

**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 AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
COUNSEL YES      No <input type="checkbox"/> <input checked="" type="checkbox"/>		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 <b>A94.05</b>	INDEX NUMBER <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		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 <b>08 Mar 2007</b>	CASE NUMBER <b>FD-2006-00365</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 of Discharge and Change of Reason & Authority are Denied**

<b>INDORSEMENT</b>  TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 3/8/2007  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-2006-00365

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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 reason and authority for discharge 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. He indicated that the cause of his tardiness was a sleep disorder. The records indicated the applicant received two Article 15s, six Letters of Reprimand, and one Letter of Counseling for misconduct. The misconduct included failure to go, late for duty on numerous occasions, uniform violations, failed dorm inspections, and speeding. 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 "mild obstructive sleep apnea" 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Hanscom AFB, MA on 18 Sep 05 UP AFI 36-3208, para 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and Change the Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 15 Jan 86. Enlmt Age: 17 0/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-92, E-95, G-97, M-85. PAFSC: 3S051 - Personnel Journeyman. DAS: 19 Jan 04.

b. Prior Sv: (1) AFRes 12 Feb 03 - 09 Jun 03 (3 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Jun 03 for 6 yrs. Svd: 02 Yrs 03 Mo 09 Das, all AMS.

b. Grade Status: Amn - 17 May 05 (Vacation of Suspension, 1 Aug 05)  
A1C - 25 Jul 03

c. Time Lost: None.

d. Art 15's: (1) 1 Aug 05, Vacation, Hanscom AFB, MA - Article 92. You failed, on or about 27 Jun 05, to obey a lawful regulation, to wit: paragraph A3.4.3 of Air Base Wing Supplement 1 to AFI 31-204, dated 1 May 04, by wrongfully operating your motor vehicle 28 miles per hour faster than the established and posted speed limit of 15 miles per hour through residential area of Marrett Street. Reduced to Amn. (No appeal) (No mitigation)

(2) 17 May 05, Hanscom AFB, MA - Article 86. You did, on or about 21 Apr 05, without authority, fail to go at the time perscribed to your appointed place of duty, to wit: 66 MSS/DPMAE, Building 1305, Hanscom AFB, MA, at 0730 hours. Suspended reduction to Amn. Forfeiture of \$150.00 pay per month for 2 months. Five days extra duty and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 15 AUG 05 - Failure to go and dorm room disorganized.  
LOR, 14 MAR 05 - Failure to go.  
LOR, 28 DEC 04 - Failure to maintain dorm cleanliness standards.  
LOC, 17 DEC 04 - Reported to duty in unironed uniform.  
LOR, 14 SEP 04 - Failure to report to duty on time.

LOR, 24 AUG 04 - Late for duty on three occasions.  
LOR, 19 JUL 04 - Failure to go and late for duty on two occasions.

f. CM: None.

g. Record of SV: 10 Jun 03 - 28 Feb 05 Hanscom AFB 4 (Initial)

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

i. Stmt of Sv: TMS: (02) Yrs (07) Mos (07) Das  
TAMS: (02) Yrs (03) Mos (09) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Sep 06.  
(Change Discharge to Honorable and Change the Reason for Discharge.)

Issue 1: Upgrade is requested since narrative reason (misconduct) was based on a sleep disorder that made it difficult to awaken to alarms for work. Out of a 27 month record of service, discipline was never an issue outside of my medical condition. I was a model Airman and a leader in 3 organizations before being ordered to step down.

**ATCH**

1. Memo from Dr [REDACTED]
2. Report from Sleep Health Center.
3. Final report from Dr [REDACTED]
4. Memo from Capt [REDACTED]

17Oct06/day



**DEPARTMENT OF THE AIR FORCE**  
66TH MISSION SUPPORT SQUADRON  
HANSCOM AFB, MASSACHUSETTS 01731

**AUG 30 2005**

MEMORANDUM FOR AMN:

FROM: 66 MSS/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 honorable or under honorable conditions (general). I am recommending that your service be characterized as an under honorable conditions (general) discharge.

2. My reason for this action is:

a. On 19 July 2004, you failed to report to duty at the time prescribed. For this you received a Letter of Counseling, dated 19 July 2004.

b. Between on or about 3 August 2004 and on or about 24 August 2004, you failed to report to duty at the time prescribed. For this you received a Letter of Reprimand, dated 24 August 2004.

c. On 9 September 2004, you failed to report to duty at the time prescribed. For this you received a Letter of Reprimand, dated 14 September 2004.

d. On 17 December 2004, you reported to duty with your uniform out of standards. For this you received a Letter of Counseling, dated 17 December 2004.

e. On 23 December 2004, you failed to keep your dorm room within standards. For this you received a Letter of Reprimand, dated 28 December 2004.

f. On 8 March 2005, you failed to report to duty at the time prescribed. For this you received a Letter of Reprimand, dated 14 March 2005.

g. On 21 April 2005, you failed to report to duty at the time prescribed. For this you received Nonjudicial Punishment, dated 17 May 2005.

h. On 27 June 2005, you were stopped for driving 28 miles over the posted speed limit on Hanscom AFB. For this your suspended reduction in grade was vacated on 1 August 2005.

i. On 11 August 2005, you failed to report to duty at the time prescribed. For this you received a Letter of Reprimand, dated 15 August 2005.

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.

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 [redacted] at 3 KIRTLAND STREET BLDG 1217, 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 2 Sep 05 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 66th Medical Group, Vandenberg Drive 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 the unit orderly room.

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

[Redacted Signature Box]

Commander

**Attachments:**

1. Receipt of Notification Memorandum
2. Recoupment Statement
3. Letter of Counseling, dated 19 July 2004
4. Letter of Reprimand, dated 24 August 2004
5. Letter of Reprimand, dated 14 September 2004
6. Letter of Counseling, dated 17 December 2004
7. Letter of Reprimand, dated 28 December 2004
8. Letter of Reprimand, dated 14 March 2005
9. AF Form 3070, dated 17 May 2005
10. Letter of Reprimand, dated 15 August 2005
11. EPR, dated 28 Feb 2005