

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	<b>GRADE</b> <b>AB</b>	<b>AFSN/SSAN</b> <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>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>YES</b></td> <td style="width:50%;"><b>No</b></td> </tr> <tr> <td></td> <td align="center"><b>X</b></td> </tr> </table>	<b>YES</b>	<b>No</b>		<b>X</b>		
<b>YES</b>	<b>No</b>					
	<b>X</b>					

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> <b>A94.05</b>	<b>INDEX NUMBER</b> <b>A67.90</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> BRIEF OF PERSONNEL FILE
		COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE IIE

<b>HEARING DATE</b> <b>29 Mar 2007</b>	<b>CASE NUMBER</b> <b>FD-2006-00392</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.

<b>INDORSEMENT</b>	<b>DATE: 4/18/2007</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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**

**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.

**ISSUE:**

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He has also expressed a desire to upgrade his discharge to qualify for reenlistment into the armed forces. The records indicated the applicant received an Article 15, three Letters of Reprimand, and two Records of Individual Counseling for misconduct. The applicant received an Article 15 for failing to go to his appointed place of duty; failing to obey an order by not allowing unescorted visitors in the dormitories; and making a false official statement. He was punished with a reduction in grade to Airman Basic and suspended forfeiture of pay for two months. He was administratively disciplined for dereliction of duty, being late for work on several occasions, and failure to obey a lawful order. 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Ellsworth AFB, SD on 12 Sep 06 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, to Change the RE Code and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 13 Jan 87. Enlmt Age: 18 1/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-47, E-43, G-32, M-35. PAFSC: 3S031 - Personnel Apprentice. DAS: 15 Sep 05.

b. Prior Sv: (1) AFRes 01 Mar 05 - 13 Jun 05 (3 months 13 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Jun 05 for 4 yrs. Svd: 01 Yrs 02 Mo 29 Das, all AMS.

b. Grade Status: AB - 29 Jun 06 (Article 15, 29 Jun 06)  
Amn - 14 Dec 05

c. Time Lost: None.

d. Art 15's: (1) 29 Jun 06, Ellsworth AFB, SD - Article 86. You, did, on or about 22 May 06, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 410. Article 92. You, having knowledge of a lawful order issued by Colonel [REDACTED] on 8 Nov 04, not to allow unescorted visitors in the dormitories, an order which it was your duty to obey, did, between on or about 8 Jun 06 and on or about 9 Jun 06 fail to obey the same by wrongfully failing to escort a dormitory visitor. Article 107. You, did, on or about 9 Jun 06, with intent to deceive make to SSgt [REDACTED], an official statement, to wit: Your girlfriend was not staying in your dormitory room unescorted, which statement was totally false, and was then known by you to be so false. Reduction to AB. Suspended forfeiture of \$636.00 pay per month for 2 months. (Appeal/Denied) (No mitigation)

e. Additional: LOR/UIF, 17 AUG 06 - Dereliction of duty.  
LOR, 14 JUN 06 - Late for duty on two occasions.  
RIC, 08 JUN 06 - Late for work.  
RIC, 08 MAY 06 - Failure to obey a lawful order.  
LOR, 12 APR 06 - Failure to obey a lawful order.

- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR, NDSM, GWOTSM.
- i. Stmt of Sv: TMS: (01) Yrs (06) Mos (12) Das  
TAMS: (01) Yrs (02) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 Sep 06.  
(Change Discharge to Honorable, Change the RE Code and Change reason for Discharge.)

Issue 1: I was discharged with a character of service of General/Under Honorable conditions but was given a reentry code of 2B. I need the 2B code changed so I may enter the Army in a job field more suited for my talents without waiting a year then applying for a wavier which is the protocol for that reentry code.

**ATCH**

- 1. DD Form 214.
- 2. Character Reference.
- 3. Congressional Correspondence.
- 4. DD Form 149 with Attachments.

19DEC06/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 28<sup>TH</sup> BOMB WING (ACC)  
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

FD 2006-00392

30 Aug 06

MEMORANDUM FOR AIRMAN BASIC: \_\_\_\_\_  
28 MSS

FROM: 28 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically, conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32, *Military Retirements and Separation*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.50.2. 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 General.

2. My reasons for this action are:

a. On 12 April 2006, you received a Letter of Reprimand (LOR) for failing to complete the second set of your Career Development Course (CDC).

b. On 8 May 2006, you received a Record of Individual Counseling (RIC) for failing to complete an assigned section of your CDCs.

c. On 8 June 2006, you received an RIC for being late for duty and failing to have your government issued identification card on your person.

d. On 14 June 2006, you received an LOR for failing to report for duty.

e. On 29 June 2006, you received an Article 15 for one specification of failing to go at the time prescribed to your appointed place of duty, in violation of Article 86 of the UCMJ; one specification of failing to obey a lawful order by failing to escort a dormitory visitor, in violation of Article 92 of the UCMJ; and one specification of making a false official statement, in violation of Article 107 of the UCMJ. Punishment consisted of reduction to the grade of Airman Basic, suspended forfeiture of \$636.00 pay per month for two months. This Article 15 established your Unfavorable Information File (UIF).

f. On 17 August 2006, you received an LOR for dereliction of duty. This LOR was added to your UIF.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. 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 with Captain: \_\_\_\_\_; the Area Defense Counsel, 1000 Ellsworth Street, Suite 1700, duty phone 385-2158 on 30 Aug 06 at 1545 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 6 Sep 06 at 1300 hours, unless you request and receive an extension for good cause shown. I will send all timely submitted statements to the separation authority.

6. If you fail to consult counsel or to submit matters 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 Family Practice Section of the Base Clinic on 31 Aug 06 at 1110 hours for the examination. This is a mandatory appointment and you must be in uniform. You must report at least 20 minutes in advance to this appointment to complete necessary paperwork. Please have the attached Medical Examination for Separation/Retirement form completed at this time. Return this form to the Separations office.

8. You have been scheduled for a pre-separation appointment. You must report to the Separations Section of the Military Personnel Flight (MPF) on 30 Aug 06 at 1500 hours. This is a mandatory appointment and you must be in uniform. Your signed Medical Examination for Separation/Retirement form will be turned in at this time.

9. You have been scheduled for a pre-separation briefing. You must report to the Family Support Center on 5 Sep 06 at 0900 hours. This is a mandatory appointment and you must be in uniform. You must report at least 15 minutes in advance to this appointment to complete any necessary paperwork.

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 in your orderly room.

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

\_\_\_\_\_

Commander

8/30/06

Attachments:

- 1. Supporting documents

- a. LOR dated 12 April 2006, 2 pages
  - b. RIC dated 8 May 2006, 2 pages
  - c. RIC dated 8 June 2006, 2 pages
  - d. LOR dated 14 June 2006, 2 pages
  - e. Article 15 dated 29 June 2006 w/response, 5 pages
  - f. AF IMT 1137 UIF Summary undated, 1 page
  - g. LOR w/response dated 17 August 2006, 3 pages
  - h. AF IMT 1058 UIF Action w/response dated 28 August 2006, 3 pages
2. Receipt of Notification Memorandum
  3. Discharge Under AFI 36-3208 Memorandum
  4. Medical Examination for Separation/Retirement Memorandum