

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 SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES	A92.01 A94.05	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 HEARING

HEARING DATE	15 Mar 2007	CASE NUMBER	FD-2006-00382
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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, change of reason and authority, and change of reenlistment code are denied.

INDORSEMENT	DATE: 3/16/2007
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-2006-00382

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

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 and two Letters of Reprimand for misconduct. The misconduct included unprofessional conduct, operating a motor vehicle while intoxicated, and underage drinking. 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.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 SRA) (HGH SRA)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Shaw AFB, SC on 24 Aug 06 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 22 Dec 84. Enlmt Age: 18 0/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-80, E-91, G-83, M-85. PAFSC: 2F051 - Fuels Journeyman. DAS: 6 Jan 06.

b. Prior Sv: (1) AFRes 6 Jan 03 - 14 Jul 03 (6 months 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Jul 03 for 6 yrs. Svd: 03 Yrs 01 Mo. 10 Das, all AMS.

b. Grade Status: SrA - 24 Feb 06
A1C - 29 Aug 03

c. Time Lost: None.

d. Art 15's: (1) 24 Jul 05, Kunsan AB, Republic of Korea - Article 92. You, who knew or should have known of your duties, on or about 9 Jul 05, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21 years, as it was your duty to do. Suspended reduction to Airman. Thirty days extra duty, and restriction to the limits of Kunsan Air Base, Republic of Korea for 30 days. (No appeal) (No mitigation)

e. Additional: LOR, 12 JUL 06 - Operating a motor vehicle while intoxicated. (Document missing from file).
LOR, 07 SEP 04 - Unprofessional conduct. (Document missing from file).

f. CM: None.

g. Record of SV: 15 Jul 03 - 30 Jan 05 Kunsan AB 5 (HAF Dir)
31 Jan 05 - 01 Dec 05 Kunsan AB 4 (CRO)

h. Awards & Decs: AFGCM, NDSM, GWOTSM, KDSM, AFOSSTR, SAEMR, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (07) Mos (19) Das
TAMS: (03) Yrs (01) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Sep 06.
(Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

Issue 1: All infractions stated in discharge were personal issues. I served my country to the best of my ability. I was a good airman.

Issue 2: Others have been punished for the same infractions many times and have not been discharged; let alone less than honorably discharged.

Issue 3: I am considering returning to the service under a different branch; but am having issues because of my type of discharge. I no longer consume alcohol and want to serve my country. Thank you for your time.

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1. Two Character References.
2. Five Letters of Appreciation.
3. Certificate of Appreciation.
4. Certificate of Recognition.
5. Two Training Certificates.
6. Letter of Evaluation.

30NOV06/ia



DEPARTMENT OF THE AIR FORCE
20TH FIGHTER WING (ACC)
SHAW AIR FORCE BASE SOUTH CAROLINA

MEMORANDUM FOR SRA: [REDACTED]

11 Aug 06

FROM: 20 LRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. If your discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reason for this action is:
 - a. On or about 3 Sep 04, you conducted yourself in an unprofessional manner by using disparaging terms towards other members in your unit. For this misconduct you received a LOR, dated 7 Sep 04.
 - b. On or about 9 Jul 05, you willfully failed to refrain from consuming alcoholic beverages while under the age of twenty-one. For this misconduct you received an Article 15, dated 24 Jul 05.
 - c. On or about 9 May 06, you operated a motor vehicle while intoxicated. For this misconduct you received a LOR, dated 12 Jul 06.
3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial 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 in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.
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]; Area Defense Counsel, 895-9530, 321 Cullen Street, at 09:00 hours on 14 Aug 2006. 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 1500 hours on 18 August 2006 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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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 the 20th Medical Group, Primary Care Clinic at 09:15 hours on 17 Aug 2006 and an additional examination will be scheduled if necessary.
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 in the unit orderly room.
9. Execute the attached acknowledgment and return it to me immediately.

[Signature Box]
Commander

Attachments:

1. Supporting Documents
 - a. LOR, dated 7 Sep 05
 - b. Article 15, dated 24 Jul 05
 - c. LOR, dated 12 Jul 06
2. Receipt of Notification Memorandum