

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AB

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

A94.05

INDEX NUMBER

A67.90

A67.00

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-2006-00463

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: 5/30/2007

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-2006-00463 |
|---|------------------------------|
| <p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUE:</p> <p>Applicant contends the discharge was too harsh because it was based solely on failure to pass room inspections and was not related to his duty performance. He contends he completed his military training and performed assigned duties without misconduct. The applicant received a General discharge for Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The misconduct included a Record of Individual Counseling for a failed dorm room inspection, two Letters of Reprimand for failing to maintain dorm room and standards of cleanliness, two Article 15s for dereliction of duty by willfully failing to maintain his dorm room as prescribed in base dormitory standards, and a Vacation of an Article 15 for failure to go. After review of the record, the Board concluded that through these administrative actions, the applicant had ample opportunities to change his behavior. The Board found the significant negative aspects of the misconduct outweigh the positive aspects of the applicant's duty performance. The characterization of the discharge received by the applicant was found to be appropriate.</p> <p>CONCLUSIONS: The Discharge Review Board concludes 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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p> | |

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 Luke AFB, AZ on 22 Apr 02 UP AFI 3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 1 Apr 81. Enlmt Age: 19 3/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-46, E-38, G-33, M-41. PAFSC: 2A631D - F100 Jet Engine Aerospace Propulsion Apprentice. DAS: 2 Jun 01.

b. Prior Sv: (1) AFRes 26 Jul 00 - 4 Dec 00 (4 months 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 5 Dec 00 for 6 years. Svd: 01 Yrs 04 Mo 18 Das, all AMS.

b. Grade Status: AB - 01 Apr 02 (Article 15, 1 Apr 02)
Amn - 10 Dec 01 (Vacation, 10 Dec 01)
A1C - 23 Feb 01

c. Time Lost: None.

d. Art 15's: (1) 1 Apr 02, Luke AFB, AZ - Article 92. You, who knew of your duties, on or about 11 Mar 02, were derelict in the performance of those duties in that you willfully failed to maintain your dormitory room within prescribed dormitory standards, as it was your duty to do. Reduction to AB, 15 days extra duty and restriction to Luke AFB, AZ for 30 days. (No appeal) (No mitigation)

(2) 10 Dec 01, Vacation, Luke AFB, AZ - Article 86. You, did, on or about 22 Nov 01, without authority, fail to go at the time wit: Building 450. Reduction to Amn. (No appeal) (No mitigation)

(3) 8 Nov 01, Luke AFB, AZ - Article 92. You, who knew of your duties, on or about 25 Oct 01, were derelict in the performance of those duties in that you willfully failed to maintain your dormitory room in accordance with Luke AFB Instruction, 32-6002, dated 17 Feb 99, as it was your duty to do. Suspended reduction to Amn. Fifteen days extra duty and restriction to Luke AFB, AZ for 30 days. (No appeal) (No mitigation)

e. Additional: LOR, 20 AUG 01 - Failure to maintain standards of

cleanliness.

LOR, 15 AUG 01 - Failure to maintain dorm room.

RIC, 26 JUN 01 - Failed dorm room inspection.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (08) Mos (27) Das

TAMS: (01) Yrs (04) Mos (18) Das

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

Issue 1: To my knowledge, my discharge was based on failure to pass room inspections. I was able to complete offered military training, performing assigned duties and progressing in my training. I was inequitably discharged if there were no other reasons, particularly related to my work. I have spent over 4 years working at a high tech company supporting computer products, which should show my ability to successfully contribute to an organization over an extended period of time. I have been trying to get into law enforcement as a career, and I have been denied an opportunity due to the type of discharge. Additionally, I have not been able to get additional information from the Air Force on the discharge details to show potential law enforcement employers that I would not be an at-risk employee who would be unable to perform required duties at a level of professionalism required for law enforcement personnel.

ATCH

None.

15Dec06/day



DEPARTMENT OF THE AIR FORCE
56th Component Repair Squadron
Luke Air Force Base, Arizona

DATE: APR 10 2002

MEMORANDUM FOR AB 56 CRS

FROM: 56 CRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as either honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On 25 Jun 01 and 26 Jun 01, you failed to maintain your dormitory room within standards. For these infractions you received a Record of Individual Counseling on 26 Jun 01.

b. On 10 Aug 01, you failed to maintain your dormitory room within standards. For this infraction you received a Letter of Reprimand on 15 Aug 01.

c. On 15 Aug 01, you failed to maintain proper military standards regarding neatness, cleanliness, and military image. For this infraction you received a Letter of Reprimand on 20 Aug 01.

d. On 25 Oct 01, you failed to maintain your dormitory room within standards. For this infraction you received an Article 15 on 8 Nov 01. Your punishment included reduction to the grade of E-2, suspended until 17 May 02, 15 days extra duty, and restriction to Luke Air Force Base for 30 days.

e. On 22 Nov 01, you failed to go to your appointed place of duty at the appointed time. Your previously suspended nonjudicial punishment was vacated on 10 Dec 01, and you were reduced to the grade of E-2.

f. On 11 Mar 02, you failed to maintain your dormitory room within standards. For this infraction you received an Article 15 on 1 Apr 02. Your punishment included reduction to E-1, 15 days extra duty, and restriction to Luke AFB for 30 days.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation will be provided to you. The commander exercising special court martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and will likely be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.
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 the Area Defense Counsel, at Building 1150, Suite 3015, Luke Air Force Base, Arizona, extension 6701, on 11 APR 02 at 1000 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 16 APR 02 unless you request and receive, in writing, an extension for good cause. I will forward any statements you submit to the separation authority as part of this package.
6. Failure to consult counsel or to submit statements on your own behalf constitutes a waiver of your right to do so.
7. You have been scheduled for a medical examination. You must retrieve your medical records from 56th Medical Group Hospital Outpatient Records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this discharge package for the medical 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 in your unit orderly room.



Commander