

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

A1C

AFSN/SSAN

TYPE GEN

PERSONAL APPEARANCE

X

RECORD REVIEW

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

X

X

X

X

X

ISSUES

A93.01
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 HEARING

HEARING DATE

15 Mar 2007

CASE NUMBER

FD-2006-00434

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 to honorable, change the reason for discharge, and to change the reenlistment eligibility 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

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.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received four Letters of Reprimand, three Records of Individual Counseling and one Memorandum for Record for misconduct. The misconduct included consuming alcohol underage, failure to follow proper sign out procedures, late for duty, failure to go, missed formation, and disobeying 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 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. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was the same age as the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF McConnell AFB, KS on 17 Apr 96 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: 09 Jun 76. Enlmt Age: 17 1/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-96, E-78, G-94, M-75. PAFSC: 1C431 - Tactical Air Command and Control Apprentice. DAS: 11 Oct 94.

b. Prior Sv: (1) AFRes 17 Aug 93 - 12 Apr 94 (7 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Apr 94 for 4 yrs. Svd: 02 Yrs 00 Mo 05 Das, all AMS.

b. Grade Status: A1C - 13 Aug 95
Amn - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MFR, 23 FEB 96 - Failure to go.
RIC, 10 JAN 96 - Missed formation.
LOR, 06 NOV 95 - Disregarding a written order concerning
body piercing.
LOR, 11 SEP 95 - Failure to go.
LOR, 07 MAR 95 - Failure to go and failure to use proper
sign-out procedures.
RIC, 03 JAN 95 - Late for duty.
RIC, 17 JAN 95 - Failure to follow the proper sign-out
procedures.
LOR, 07 DEC 94 - Consuming alcohol underage.

f. CM: None.

g. Record of SV: 13 Apr 94 - 12 Dec 95 Fort Riley AIN 3 (Initial) REF

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (08) Mos (01) Das
TAMS: (02) Yrs (00) Mos (05) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01 Nov 06.

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

Issue 1: I wish to upgrade my discharge so that I may reenlist and serve my country. I originally enlisted at the age of seventeen and my off duty conduct was inappropriate. I was involved in two underage drinking incidents that were a disgrace to the Air Force as well as my fellow service members. I am now thirty and regret my behavior and actions at that time. I no longer drink and have not for over five years. I have a wife and daughter whom I strive every day to make very proud. I can think of no better way than to serve my country in this great time of need.

ATCH

None.

11DEC06/ia



FD2006-00434

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 22D AIR REFUELING WING (AMC)
McCONNELL AIR FORCE BASE, KANSAS

29 Mar 96

MEMORANDUM FOR A1C: [REDACTED]

FROM: 10 ASOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions AFD 36-32 and AFI 36-3208, under the provisions of paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).

2. My reasons for this action are:

a. You did, on 2 Dec 94, consume alcohol under the age of 21 as evidenced by a Letter of Reprimand dated 7 Dec 94.

b. You did, on 3 Jan 95, fail to report to your appointed place of duty at the time prescribed as evidenced by a Record of Individual Counseling, AF Form 174, dated 3 Jan 95.

c. You did, between on or about 13 Jan 95 and 16 Jan 95, fail to follow the proper sign-out procedures as evidenced by a Record of Individual Counseling, dated 17 Jan 95.

d. You did, on 3 Mar 95, fail to report to your appointed place of duty at the time prescribed to you as evidenced by a Letter of Reprimand dated 7 Mar 95.

e. You did, on 8 Sep 95, fail to report to your appointed place of duty at the time prescribed to you as evidenced by a Letter of Reprimand dated 11 Sep 95.

f. You did, on 23 Oct 95, flagrantly and intentionally disregard a written order concerning body piercing as evidenced by a Letter of Reprimand dated 6 Nov 95 and a Memorandum dated 29 Aug 95.

g. You did, on 10 Jan 96, fail to report to a mandatory formation as evidenced by a Record of Individual Counseling dated 10 Jan 96.

h. You did, on 22 Feb 96, fail to report to your computer class as evidenced by a Memorandum for Record dated 23 Feb 96.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM 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. You are ineligible for reenlistment in the Air Force if your discharge is approved.

3. You have the right to consult military counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt. [redacted], Area Defense Counsel (ADC) in Bldg 750 on 1 Apr 96, at 1000. ADC can be reached at 4375. You may consult civilian counsel at your own expense.

4. You have the right to submit matters in your own behalf. Any statements you want the separation authority to consider must reach me by 3 Apr 96 at 0930 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 on your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a mandatory medical exam. You are to report to the 22d Medical Squadron, Physical Exams Section, on 1 Apr 96 at 1300. Take your medical records with you. 0730 865

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 in your squadron orderly room.

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

[redacted]
Commander, 10th Air Support Operations Squadron

Attachments:

1. LOR, 7 Dec 94
2. AF Form 174, 17 Jan 95
3. AF Form 174, 3 Jan 95
4. LOR, 7 Mar 95
5. LOR, 11 Sep 95
6. LOR, 6 Nov 95
7. Memo, 29 Aug 95
8. AF 174, 10 Jan 96
9. MFR, 23 Feb 96
10. Airman Receipt of Notification Memorandum