

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	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTIC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
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ISSUES A94.05	INDEX NUMBER A67.90	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-2006-00360	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 and Change in Reenlistment Code are Denied

INDORSEMENT	DATE: 3/8/2007
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-2006-00360

GENERAL: The applicant appeals for upgrade of discharge to honorable 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 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 records indicated the applicant received two Article 15s, one Letter of Reprimand and two Letters of Counseling for misconduct. The misconduct included driving without a license, failing to report to supervisor, misrepresenting himself as a senior noncommissioned officer and a first sergeant, making a false statement, dereliction of duty and assault on another correctee while in correctional custody. 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Tinker AFB, OK on 1 Feb 01 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 25 Jun 80. Enlmt Age: 18 0/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-70, E-26, G-27, M-21. PAFSC: 2S031 - Supply Management Apprentice. DAS: 6 Sep 99.

b. Prior Sv: (1) AFRes 23 Jul 98 - 23 Mar 99 (8 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Mar 99 for 4 yrs. Svd: 01 Yrs 10 Mo 08 Das, all AMS.

b. Grade Status: AB - 14 Nov 00 (Article 15, 4 Dec 00)

c. Time Lost: None.

d. Art 15's: (1) 4 Dec 00, Vacation, Tinker AFB, OK - Article 92. You, did, at or near Sheppard AFB, Texas, on or about 21 Nov 00, assault another correctee by shoving him through a window. Reduction to AB. (No appeal) (No mitigation)

(2) 14 Nov 00, Tinker AFB, OK - Article 86. You, did, on or about 21 Oct 00, without authority, fail to go to your appointed place of duty, to wit: Building 469. Article 92. You, who knew of your duties, on or about 20 Oct 00, were derelict in the performance of those duties in that you negligently failed to complete the task of moving containers when told to do so, as it was your duty to do. Suspended reduction to AB. Thirty days correctional custody (Mitigated to 3 days restriction to Tinker AFB, Oklahoma on 11 Dec 00). Reprimand. (No appeal)

e. Additional: LOR/UIF, 9 JUN 00 - Misrepresented himself as a senior NCO and a first sergeant, and making a false statement.

LOC, 30 DEC 99 - Failed to report to his supervisor as instructed.

LOC, 12 NOV 99 - Driving a motor vehicle without a driver license.

f. CM: None.

g. Record of SV: 24 Mar 99 - 1 Jul 00 Tinker AFB 3 (Cmdr Dir)REF

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (06) Mos (09) Das
TAMS: (01) Yrs (10) Mos (08) Das

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

So my reentry code will be changed so I can reenter.

ATCH

1. DD Form 214.

19OCT06/ia



DEPARTMENT OF THE AIR FORCE
72 MISSION SUPPORT SQUADRON (AFMC)
TINKER AIR FORCE BASE, OKLAHOMA

FJ2006-00360

ASLA 9
8 January 2001

MEMORANDUM FOR AB: [REDACTED] 72 MSS

FROM: 72 MSS/CC
Tinker AFB OK 73145

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, Conduct Prejudicial to Good Order and Conduct. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 12 Nov 99, you received a Letter of Counseling (LOC), undated, for knowingly driving a motor vehicle without a drivers license. See Atch 1.

b. On 28 and 30 Dec 99, you failed to report to your supervisor as you had been instructed to do. As a result, you received a Letter of Counseling, dated 30 Dec 99. See Atch 2.

c. On 25 May 00, you contacted your duty section claiming to be MSgt: [REDACTED] In a subsequent phone call to your duty section, you correctly identified yourself to [REDACTED] informing her you had been apprehended by Security Forces. Later you stated that the first call made was actually you and that the information concerning the supposed apprehension was a joke. You also made a false follow-up statement that you had discussed the misconduct with your first sergeant when in fact you had not discussed it with him. As a result, you received a Letter of Reprimand (LOR), dated 9 Jun 00, with Unfavorable Information File (UIF) action. See Atch 3.

d. On or about 21 Oct 00, without authority, you failed to go to your appointed place of duty, Bldg 469, Tinker Air Force Base, OK. On or about 20 Oct 00, you were derelict in the performance of your duties in that you negligently failed to complete the task of moving containers when told to do so. As a result, you received an Article 15, dated 14 Nov 00. Punishment was reduction to the grade of airman basic (suspended until 13 May 01), 30 days correctional custody, and a reprimand. See Atch 4.

e. On or about 21 Nov 00, at Sheppard Air Force Base, TX, you assaulted another correctee by shoving him through a window. As a result, you received a Record of Proceedings

of Vacation of Suspended Nonjudicial Punishment. You were reduced to the grade of airman basic, effective 14 Nov 00. See Atch 5.

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 and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made arrangements for you to consult Capt. [redacted] by your going to the office of Tinker Area Defense Counsel, at Bldg 452, Tinker AFB OK on 8 January 2001 at 1300 hours. If it is necessary to change this appointment time, call Capt Reed's office at 405/739-7713. 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 ¹²⁻¹⁵⁻⁰⁰ 11 January 2001, 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 for a medical examination on 8 Jan 00 at 1015 hours, and you should have reported to the Tinker AFB Hospital, Physical Exam Section, on that date for the examination.

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 orderly room.

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

[Redacted Signature Box]

Commander, 72 Mission Support Squadron

Attachments:

- 1. LOC, undtd
- 2. LOC, dtd 30 Dec 99
- 3. LOR, dtd 9 Jun 00, w/UIF
- 4. Art 15, dtd 14 Nov 00
- 5. Record of Vacation, dtd 4 Dec 00
- 6. Acknowledgment Ltr