

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	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%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

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

ISSUES A95.00 A01.00	INDEX NUMBER A61.00	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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
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 13 Mar 2007	CASE NUMBER FD-2006-00376
------------------------------------	-------------------------------------

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.

+ Reenlistment Code

SIGNATURE OF AIR FORCE MEMBER	SIGNATURE OF BOARD PRESIDENT
-------------------------------	------------------------------

INDORSEMENT	DATE: 3/21/2007
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

FD-2006-00376

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 has expressed a desire to upgrade his discharge and change of his reenlistment code so that he may qualify for reenlistment into the armed forces. The records indicated the applicant received two Letters of Reprimand for misconduct. The applicant was administratively disciplined for two civilian arrests. His first arrest was for larceny (theft of a lady's purse) and his second arrest was for failure to yield, reckless driving, and driving under the influence of alcohol. The Board concluded 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.

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

[REDACTED] (Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Keesler AFB, MS on 14 Oct 05 UP AFI 36-3208, para 5.51 (Civilian Conviction). Appeals for Honorable Discharge, and to Change the RE Code.
2. **BACKGROUND:**
 - a. DOB: 2 Feb 83. Enlmt Age: 20 7/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-69, E-85, G-80, M-82. PAFSC: 4Y031 - Dental Assistant Apprentice. DAS: 09 Jun 04.
 - b. Prior Sv: (1) AFRes 23 Sep 03 - 27 Jan 04 (4 months 5 days) (Inactive).
3. **SERVICE UNDER REVIEW:**
 - a. Enlisted as AB 28 Jan 04 for 6 yrs. Svd: 01 Yrs 08 Mo 17 Das, all AMS.
 - b. Grade Status: A1C - 12 Mar 04
 - c. Time Lost: None.
 - d. Art 15's: None.
 - e. Additional: LOR, 08 AUG 05 - Civil arrest for failure to yield, reckless driving, and DUI.
LOR, 19 OCT 04 - Civil arrest for larceny.
DD 1408, 7 APR 05 - Given ticket for speeding on base.
 - f. CM: None.
 - g. Record of SV: None.
 - h. Awards & Decs: AFTR, GWOTSM, NDSM.
 - i. Stmt of Sv: TMS: (02) Yrs (00) Mos (22) Das
TAMS: (01) Yrs (08) Mos (17) Das
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Sep 06.
(Change Discharge to Honorable, and Change the RE Code)

ISSUES ATTACHED TO BRIEF.



DEPARTMENT OF THE AIR FORCE
81ST DENTAL SQUADRON
KEESLER AFB, MISSISSIPPI 39534

PD2006-00376

15 Sep 05

MEMORANDUM FOR A1C: [REDACTED]

FROM: 81 DS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force as a result of a Civilian Conviction. The authority for this action is AFD 36-32 and AFI 36-3208, chapter 5, paragraph 5.51. 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 23 April 2005, you were arrested and charged with driving under the influence (DUI), reckless driving, and failure to yield to blue lights in D'Iberville, MS. For these infractions, on 8 August 2005, you received a Letter of Reprimand. In D'Iberville Municipal Court, you pled not guilty to the DUI charge, and to the failure to yield to blue lights, but pled no-contest to the reckless driving charge. For these infractions, the Court adjudged a fine of \$631.50 plus an assessment of \$208.50 for the DUI offense; a fine of \$430.50 for the reckless driving charge plus an assessment of \$61.50. For the failure to yield charge, the Court adjudged a suspended fine of \$305.00. (Atch 1, Appendix A w/atchs)

b. On or about 17 July 2004, you were apprehended by the Biloxi, MS, police for larceny of a lady's purse you took from a chair at the Imperial Palace Hotel and Casino, in Biloxi, MS. You were found guilty and given a fine by a civilian judge. In addition, you received a Letter of Reprimand, dated 19 October 2004. (Atch 1, Appendix B w/atchs)

c. While not a basis for discharge, you were observed speeding by a Keesler Security Forces patrolman of driving a privately owned vehicle 36 miles per hour (mph) in a 15 mph zone. For this infraction, you were counseled by the unit First Sergeant as documented on DD Form 1408. (Atch 1, Appendix C)

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).

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 the Area Defense Counsel, ~~on at~~ DSN 493-2186, at Maxwell AFB, AL hours. The office is located in Bldg 0701, (Sablich Center), Room 243. The office telephone number is 377-2429. 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 19 Sep 05 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 have been scheduled for a medical examination. You must report to the Family Practice Clinic on 15 Sep 05, at 1400 hours 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 at the unit orderly room.

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



Commander

Attachments:

1. Supporting Documents
 - a. Letter of Reprimand, dated 8 Aug 05 w/atchs
 - b. Letter of Reprimand, dated 19 Oct 04
 - c. DD Form 1408, dated 4 Jul 05
2. Receipt of Notification Memorandum
3. Airman's Statement