

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 AMN	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
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A92.01 A94.05	INDEX NUMBER A67.90	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-2006-00432	
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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 – Appeal to upgrade to Honorable, to change the reason and authority for discharge, and to change the reenlistment code are denied.

INDORSEMENT	DATE: 3/15/2007
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

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. The applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, four Letters of Reprimand, and three Records of Individual Counseling for misconduct. This misconduct included dereliction of duty on divers occasions, failure to go, financial irresponsibility, and making a false application to the Air Force Aid Society. 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. The 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.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AMN) (HGH A1C)
DOCUMENTS MISSING

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Luke AFB, AZ, on 2 Mar 04 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, to Change the RE Code and Reason for Disch.

2. **BACKGROUND:**

a. DOB: 31 Aug 82. Enlmt Age: 18 8/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-77, E-79, G-80, M-73. PAFSC: 2A353B - Tactical Aircraft Maintenance Journeyman - F-16. DAS: 17 Jan 02.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 May 01 for 6 years. Svd: 02 Yrs 09 Mo 17 Das, all AMS.

b. Grade Status: Amn - 15 Oct 03 (Vacation, 6 Feb 04)
A1C - 29 Jun 01

c. Time Lost: None.

d. Art 15's: (1) 6 Feb 04, Vacation, Luke AFB, AZ - Article 134. You, being indebted to The Vineyards Apartments in the sum of \$715.00 for rent, non-sufficient funds charge, and late charges, which amount became due and payable on or about 25 Nov 03, did at or near Glendale, AZ, from 1 Nov 03 to 25 Nov 03, dishonorably fail to pay said debt. Reduction to Amn. (No appeal) (No mitigation)

(2) 15 Oct 03, Luke AFB, AZ - Article 107. You, did, on or about 12 Sep 03, with intent to deceive, sign an official application, to wit: Application for Air Force Aid Society Financial Assistance which application was totally false, and was then known by you to be so false. Article 134. You, being indebted to Bally's Fitness in the sum of \$1756.00 for goods and services rendered, which amount became due and payable on or about 1 Jul 03, did at or near Litchfield Park, AZ, from 1 Jul 03 to 16 Sep 03, dishonorably fail to pay said debt. Article 134. You, being indebted to Pillar Communities in the sum of \$2501.00 for rent, which amount became due and payable on or about 1 Jun 03, did at or near Litchfield

Park, AZ, from 1 Jun 03 to 16 Sep 03, dishonorably fail to pay said debt. Article 134. You, being indebted to Hyundai in the sum of \$6347.00 for a vehicle, which amount became due and payable on or about 1 Mar 02, did at or near Litchfield Park, AZ, from 1 Mar 02 to 16 Sep 03, dishonorably fail to pay said debt. Suspended reduction to Amn and a reprimand. (No appeal)
(No mitigation)

- e. Additional: LOR, 01 APR 03 - Failure to go.
LOR, 03 OCT 02 - Dereliction of duty.
LOR, 08 AUG 02 - Dereliction of duty.
LOR, 10 JUN 02 - Dereliction of duty and Failure to go.
RIC, 10 JUN 02 - Failure to go.
RIC, 21 MAY 02 - Dereliction of duty.
RIC, 17 MAY 02 - Dereliction of duty.
EXAMINERS NOTE: All LORs and RICs are missing from file.
Information taken from the Notification Memorandum.

f. CM: None.

- g. Record of SV: 16 May 01 - 15 Jan 03 Luke AFB 2 (Initial)REF
16 Jan 03 - 14 Jan 04 Luke AFB 3 (Annual)REF

h. Awards & Decs: AFOUA, NDSM, AFTR.

- i. Stmt of Sv: TMS: (02) Yrs (09) Mos (17) Das
TAMS: (02) Yrs (09) Mos (17) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 3 Nov 06.

(Change Discharge to Honorable, Change the RE Code and Reason for Discharge.)

Issue 1: EPR bullets did not reflect scores given! Was a good troop and served. More than required amount of time to receive veterans status and benefits. Love the Air Force and am considering rejoining the armed forces.

ATCH

None.

5DEC06/day



DEPARTMENT OF THE AIR FORCE
56TH AIRCRAFT MAINTENANCE SQUADRON
LUKE AFB, ARIZONA 85309

DATE: 18 Feb 04

MEMORANDUM FOR AMN: _____; 56 AMXS

FROM: 56 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 May 02, you received a Record of Individual Counseling for being derelict in the performance of your duties.
- b. On 21 May 02, you received a Record of Individual Counseling for being derelict in the performance of your duties.
- c. On 10 Jun 02, you received a Record of Individual Counseling for failing to report to your appointed place of duty at the time prescribed.
- d. On 10 Jun 02, you received a Letter of Reprimand for being derelict in the performance of your duties and failing to report to your appointed place of duty at the time prescribed.
- e. On 8 Aug 02, you received a Letter of Reprimand for being derelict in the performance of your duties.
- f. On 3 Oct 02, you received a Letter of Reprimand for being derelict in the performance of your duties. This action established your Unfavorable Information File (UIF).
- g. On 1 Apr 03, you received a Letter of Reprimand for failing to report to your appointed place of duty at the time prescribed. This was filed in your existing UIF.
- h. On 15 Oct 03, you received an Article 15 for signing a false official application and dishonorably failing to pay your debts. For this misconduct you received a suspended reduction to E-2 and a reprimand. This was filed in your existing UIF.
- i. On 6 Feb 04, you received a Vacation of Suspended Nonjudicial Punishment for dishonorably failing to pay your debt to the Vineyards Apartments. For this misconduct you received a reduction to E-2. This was filed in your existing UIF.

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 Captain [redacted] at 7383 N. Litchfield Rd., on 19 Feb 04, at 1300 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 23 Feb 04 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 56th Medical Group Hospital, 7219 N. Litchfield Rd. on 24 Feb 04, at 1515 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 unit's orderly room.

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

[Redacted signature box]
Commander

Attachments:

1. Record of Individual Counseling, dated 17 May 02
2. Record of Individual Counseling, dated 21 May 02
3. Record of Individual Counseling, dated 10 Jun 02
4. Letter of Reprimand, dated 10 Jun 02
5. Letter of Reprimand, dated 8 Aug 02
6. Letter of Reprimand, dated 3 Oct 02
7. Letter of Reprimand, dated 1 Apr 03
8. Article 15, dated 15 Oct 03
9. Vaction of Suspended Nonjudicial Punishment, dated 6 Feb 04
10. Receipt of Notification Memorandum