

**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  <b>AIC</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL YES    No  X		NAME OF COUNSEL AND OR ORGANIZATION  ADDRESS AND OR ORGANIZATION OF COUNSEL				
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
						X
ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.10</b>	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  <b>15 Mar 2007</b>	CASE NUMBER  <b>FD-2006-00394</b>					
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 RE code and change of reason & authority 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-2006-00394**

**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:** The applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, three Letters of Reprimand, and one Record of Individual Counseling for misconduct. The misconduct included dereliction of duties, failure to go, underage drinking in the dormitory, reckless driving, driving while intoxicated, and altering a government identification card. 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.

**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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Hurlburt Fld, FL on 16 Jul 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, To Change the RE Code and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 22 May 84. Enlmt Age: 17 4/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-35, E-49, G-42, M-44. PAFSC: 3E331 - Structural Apprentice. DAS: 18 Oct 02.

b. Prior Sv: (1) AFRes 27 Sep 01 - 01 Apr 02 (6 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Apr 02 for 6 years. Svd: 02 Yrs 03 Mo 15 Das, all AMS.

b. Grade Status: AB - 14 May 04 (Article 15, 14 May 04)  
Amn - 10 Jul 03 (Article 15, 10 Jul 03)  
A1C - 17 May 02

c. Time Lost: None.

d. Art 15's: (1) 14 May 04, Hurlburt Fld, FL - Article 134. You did, within the continental United States, on or about 14 Mar 04, wrongfully and falsely alter your military identification card in words and figures as follows: changed your year of birth from 1984 to 1981. Article 134. You did, within the continental United States, on or about 14 Mar 04, wrongfully possess a military identification card, then well knowing the same to be false. Reduction to AB and thirty days extra duty. (No appeal) (No mitigation)

(2) 10 Jul 03, Hurlburt Fld, FL - Article 92. You, who knew of your duties, on or about 12 May 03, 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, the legal age in the state of Florida, as it was your duty to do. Article 111. You did, on or about 12 May 03, while on the premises of Hurlburt Field, physically control a vehicle, to wit: a gold colored Buick passenger vehicle, while drunk. Article 111. You did, on or about 12 May 03, while on the premises of Hurlburt Field operate a vehicle, to wit: a Buick passenger vehicle, in a

reckless manner by driving in excess of the posted speed limit. Reduction to Amn and thirty days extra duty.  
(No appeal) (No mitigation)

- e. Additional: LOR, 27 MAY 04 - Arrested at dormitory for underage drinking.  
                   RIC, 17 MAR 04 - Failure to go.  
                   LOR, 01 MAR 04 - Failure to go.  
                   LOR, 25 AUG 03 - Dereliction of duties and failure to go.
- f. CM: None.
- g. Record of SV: 02 Apr 02 - 02 Dec 03 Hurlburt Fld 3 (Initial)REF
- h. Awards & Decs: AFAM, NDSM, AFOUA W/V W/1 OLC.
- i. Stmt of Sv: TMS: (02) Yrs (09) Mos (20) Das  
                   TAMS: (02) Yrs (03) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Sep 06.  
 (Change Discharge to Honorable, Change the RE Code and the Reason for Discharge.)

Issue 1: Thank you for taking the time to review my application. One of the reasonings (sic) for completing this form is that i (sic) have spoken to an armed forces recruiter. I plan on reinlisting (sic) with the U.S. military so i (sic) can further serve my country and make a better career for my self (sic).

**ATCH**  
 None.

18DEC06/day



**DEPARTMENT OF THE AIR FORCE**  
823 RED HORSE SQUADRON (ACC)  
HURLBURT FIELD, FLORIDA

MEMORANDUM FOR AB: [redacted]

JUN 30 2004

FROM: 823 RHS/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 or about 15 May 04, you were arrested by 16 Security Forces for drinking underage, for which action you received a Letter of Reprimand (LOR), which was placed in your Personnel Information File (PIF).

b. On or about 14 Mar 04, you falsely and wrongfully altered you military identification card by changing the year of birth from 1984 and 1981, for which action you were punished under Article 15, UCMJ, dated 14 May 04, which was filed in you Unfavorable Information File (UIF).

c. On or about 15 Mar 04, you failed to attend mandatory Self Aid Buddy Care Training, for which action you were counseled via the AF Form 174, Record of Individual Counseling (RIC).

d. On or about 1 Mar 04, you failed to report to Command Directed Mandatory Physical Training, for which you received an LOR, which was filed in your UIF.

e. On or about 22 Aug 03, you failed to go to a mandatory detail, for which you received an LOR, which was filed in your UIF.

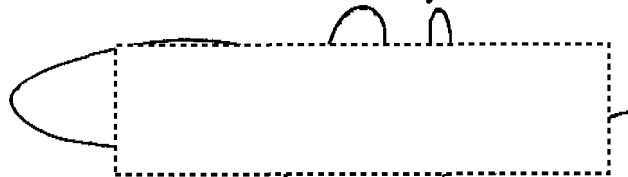
f. On or about 12 May 03, you drove in a reckless manner while under the influence of alcohol, and in addition you were under the legal age of 21, for which actions you were punished under Article 15, UCMJ, dated 10 Jul 03, which was filed in your UIF.

3. 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).

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] at Bldg 90042, on

1 Jul 04 at 1000 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 Jul 04 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
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 Hurlburt Field, 113 Lielmanis Ave Bldg 91020 on 1 Jul 04, at 1400 hours for the examination.
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 at 823 RHS.
9. Execute the attached acknowledgment and return it to me immediately.

  
Commander |

**Attachments:**

1. LOR, dtd 27 May 04 (1p.)
2. AF Form 3070, dtd 14 May 04 (12pp.)
3. AF Form 174, dtd 17 Mar 04 (2pp.)
4. LOR, dtd 1 Mar 04 (2pp.)
5. LOR, dtd 25 Aug 03 (2pp.)
6. AF Form 3070, dtd 10 Jul 03 (26pp.)
7. Receipt of Notification Memorandum