

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 AB	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				
<table border="1" style="width:100%; border-collapse: collapse;"> <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;">X</td> <td></td> </tr> </table>	YES	No	X			
YES	No					
X						

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A95.00 A01.00	INDEX NUMBER A67.10	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; text-align: center;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;">2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;">3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HE</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 HE
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HEARING DATE 24 Apr 2007	CASE NUMBER FD-2006-00460	
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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.

INDORSEMENT	DATE: 4/25/2007
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-2006-00460

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:

The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received an Article 15, a Vacation, two Letters of Reprimand, and three AF Form 341s for misconduct. Applicant received an Article 15 for being absent from place of duty; failure to obey an order to remain in quarters for medical purposes; and altering a sick quarters slip. He was punished with a suspended reduction in grade to Airman Basic, 45 days extra duty and restriction to dormitory room for 45 days. The Vacation action was for failure to obey a lawful order by not operating or riding in a privately owned vehicle and failure to complete homework. He was reduced in grade to Airman Basic. Further misconduct was documented for financial irresponsibility, failure to report to formation after a fire drill, missed curfew, and missed formation. 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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Presidio of Monterey, CA on 9 Jul 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 4 Mar 74. Enlmt Age: 17 9/12, Disch Age: 19 4/12. Educ: HS DIPL. AFQT: N/A. A-70, E-45, G-96, M-72. PAFSC: 20814G - Apprentice Cryptologic Linguist Specialist. DAS: 20 Aug 92.

b. Prior Sv: (1) AFRes 23 Dec 91 - 7 Jul 92 (6 months 15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Jul 92 for 6 yrs. Svd: 01 Yrs 00 Mo 02 Das, all AMS.

b. Grade Status: AB - 20 May 93 (Vacation, 8 Jun 93)
A1C - 20 Aug 92

c. Time Lost: None.

d. Art 15's: (1) 8 Jun 93, Vacation, Presidio of Monterey, CA - Article 92. You, having knowledge of a lawful order issued by Lt Gen [REDACTED], Commander, Air Training Command, not to operate or ride in a privately owned vehicle, an order which it was your duty to obey, did, on or about 25 May 93, after being reminded of the Phase I restrictions by TSgt [REDACTED], fail to obey the same by wrongfully operating a privately owned vehicle. Article 92. You, on or about 1 Jun 93 and 2 Jun 93, having knowledge of your duties, were derelict in the performance of those duties in that you, by culpable inefficiency, failed to complete your assigned homework, as it was your duty to do. Reduction to AB. (No appeal) (No mitigation)

(2) 20 May 93, Presidio of Monterey, CA - Article 86. You did, on or about 30 Apr 93, without authority, absent yourself from your place of duty at which you were required to be, to wit: Building 621, Presidio of Monterey, CA, and did remain so absent until on or about 1 May 93. Article 92. You did, on or about 28 Apr 93, having knowledge of a lawful order issued by Major [REDACTED] to remain in your quarters for medical purposes until 0700 hours 29 Apr 93, an order which it was your

duty to obey, at or near the Presidio of Monterey, CA, on or about 28 Apr 93, fail to obey the same by leaving your quarters to go to the volleyball courts behind building 627. Article 107. You did, on or about 30 Apr 93, with intent to deceive, alter a DD Form 689, Individual Sick Slip, to wit: changed the date, thereby indicating that you were to remain on quarters for twenty-four hours effective that date, which record was false in that you had not been placed on quarters by a physician on that date, and was then known by you to be so false. Suspended reduction to AB. Forty five days extra duty, and restriction to the dormitory for 45 days. (No appeal) (No mitigation)

- e. Additional: LOR, 04 MAY 93 - Financial irresponsibility.
AF FORM 341, 22 FEB 93 - Missed curfew.
RIC, 18 FEB 93 - Financial irresponsibility.
LOR/UIF, 09 FEB 93 - Failure to report to formation after
a fire drill.
AF FORM 341, 09 DEC 92 - Missed formation.
AF FORM 341, 01 SEP 92 - Missed curfew.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: NDSM, AFTR, BMTSHG.
- i. Stmt of Sv: TMS: (01) Yrs (06) Mos (17) Das
TAMS: (01) Yrs (00) Mos (02) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 28 Nov 06.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

26JAN07/ia



DEPARTMENT OF THE AIR FORCE
AIR TRAINING COMMAND

FD 2006-00460

FROM: 311 MTS/CC
PRESIDIO OF MONTEREY CA 93944-5004

16 Jun 93

SUBJ: Letter of Notification

TO: [REDACTED] 311 MTS

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFR 39-10, paragraph 5-46. 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 reasons for this action are:

a. On or about 25 May 1993, you violated a lawful order by wrongfully operating a privately owned vehicle while on Phase I of the Air Training Command Phase Program. In addition, on or about 2 June 1993, you were derelict in the performance of your duties by failing to complete your assigned homework. This is evidenced by an AF Form 366, w/atchs, dated 8 June 1993 (Atch 1).

b. On or about 30 April 1993, you did, without authority, absent yourself from your place of duty and, with intent to deceive, alter a DD Form 689, Individual Sick Slip. In addition, on or about 28 April 1993, you wrongfully disobeyed a lawful order to remain in your quarters for medical purposes. This is evidenced by an AF Form 3070, w/atchs, dated 20 Jun 93 (Atch 2).

c. On or about 31 March 1993, you failed to maintain sufficient funds in your checking account which resulted in a check being returned unpaid. This is evidenced by a Letter of Reprimand, dated 4 May 1993 (Atch 3).

d. On or about 21 January 1992, you failed to maintain sufficient funds in your checking account which resulted in a check being returned unpaid. This is evidenced by an Air Force Form 174, Record of Individual Counseling, dated 18 February 1992 (Atch 4).

e. On or about 4 February 1993, you failed to properly follow fire drill procedures by not reporting to the mandatory formation for accountability. This is evidenced by a Letter of Reprimand, dated 9 February 1993 (Atch 5).

f. On or about 22 February 1993, you failed to obey a lawful order by not complying with the established curfew hours. On or about 9 December 1992, you failed to report to morning formation. On or about 1 September 1992, you again failed to obey a lawful order by remaining in the smoking area after the established curfew hour. These incidents are evidenced by AF Forms 341, dated 22 February 1993 (Atch 6), 9 December 1992 (Atch 7), and 1 September 1992 (Atch 8).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM.

FD2006-00468

~~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 Capt McCord, Travis AFB, California on 19 Jun 93 at 0900 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 1600 hrs on 21 JUN 93 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 the PRIMUS Clinic, Presidio of Monterey, California at 0800 hrs, on 23 Jun 93 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the Orderly Room, 311 MTS.



Commander
311th Military Training Squadron

- 9 Atchs
- 1. AF Form 366, 8 Jun 93
- 2. AF Form 3070, 20 Jun 93
- 3. LOR, 4 May 93
- 4. AF Form 174, 18 Feb 92
- 5. LOR, 9 Feb 93
- 6. AF Form 341, 22 Feb 93
- 7. AF From 341, 9 Dec 92
- 8. AF From 341, 1 Sep 92
- 9. Airman's Receipt of Notification Ltr