

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE AMN		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	UOHC	OTHER	DENY
									X
									X
									X
									X
									X
ISSUES A94.05		INDEX NUMBER A49.00			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 HE				
HEARING DATE 10 May 2007		CASE NUMBER FD-2006-00449							
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE									
<p>Case heard in Washington, D.C.</p> <p>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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>									
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-2006-00449

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

Issue 1. Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He contends that he was told that he would be receiving an honorable discharge, G.I. Bill benefits, medical and base privileges. The records indicated the applicant received an Article 15, a Vacation, a Letter of Reprimand, three Records of Individual Counseling and eight Memorandums for Record for misconduct. He received an Article 15 for failure to go to his appointed place of duty. He was punished with a suspended reduction in grade to Airman, restriction to Charleston AFB for 20 days, and 20 days of extra duty. The Vacation action was for failure to go to his appointed place of duty. He was reduced in grade to Airman. The applicant was administratively disciplined for failure to go on several occasions, financial irresponsibility, failure to report to scheduled appointments, disrespect to an NCO, being late for duty on numerous occasions, lying, and failure to comply with cease and desist orders. 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.

Issue 2. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on August 11, 1997) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Charleston AFB, SC on 20 Jan 99 UP AFI 36-3208, para 5.26.1 (Unsatisfactory Performance). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 11 May 78. Enlmt Age: 18 9/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-46, E-77, G-64, M-67. PAFSC: 2A731 - Aircraft Metals Technology Apprentice. DAS: 18 May 98.

b. Prior Sv: (1) AFRes 7 Mar 97 - 29 Jul 97 (4 months 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Jul 97 for 6 yrs. Svd: 01 Yrs 05 Mo 21 Das, all AMS.

b. Grade Status: Amn - 21 Sep 98 (Vacation, 16 Dec 98)
A1C - 13 Sep 97

c. Time Lost: None.

d. Art 15's: (1) 16 Dec 98, Vacation, Charleston AFB, SC - Article 86. You did, on or about 7 Dec 98, fail to go at the time prescribed to your appointed place of duty, to wit: Building 669. Reduction to Airman. (No appeal) (No mitigation)

(2) 25 Sep 98, Charleston AFB, SC - Article 86. You did, on or about 14 Sep 98, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 544, Charleston AFB, SC. Suspended reduction to Airman. Restriction to Charleston AFB, SC for 20 days, and 20 days extra duty. (No appeal) (No mitigation)

e. Additional: MFR, 12 NOV 98 - Failure to return to duty after lunch.
MFR, 12 NOV 98 - Late for duty.
RIC, 23 OCT 98 - Disrespect to an NCO.
MFR, 23 OCT 98 - Failed to report to two scheduled appointments.
RIC, 18 AUG 98 - Failure to go, late for duty on several occasions, and lying.
MFR, 17 AUG 98 - Late for duty.
LOR/UIF, 25 JUN 98 - Financial irresponsibility.
RIC, 16 JUN 98 - Failure to go.

MFR, 03 SEP 98 - Failure to follow travel plan resulting in a vehicle accident.

MFR, UNDATED - Late returning from lunch, late for duty on two occasions, and vocally counseled for failing dormitory inspection.

MFR, 25 JUN 98 - Cease and desist order not to drive on base.

MFR, 18 AUG 98 - Cease and desist order not to drive outside a 200 mile radius of Base.

- Failed dormitory inspection.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (01) Yrs (10) Mos (14) Das
TAMS: (01) Yrs (05) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 Oct 06.
(Change Discharge to Honorable)

Issue 1: I was told by transition assistance according to my discharge orders I was to recieve (sic) an Honorable Discharge and that I would be getting my GI Bill along with 2 yrs. Medical and base priviledges.

ATCH

1. NA Form 13055.
2. DD Form 149.

18JAN07/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 437TH AIRLIFT WING (AMC)

FD 2006-80449
30 DEC 98

MEMORANDUM FOR AMN [REDACTED] 437 EMS

FROM: 437 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance specifically, Unsatisfactory Duty Performance. The authority for this action is AFI 36-3208, paragraph 5.26.1. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reason for this action is:
 - a. On 15 June 1998, you were approximately 6 ¾ hours late for duty as evidenced by an undated Memo for Record by SSgt [REDACTED] (Atch 1a). For this conduct you received a Record of Individual Counseling, dated 16 June 1998 (Atch 1b).
 - b. On 15 June 1998, you failed a dormitory room inspection as evidenced by an undated Memo for Record from SSgt [REDACTED] (Atch 1a). For this conduct you received a verbal counseling on dormitory policies on 16 June 1998.
 - c. On 19 June 1998, you were approximately 2 hours late for duty as evidenced by an undated Memo for Record by SSgt [REDACTED] (Atch 1a). For this conduct you received a verbal counseling on 19 June 1998.
 - d. On 6 August 1998, you were approximately 2 hours late for duty as evidenced by an undated Memo for Record by SSgt [REDACTED] (Atch 1a). For this conduct you received a verbal counseling on 6 August 1998.
 - e. On 7 August 1998, you were approximately 20 minutes late returning from lunch as evidenced by an undated Memo for Record by SSgt [REDACTED] (Atch 1a). For this conduct you received a verbal counseling on 7 August 1998.
 - f. On or about 1 January 1998 to on or about 30 January 1998, you wrote seven worthless checks to the Base Exchange at Aberdeen Proving Grounds, MD, totaling \$240.00, as evidenced by three notices of returned checks (Atch 1c). For this conduct you received a Letter of Reprimand dated 25 June 1998 (Atch 1c) and an Unfavorable Information File (UIF) was established (Atch 1d).

