
TAMS: (04) Yrs (02) Mos (11) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 23 Aug 06.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

16OCT06/ia

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 the **Area Defense Counsel, ph. 926-5852, at building 368, on 16 Oct 01 at 1300 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 **within three duty days of the date of this letter** unless you request and receive an extension for good cause. 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 physical examination on 17 Oct 01.** You must report to Physical Exam Section in building 700A at 1230 hours to fill out paperwork. **Your follow-up appointment will be at Family Practice, building 700A, at 1245 hours.** *You must be in uniform and on time in order to keep the scheduled appointment.*
8. You have been scheduled for an *initial briefing* at separations with A1C [] Bldg 905, 7-7348, on 16 Oct 01 at 0800 hours. *Please bring an escort from your unit for assistance.*
9. 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 the Area Defense Counsel or your unit orderly room.

[]

Commander

Attachments:

1. Supporting documents
 - a. AF Form 174, dtd 15 Jun 01
 - b. LOR, dtd 15 Jun 01
 - c. AF Form 174, dtd 20 Jun 01
 - d. AF Form 3070, dtd 15 Aug 01
 - e. AF Form 366, dtd 25 Sep 01
 - f. EPRs
2. Airman's Receipt of Notification Memorandum