

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%; margin-top: 5px;"></div>	GRADE A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></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	UOTIC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
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ISSUES A92.01 A94.05	INDEX NUMBER A67.10	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr><td style="width:5%; padding: 5px; text-align: center;">1</td><td style="padding: 5px;">ORDER APPOINTING THE BOARD</td></tr> <tr><td style="width:5%; padding: 5px; text-align: center;">2</td><td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="width:5%; padding: 5px; text-align: center;">3</td><td style="padding: 5px;">LETTER OF NOTIFICATION</td></tr> <tr><td style="width:5%; padding: 5px; text-align: center;">4</td><td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td></tr> <tr><td style="width:5%;"></td><td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td style="width:5%;"></td><td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td style="width:5%;"></td><td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td></tr> </tbody> </table>	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
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HEARING DATE 15 Mar 2007	CASE NUMBER FD-2006-00433	
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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		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

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00433

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 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, two Letters of Reprimand, and two Records of Individual Counseling for misconduct. The misconduct included violating dormitory rules by allowing his wife and pet to live in his dorm room, financial irresponsibility, failure to go, and by making a false official statement to the first sergeant by pretending to be his father over the telephone. 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.

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 Langley AFB, VA on 4 Dec 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Oct 81. Enlmt Age: 17 5/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-68, E-54, G-46, M-75. PAFSC: 2T354 - Vehicle Maintenance Journeyman. DAS: 18 Dec 00.

b. Prior Sv: (1) AFRes 24 Mar 99 - 17 Jul 00 (1 yr 3 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Jul 00 for 6 yrs. Svd: 03 Yrs 04 Mo 18 Das, all AMS.

b. Grade Status: A1C - 3 Nov 03 (Article 15, 3 Nov 03)
SrA - 1 Jan 03
A1C - 1 Sep 00

c. Time Lost: None.

d. Art 15's: (1) 3 Nov 03, Langley AFB, VA - Article 86. You, did, in the Commonwealth of Virginia, on or about 16 Oct 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 26, 47 Elm Street, Langley AFB, VA. Article 107. You, did, in the Commonwealth of Virginia, on or about 16 Oct 03, with intent to deceive, make to TSgt [redacted], an official statement, to wit: your name was [redacted] and your son [redacted] had left 2 days prior to return to the base, which statement was totally false, and was then known by you to be so false. Reduction to A1C. Forfeiture of \$100.00 pay per month for 2 months. Twenty days extra duty (in excess of 10 days suspended). (No appeal) (No mitigation)

(2) 9 Apr 03, Langley AFB, VA - Article 86. You, did, on or about 7 Mar 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 1st Logistics Readiness Squadron, 23 Sweeney Blvd, Langley AFB, VA. Suspended reduction to A1C. Forty five days extra duty, and a reprimand. (No appeal) (No mitigation)

- e. Additional: RIC, 12 FEB 03 - Financial irresponsibility.
RIC, 14 JAN 03 - Financial irresponsibility.
LOR, 16 MAY 02 - Financial irresponsibility.
LOR, 09 OCT 01 - Violation of dormitory rules and regulations.
- f. CM: None.
- g. Record of SV: 18 Jul 00 - 18 Mar 02 Langley AFB 4 (Initial)
19 Mar 02 - 18 Mar 03 Langley AFB 3 (Annual)REF
- h. Awards & Decs: AFAM, AFTR, NDSM.
- i. Stmt of Sv: TMS: (04) Yrs (08) Mos (11) Das
TAMS: (03) Yrs (04) Mos (18) Das
4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01 Nov 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. AF Form 100.
4. Certificate of Award.

13DEC06/ia

Attachment No.1

01NOV2006

I am requesting that my discharge be changed from General (under honorable conditions), to Honorable. Even though I was discharged for misconduct because I did not agree with certain issues happening in my squadron and was to get out of the military, I believe that my military career should not be ignored. I graduated as a Honor Graduate in basic training, and then graduated as Top Graduate in my class while I was in tech school. I also recieved a Air Force Achievement Metal, and a National Defence Service Metal for outstanding performance while deployed at Al Uded Air Base, Qatar in support of Operation Enduring Freedom. While state side, I participated in numerous comander call's. I was a part of adopt-a-highway, and volunteered for numerous activites around the base. After I returned from my deployment, I just felt I was done with that part of my life and was ready to move on and I did what ever I could to get out before my service commitment was up. I feel even though I seperated before my time was up, I did serve my country proudly, and honorable, and ask you to change my discharge to honorable, the way I feel it should be. I thank you for your consideration in this matter.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA

FD 2006-00433

10 Nov, 03

MEMORANDUM FOR A1C: [REDACTED]

FROM: 1 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 AFD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your discharge will be characterized as under honorable conditions (General) and you will be ineligible for reenlistment in the Air Force.

2. My reasons for this action are:

a. On 10 Sep 01, you moved your wife and pet into your dormitory room in direct violation of dormitory rules. For this incident, you received a Letter or Reprimand (LOR), dated 9 Oct 01.

b. On 7 May 02, you failed to obey an order to make payments to settle your debt with your apartment complex. For this incident, you received an LOR, dated 16 May 02.

c. On 13 Jan 03, you received a summons to appear in court for non-payment of your rent. Even though you had set up an allotment, you did not follow up to ensure your rent was being paid. For this incident, you received a Record of Individual Counseling (RIC), dated 14 Jan 03.

d. On 11 Feb 03, the unit was notified that you were \$3,708.00 behind on your rent and that your apartment complex had ordered your eviction. You again received a RIC, dated 12 Feb 03, documenting your financial irresponsibility.

e. On 7 Mar 03, you failed to go to your appointed place of duty. For this incident you received an Article 15, dated 9 Apr 03, with a punishment of reduction to the rank of Airman First Class (suspended), 45 days extra duty, and a reprimand. This action established your Unfavorable Information File (UIF).

f. On 16 Oct 03, you failed to report back from your leave and you made a false official statement when you stated with the intent to deceive to your supervisor over the phone that you were your father and that "Adam" had left two days ago. For these incidents, you received an Article 15, dated 3 Nov 03, with a punishment of reduction to the grade of Airman First Class, forfeiture of \$100.00 pay per month for 2 months, and 20 days extra duty (10 day suspended). This action 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 SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the Air Force.
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 _____ at _____, on _____, at _____ 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 15 Nov, 03 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 Ft. Eustis Clinic at 1400 hours on 10 Nov, 03 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 your Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.

A
[Redacted Signature Box]

Commander, 1 LRS

Attachments:

1. Supporting Documents
 - 1a. LOR, 9 Oct 01
 - 1b. LOR, 16 May 02
 - 1c. RIC, 14 Jan 03
 - 1d. RIC, 12 Feb 03
 - 1e. Art 15, 9 Apr 03
 - 1f. Art 15, 3 Nov 03
 - 1h. AF Form 1137
2. Receipt of Notification Memorandum