

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>
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TYPE	GEN	PERSONAL APPEARANCE	X	RECORD REVIEW	
COUNSEL YES No <input checked="" type="checkbox"/> <input 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
<div style="border: 1px dashed black; height: 100%; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES 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 (IF)

HEARING DATE 20 Mar 2007	CASE NUMBER FD-2006-00387	
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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.

INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 3/26/2007 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

CASE NUMBER

FD-2006-00387

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:

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, three Letters of Reprimand, a Letter of Counseling, a Record of Individual Counseling and a Memorandum for Record for misconduct. Applicant received an Article 15 for violating a lawful order to not drive on Beale AFB or any other military installation. He was reduced in grade to Airman First Class, received a suspended forfeiture of pay, 45 days of extra duty and a reprimand. He was administratively disciplined for being absent from duty without leave, failure to go, failure to obey a lawful order, being late for work, and driving without insurance and while driving privileges were revoked. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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

(Former A1C) (HGH SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Beale AFB, CA on 6 Aug 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Jun 82. Enlmt Age: 18 0/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-74, E-82, G-84, M-88. PAFSC: 2A351C - Avionics Systems Journeyman. DAS: 16 Sep 01.

b. Prior Sv: (1) AFRes 22 Jun 00 - 23 Oct 00 (4 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Oct 00 for 6 yrs. Svd: 03 Yrs 09 Mo 13 Das, all AMS.

b. Grade Status: A1C - 22 Jun 04 (Article 15, 22 Jun 04)
SrA - 08 Apr 03
A1C - 08 Dec 00

c. Time Lost: None.

d. Art 15's: (1) 22 Jun 04, Beale AFB, CA - Article 92. You, having knowledge of a lawful order issued to you by Lt Col [redacted], to wit: not to drive on Beale AFB, California, and all other military installations, an order which it was your duty to obey, did at or near Beale AFB, California, on or about 5 Apr 04, fail to obey the same by driving your privately owned vehicle at or near Beale AFB, California. Reduction to A1C. Suspended forfeiture of \$200.00 pay per month for 2 months. Forty five days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: MFR, 17 NOV 01 - Cited by Security Forces Squadron for driving without proof of valid insurance.
LOR, 28 OCT 02 - Driving without insurance and while driving privileges were revoked.
LOC, 04 JUN 03 - Failure to go.
MFR/UIF, 03 JUN 03 - Late for work two times.
RIC, 10 JUL 03 - Late for work.
LOR/UIF, 03 SEP 03 - Failure to go and failure to obey a lawful order.
LOR, 18 JUN 04 - AWOL and failure to obey a lawful order.

f. CM: None.

g. Record of SV: 24 Oct 00 - 24 Jun 02 Beale AFB 5 (Initial)
25 Jun 02 - 24 Jun 03 Beale AFB 4 (Annual)
25 Jun 03 - 24 Jun 04 Beale AFB 3 (Annual)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (04) Yrs (01) Mos (15) Das
TAMS: (03) Yrs (09) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Sep 06.
(Change Discharge to Honorable)

It is my belief that I deserve a Honorable discharge.

ATCH

1. DD 214 (Member 1).

30OCT06/ia



DEPARTMENT OF THE AIR FORCE
9TH AIRCRAFT MAINTENANCE SQUADRON (ACC)
BEALE AIR FORCE BASE, CALIFORNIA 96903

FD 2006-00387

27 July 2004

MEMORANDUM FOR AIC: [REDACTED]

FROM: 9 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. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. On 17 November 2001, you were cited by the Security Forces for driving with no proof of valid insurance. For this misconduct, you received Revocation of Installation Driving Privileges which you received on 23 January 2002.

b. On 17 October 2002, you operated your privately owned vehicle without insurance coverage while your driving privileges were revoked. For this misconduct, you received a Letter of Reprimand dated 28 October 2002 and another Revocation of Installation Driving Privileges which you received on 19 December 2002.

c. On 04 June 2003, you failed to go to your appointed place of duty at the time prescribed. For this misconduct, you received a Letter of Counseling dated 04 June 2003.

d. On 10 July 2003, you failed to go to your appointed place of duty at the time prescribed. For this misconduct, you received a Record of Individual Counseling dated 10 July 2003.

e. On 03 September 2003, you failed to go to your appointed place of duty at the time prescribed. In doing so, you also failed to obey a lawful order. For these acts of misconduct, you received a Letter of Reprimand dated 03 September 2003.

f. Between 15 June 2004 and 16 June 2004, you were absent from duty without leave and you failed to obey a lawful order. For these acts of misconduct, you received a Letter of Reprimand dated 18 June 2004.

g. On or about 5 April 2004, you failed to obey a lawful order by driving your privately owned vehicle on Beale AFB, CA on a Revocation of Installation Driving Privileges. For this misconduct, you received a Record of Nonjudicial Punishment dated 22 June 2004.

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 Capt. [redacted] at Area Defense Counsel, on 27 July 2004, at 1000 hours. 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 30 July 2004 at 1600 hours 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 Public Health on 02 August 2004, at 0730 hours (check in at Flight Medicine) 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 your Commander's support staff or Separations Office at the MPF.

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

[Redacted signature box]

Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum