

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE <div style="text-align: center;">A1C</div>		AFSN/SSAN <div style="border: 1px dashed black; width: 100px; height: 20px;"></div>							
<b>TYPE</b>	<b>GEN</b>	<b>PERSONAL APPEARANCE</b>		<b>X</b>	<b>RECORD REVIEW</b>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;"><b>COUNSEL</b></td> </tr> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>		<b>COUNSEL</b>		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
<b>COUNSEL</b>											
YES	No										
	X										
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ISSUES <div style="text-align: center;">A94.05</div>		INDEX NUMBER <div style="text-align: center;">A67.10</div>		<b>EXHIBITS SUBMITTED TO THE BOARD</b> <div style="border: 1px solid black; padding: 2px;">1 ORDER APPOINTING THE BOARD</div> <div style="border: 1px solid black; padding: 2px;">2 APPLICATION FOR REVIEW OF DISCHARGE</div> <div style="border: 1px solid black; padding: 2px;">3 LETTER OF NOTIFICATION</div> <div style="border: 1px solid black; padding: 2px;">4 BRIEF OF PERSONNEL FILE</div> <div style="border: 1px solid black; padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</div> <div style="border: 1px solid black; padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</div> <div style="border: 1px solid black; padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE HE</div>							
HEARING DATE <div style="text-align: center;">29 Mar 2007</div>		CASE NUMBER <div style="text-align: center;">FD-2006-00452</div>									
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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> <p>* Reason and Authority + Reenliment Code</p> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>											
<b>INDORSEMENT</b>				<b>DATE: 4/9/2007</b>							
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-2006-00452

**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:

Applicant contends discharge was inequitable because it was too harsh. He has also expressed a desire for upgrade of his discharge to qualify for reenlistment into the armed forces. The records indicated the applicant received three Letters of Reprimand and six Letters of Counseling for misconduct. The applicant was administratively disciplined for dereliction of duty, failure to go, speeding on the flight line, reporting to work late on several occasions, driving on a seeded area and departing work before being released. 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.

**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

[REDACTED] (Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF McGuire AFB, NJ on 6 May 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code and Reason for Disch.

2. **BACKGROUND:**

a. DOB: 2 Feb 84. Enlmt Age: 18 3/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-65, E-57, G-44, M-52. PAFSC: 2T231 - Air Transportation Apprentice. DAS: 16 Apr 03.

b. Prior Sv: (1) AFRes 08 May 02 - 24 Nov 02 (6 months 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Nov 02 for 6 years. Svd: 02 Yrs 05 Mo 12 Das, all AMS.

b. Grade Status: A1C - 24 Jan 03

c. Time Lost: None.

d. Art 15's: (1) None.

e. Additional: LOC, 22 MAR 05 - Departed before being released from the duty day.

LOR, 16 MAR 05 - Driving on a seeded area.

LOR, 14 FEB 05 - Late for work on two occasions.

LOC, 14 OCT 04 - Reporting to work late.

LOR, 17 SEP 04 - Speeding on the flightline and driving between the wing tips of two aircrafts.

LOC, 16 JUL 04 - Dereliction of duty.

LOC, 07 JUN 04 - Failure to go.

LOC, 27 JUL 03 - Dereliction of duty.

LOC, 21 JUL 03 - Dereliction of duty.

f. CM: None.

g. Record of SV: 25 Nov 02 - 15 Jul 04 McGuire AFB 3 (HAF DIR)

h. Awards & Decs: AFTR, GWOTSM, AFOUA W/1 OLC.

i. Stmt of Sv: TMS: (02) Yrs (11) Mos (29) Das  
TAMS: (02) Yrs (05) Mos (12) Das

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

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

Issue 1: I would like to upgrade to honorable to have a clear record, and because I strongly feel I was done an injustice with the one I received. Also, a reinstatement if possible.

Issue 2: Also I would like to add that at a later date I would like to continue service. However I was told that with the separation code I was given (JKN) I am aware that a reinstatement (sic) is possible as well, which I hope will be an option open to me upon review of these documents. Also to have my government debt of 1474.60 removed as well, via a change in the record.

**ATCH**

1. DD Form 149.
2. Applicant's statement.
3. Letter to Base Commander.
4. Written Presentation to Administrative Discharge Action.
5. Six character references.

9JAN07/day



# DEPARTMENT OF THE AIR FORCE

305TH AERIAL PORT SQUADRON  
MCGUIRE AFB, NEW JERSEY 08641

APR 26 2005

MEMORANDUM FOR A1C [REDACTED]

FROM: 305 APS/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. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

a. On or about 30 Jun 03, you failed to attend a Fitness Assessment Monitor Class as you were instructed to do, and you also failed to accomplish the required computer based training prior to said class, as you were also instructed to do. For this misconduct, you received a Letter of Counseling, dated 21 Jul 03.

b. On or about 27 Jul 03, you failed to go at the time prescribed to your appointed place of duty, to wit: 305th Aerial Port Squadron. For this misconduct, you received a LOC, dated 27 Jul 03.

c. On or about 1 Jun 04, you failed to go at the time prescribed to your appointed place of duty, to wit: Building 2903, Room 12. For this misconduct, you received a LOC, dated 7 Jun 04.

d. On or about 16 Jul 04, you failed to go at the time prescribed to your appointed place of duty, to wit: 305th Aerial Port Squadron. For this misconduct, you received a LOC, dated 16 Jul 04.

e. On or about 17 Sep 04, you drove an vehicle between the wing tips of two aircraft and you were caught speeding on the flight line by wing safety personnel. Those actions were a direct violation of Flight Line Operating Procedures. For this misconduct, you received a Letter of Reprimand (LOR), dated 17 Sep 04.

f. On or about 8 Oct 04 and on or about 14 Oct 04, you failed to go at the time prescribed to your appointed place of duty, to wit: 305th Aerial Port Squadron. For this misconduct, you received a LOC, dated 14 Oct 04.

g. On or about 9 Feb 05 and on or about 14 Feb 05, you failed to go at the time prescribed to your appointed place of duty, to wit: 305th Aerial Port Squadron. For this misconduct, you received a LOR, dated 14 Feb 05.

h. On or about 7 Mar 05, you drove your vehicle on the grass area of Building 2424, a dormitory. For this misconduct, you received a traffic ticket, dated 7 Mar 05 and a LOR, dated 16 Mar 05.

i. On or about 18 Mar 05, you left your place of duty, to wit: 305 Aerial Port Squadron Training Room, after being told to stand by and prior to being released for the duty day. For this misconduct, you received a LOC, dated 22 Mar 05.

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 Building 2906 Room 116, on 26 April, at 1000 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 Mon, 2 May 05, 0730 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 Ambulatory Health Care Clinic, McGuire AFB on 27 APR 05, at 0945 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 your squadron orderly room.

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

[redacted]

Commander

#### Attachments:

1. Supporting Documents
  - a. LOC, dated 21 Jul 03
  - b. LOC, dated 27 Jul 03
  - c. LOC, dated 7 Jun 04
  - d. LOC, dated 16 Jul 04
  - e. LOR, dated 17 Sep 04
  - f. LOC, dated 14 Oct 04
  - g. LOR, dated 14 Feb 05
  - h. LOR, dated 16 Mar 05
  - i. LOC, dated 22 Mar 05
2. Receipt of Notification Memorandum