- g. Between on or about 1 June 1998 and on or about 25 June 1998 you were driving on Charleston Air Force Base without the required vehicle insurance. As a result of this conduct, you were, on 25 June 1998 given a Cease and Desist Order from Major [] ordering you to cease driving on base (Atch 1e).
- h. On 17 August 1998, you were approximately 2 hours 15 minutes late for duty as evidenced by a Memo for Record by SSgt [] dated 17 August 1998 (Atch 1f). For this conduct you received a verbal counseling on 17 August 1998.
- i. On 18 August 1998, you were approximately 35 minutes late for work. For this conduct you received a Record of Individual Counseling from MSgt Black, dated 18 August 1998 (Atch 1g).
- j. As a result of the circumstances involving the incidents reflected in paragraphs (a), (b), (c), (d), (e), (h) and (i), above, Major [] gave you a Cease and Desist Order dated 18 August 1998, ordering you not to drive outside a 200 mile radius without direct permission from Major [] (Atch 1h).
- k. On 3 September 1998, you were involved in a vehicle accident near Florence, SC after failing to follow your travel plan as evidenced by the SC Accident report, Memo for Record from MSgt [], Statement from SSgt [], Statement from TSgt [] and Memo for Record from Capt [] (Atch 1i).
- l. On 14 September 1998, you were 25 minutes late for duty as evidenced by a Memo for Record from MSgt []. For this conduct you received an Article 15 dated 21 September 1998 (Atch 1j).
- m. On 22 October 1998, you failed to report to two scheduled appointments (Separation and Transitional Assistance Briefings) as evidenced by a Memo for Record from SSgt [] dated 23 October 1998 (Atch 1k). For this conduct you received a verbal counseling.
- n. On 22 October 1998, you raised your voice and were disrespectful to your supervisor, SSgt []. For this conduct you received a Record of Individual Counseling dated 23 October 1998 (Atch 1l).
- o. On 2 November 1998, you were approximately 30 minutes late for duty as evidenced by a Memo for Record from SSgt [] dated 12 November 1998 (Atch 1m). For this conduct you received a verbal counseling on 2 November 1998.
- p. On 12 November 1998, you failed to return to duty after lunch and had to be woken up, as evidenced by a Memo for Record from SSgt [] dated 12 November 1998 (Atch 1m). For this conduct you received a verbal counseling.

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q. On 7 December 1998, you were 3 ½ hours late for work and had to be woken up, as evidenced by a Memo for Record from SSgt [] dated 7 December 1998 (Atch 1n). For this conduct your suspended reduction to the grade of Airman was vacated (Atch 1o)

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. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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 the Area Defense Counsel, 963-4416, Building 503, Room 119 on 30 December 1998 at 1030. You may consult civilian counsel at your own expense.
4. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 5 Jan 99 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 separation briefing at Personnel Relocations, Building 503, on 30 Dec 98 at 1400.
7. You have been scheduled for a medical examination. You must report to 437th Medical Group, Physical Exams at 0715 on 7 Jan 99 for the examination.
8. Your Transition Assistance Briefing is scheduled on 5 Jan 99 at 1400 in the Family Support Center (Bldg 255) with Mr. Wright.
9. 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 437th Equipment Maintenance Squadron Orderly Room.
10. Execute the attached acknowledgment and return it to me immediately.

[]

Commander

Attachments:

1. Documents Supporting Basis for Discharge
 - a. Student Training Report
 - b. Record of Individual Counseling w/atch, dated 16 Jun 98
 - c. Letter of Reprimand w/atchs, dated 29 Jun 98
 - d. UIF w/atch, dated 25 Jun 98
 - e. Cease and Desist Order, dated 25 Jun 98
 - f. Memo for Record, dated 17 Aug 98
 - g. Record of Individual Counseling, dated 18 Aug 98
 - h. Cease and Desist Order, dated 18 Aug 98
 - i. Restriction to CAFB, SC w/atchs, dated 9 Sep 98
 - j. Article 15, dated 25 Sep 98
 - k. Memo for Record, dated 23 Oct 98
 - l. Record of Individual Counseling, dated 23 Oct 98
 - m. Memo for Record, dated 12 Nov 98
 - n. Memo for Record, dated 7 Dec 98
 - o. AF Form 366, Vacation
2. Airman's Receipt of Notification Memo