

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>			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						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 22 Mar 2007	CASE NUMBER FD-2006-00366					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard in Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>						
INDORSEMENT		DATE: 5/4/2007				
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-2006-00366

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:

The applicant submitted no specific issues contesting the equity or propriety of the discharge, but states a desire to receive the G.I. Bill and is having a hard time finding employment. After a thorough review of his record, the Board was not able to identify any evidence of inequity or impropriety. The record indicates that the applicant received seven Letters of Reprimand, two Letters of Counseling, three Memorandums for Record, and an Article 15 for misconduct. The misconduct included underage drinking, driving under the influence, late for duty (five times), negative/challenging attitude at work, failing to maintain proper uniform standards, financial irresponsibility, and failing to obey a lawful order (three times). The Board concluded that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board found the applicant's 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.

In regards to receiving the G.I. Bill and employment, 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.

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)
PERSONNEL RECORD MISSING

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Davis-Monthan AFB, AZ on 5 Apr 06 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Nov 83. Enlmt Age: 19 3/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-52, E-61, G-44, M-42. PAFSC: 2A636 - Aircraft Electronics & Environmental Systems Apprentice. DAS: 14 Jun 04.

b. Prior Sv: (1) AFRes 21 Mar 03 - 11 Nov 03 (7 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Nov 03 for 4 yrs. Svd: 02 Yrs 04 Mo 24 Das, all AMS.

b. Grade Status: A1C - 26 Dec 03

c. Time Lost: None.

d. Art 15's: (1) 2 Mar 06, Davis-Monthan AFB, AZ - Article 91. You, having received a lawful order from TSgt [redacted], an NCO, then known by you to be an NCO, to perform an auxiliary power unit test on Aircraft 198, an order which it was your duty to obey, did, on or about 30 Jan 06, willfully disobey the same. Suspended reduction to Airman. Forfeiture of \$100.00 pay per month for 2 months, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 08 FEB 06 - Financial irresponsibility.
LOR, 05 NOV 05 - Failure to obey an Order or Regulation.
LOR, 27 JUL 05 - Failure to be accessible for weekend duty.
LOR, 27 JUL 05 - Late for duty.
MFR, 12 JUL 05 - Failure to obey a lawful order.
LOR, 02 JUN 05 - Late for duty.
MFR, 03 MAR 05 - Failure to maintain proper uniform standards.
LOC, 26 MAY 05 - Late for duty.
MFR, 16 MAY 05 - Negative and challenging attitude at work.
LOR, 29 NOV 04 - Late for duty.
LOC, 25 OCT 04 - Late for duty.
LOR, 19 OCT 04 - Consuming alcohol under age and driving under the influence of alcohol.

f. CM: None.

g. Record of SV: 12 Nov 03 - 11 Jul 05 Davis-Monthan AFB 3 (Initial)

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

i. Stmt of Sv: TMS: (03) Yrs (00) Mos (15) Das
TAMS: (02) Yrs (04) Mos (24) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 11 Sep 06.
(Change Discharge to Honorable)

Issue 1: I ask for an upgrade on my discharge status to be honorable so i (sic) can access my GI bill (sic) and go to school. For the past 6 months since I have been back home, I had time to think about what I did and did not do to lead me to a discharge, I apologize for all of those i (sic) gave disrespect to, and all of those who showed me respect and the time of day, I want to press on with my life and want to go to school. Education is the only thing i (sic) have going for me at the moment. The economy over here is slow so its (sic) pretty hard to find a decent job. And is especially hard with a non honorable discharge. I need a 2nd chance at life and I believe this is the only way I can succeed.

ATCH
None.

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DEPARTMENT OF THE AIR FORCE
355TH AIRCRAFT MAINTENANCE SQUADRON (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

12 5 MAR 2008

MEMORANDUM FOR AIC: [REDACTED] 355 AMXS

FROM: 355 AMXS/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.

2. My reasons for this action are:

a. On 16 Sep 04, while on weekend duty you were released with the understanding that you would be recalled in 3-4 hours and to remain on standby. When you were recalled to duty by SSGT [REDACTED]; it was evident to him that you had consumed an alcoholic beverage. You also knowingly consumed alcohol while under the age of 21 and then drove a vehicle. As a result, you received a Letter of Reprimand (LOR) on 19 Oct 04 (Tab A).

b. On 22 Oct 04, you failed to show for mandatory roll call scheduled for 0700. As a result, you received a Letter of Counseling (LOC) on 25 Oct 04 (Tab B).

c. On 29 Nov 04, you failed to show for mandatory roll call scheduled for 0645. Additionally, when you arrived your uniform was not presentable. As a result, you received a LOR on 29 Nov 04 (Tab C).

d. On 26 May 05, you overslept and failed to show for work until well after your scheduled work time of 0700. As a result, you received a LOC on 26 May 05 (Tab D).

e. On 2 Jun 05, you overslept again and failed to show at 0600 for your scheduled work time. As a result, you received a LOR on 2 Jun 05 (Tab E).

f. On 23 Jul 05, you were unreachable for weekend duty. As a result, you received a LOC on 27 Jul 05 (Tab F).

g. On 26 Jul 05, despite being counseled repeatedly you were 45 minutes late for work. As a result, you received a LOR on 27 Jul 05 (Tag G).

h. On 17 Oct 05, you removed an Oxygen Regulator from A9167 and failed to document a Red X condition in the aircraft forms. Also, on 1 Nov 05, you removed the number two engine

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bleed air loop from A8147 and failed to document a Red X condition in the forms. By failing to document these aircraft forms, you disobeyed Technical Order 00-20-1. As a result, you received a LOR on 5 Nov 05 (Tab H).

i. On 3 Feb 06, MSgt [redacted] was informed that you are 3 months delinquent on payment of your AAFES Military Star Card in the amount of \$54.00. As a result, you received a LOR on 8 Feb 06 (Tab I).

j. On or about 30 Jan 06, you willfully disobeyed a direct order from TSgt [redacted] a non commissioned officer, then know by you to be a noncommissioned officer, to perform an auxiliary power unit test on Aircraft 198, an order which you willfully disobeyed. As a result, you received punishment by Article 15, UCMJ, consisting of forfeiture of \$100.00 pay per month for 2 months and 14 days extra duty on 28 Feb 06 (Tab J).

3. In recommending your discharge, I am also considering the three Memorandums for Record (MFRs) dealing with your uniform and you attitude at work (Tab 6).

4. 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).

5. 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 AFLSA/ADC, 228-5664, on 16 MAR 06, at 0930 hours. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 20 MAR 06 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. 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.

8. You have been scheduled for a medical examination. You must report to your panel (COPPER-1593, SILVER-2803, BLUE-1567), 355th Medical Group on _____, at _____ hours for the examination.

9. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, building 2300, room 114, at 1300 hours on 16 MAR 06 for the outprocessing briefing. If you have questions, please call 228-5326.

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10. 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 Area Defense Counsel's office.

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



Commander

Attachments:

1. Supporting Documents:
 - a. LOR, 19 Oct 04 (2 pgs)
 - b. LOC, 25 Oct 04 (2 pgs)
 - c. LOR, 29 Nov 04 (2 pgs)
 - d. LOC, 26 May 05 (2 pgs)
 - e. LOR, 2 Jun 05 (2 pgs)
 - f. LOR, 27 Jul 05 (2 pgs)
 - g. LOR, 27 Jul 05 (2 pgs)
 - h. LOR, 5 Nov 05 (2 pgs)
 - i. LOR, 8 Feb 06 (2 pgs)
 - j. Article 15, 28 Feb 06 (3 pgs), Members Response (2 pgs)
2. Other Documents: 3 Memorandum for Records (3 pgs)
3. Receipt of Notification Memorandum