

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%; margin-top: 5px;"></div>		GRADE SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL YES No <div style="border: 1px solid black; width: 30px; height: 20px; margin: 2px auto; text-align: center; line-height: 20px;">X</div>		NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X*+
						X*+
						X*+
						X*+
						X*+
ISSUES A95.00 A93.01 A01.00	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 HE			
HEARING DATE 10 May 2007	CASE NUMBER FD-2006-00470					
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 + Reenlistment Code</p> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>						
INDORSEMENT			DATE: 5/23/2007			
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-2006-00470

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:

The applicant submitted no issues and realized his actions while in the military were unacceptable and requested that the review be completed based on the available service record. He admits that he was young and made mistakes. He has also expressed a desire to upgrade his discharge to qualify for reenlistment into the armed forces. 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 six Letters of Reprimand, two Letters of Counseling, and nine Records of Individual Counseling for misconduct. The applicant was administratively disciplined for failure to go, being late for duty on numerous occasions, insubordination and bad attitude, failure to turn in and secure his weapon, lack of attention to detail and failure to maintain uniform standards. 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Shaw AFB, SC on 11 May 04 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: 3 May 81. Enlmt Age: 18 0/12. Disch Age: 23 0/12. Educ: HS DIPL. AFQT: N/A. A-74, E-80, G-74, M-74. PAFSC: 1C451 - Tactical Air Command & Control Journeyman. DAS: 27 Aug 00.

b. Prior Sv: (1) AFRes 5 May 99 - 16 Nov 99 (6 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Nov 99 for 6 yrs. Svd: 04 Yrs 05 Mo 25 Das, all AMS.

b. Grade Status: SrA - 30 Apr 02
A1C - 30 Dec 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 31 MAR 04 - Late returning from lunch.
RIC, 24 FEB 04 - Failure to go.
RIC, 23 FEB 04 - Lack of duty responsibilities and constant lateness.
RIC, 30 JAN 04 - Late for duty.
RIC, 10 DEC 03 - Late for duty.
RIC, 08 JUL 03 - Failure to maintain uniform standards.
LOC, 05 SEP 03 - Failure to report to duty in the proper uniform.
LOR, 23 JUN 03 - Late returning from lunch.
LOR, 23 JUN 03 - Late for duty (Missing from file).
RIC, 03 JUN 03 - Lack of attention to detail.
LOR, 27 MAY 03 - Late for duty.
LOR, 21 MAY 03 - Late for duty.
LOR, 23 APR 03 - Failure to turn in & secure weapon.
RIC, 13 JAN 03 - Insubordination & bad attitude.
RIC, 04 JAN 03 - Insubordination & bad attitude.
RIC, 04 JAN 03 - Insubordination & bad attitude.
LOC, 27 JUN 02 - Late for duty.

f. CM: None.

g. Record of SV: 17 Nov 99 - 16 Jul 01 Ft. Stewart AIN 4 (Initial)
17 Jul 01 - 16 Jul 02 Ft. Stewart AIN 4 (Annual)
17 Jul 02 - 16 Jul 03 Ft. Stewart AIN 2 (Annual) REF

h. Awards & Decs: AFOUA W/VD, AFGCM, NDSM, AFEM, AFLSAR, SAEMR, AFTR.

i. Stmt of Sv: TMS: (05) Yrs (00) Mos (07) Das
TAMS: (04) Yrs (05) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 05 Dec 06.
(Change Discharge to Honorable, Change the RE Code, and Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD 214.
3. ASVAB Test Score Report.
4. Three Character References.
5. Individual Information.
6. Records Review.
7. Three Enlisted Performance Reports.
8. Enlisted Performance Report Bullets.
9. Copy of Derogatory Data.

06FEB07/ia

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one)	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
	E-4				
2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		5. BOARD ACTION REQUESTED (X one)		
20040511	<input checked="" type="checkbox"/> HONORABLE		<input checked="" type="checkbox"/> CHANGE TO HONORABLE		
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS		CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS		
	UNDER OTHER THAN HONORABLE CONDITIONS		CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)		
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 15 ASOS, Ft. Stewart GA	BAD CONDUCT (Special court-martial only)		CHANGE NARRATIVE REASON FOR SEPARATION TO:		
	UNCHARACTERIZED				
	OTHER (Explain)				

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

I am attempting to change the re-entry code on my DD Form 214 so I can re-enter military service. I have been advised that this can not be accomplished without first changing my characterization of service as it "Drive the RE Code".

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD)

AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17.

If military documents or medical records are relevant to your case, please send copies.)

This form is submitted as requested in response to the letter I received regarding the DD Form 149 I previously submitted (Document number FD2006-00470).

9. TYPE OF REVIEW REQUESTED (X one)

<input checked="" type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.
<input type="checkbox"/> I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
<input type="checkbox"/> I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state)

(NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS

(See Item 10 of the instructions about counsel/representative.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

SPOUSE ☐ WIDOW ☐ WIDOWER ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER (Specify)

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE

(Forward notification of any change in address.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

CASE NUMBER
(Do not write in this space.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

20061216

FD 2006-00470

December 16, 2006

To whom it may concern,

The enclosed document is being submitted for the review and upgrade of my DD Form 214. I have recently submitted a request to have my RE Code changed and I enclosed numerous documents along with a DD Form 149 (Document # FD2006-00470) to support this request. I received a letter from: _____, GS-12, DAFC on 20061215 requesting the following DD Form 293 be submitted.
Thank you for your consideration.

Respectfully,



Tuesday 5 December 2006

To the officers and members of the Air Force Board of Corrections,

I began my career in the U.S. Air Force as a teenager. I was young and eager, but still had a lot to learn about life. I loved my job and felt a sense of pride for the job I was doing. In the four and one half years I served I learned a great deal and looked forward to a twenty year or more career in the Air Force. As it turned out, this was not to be. I was young, immature, and headstrong. I had many great qualities to offer but made more mistakes than are acceptable for an airman. I am not looking to lay blame on anyone but myself for these mistakes. However, I strongly feel that had I been given the appropriate corrective training I could have overcome my shortcomings and continued to contribute to the overall mission of the Air Force.

I wish to make it clear that I do not intend to re-enter the Air Force. Instead, it is my greatest wish to continue serving my country by joining the Army. I have made a very concerted effort to do this. I started the paper process in February of this year. In March I retok the ASVAB and in October I passed a physical and drug test at MEPS and a waiver was submitted for the re-entry code on my DD-214 (2B). My waiver was given both the first sergeant and company commander recommendations for approval. However, the approving authority denied the waiver.

I am formally requesting that my re-entry code be changed from a 2B to a 1 or 1J. In support of this request I am submitting the following documents:

- DD form 214.
- The letter submitted to the Army while requesting the waiver is to show why I want to re-enter military service.
- ASVAB test scores are to show the efforts I have made to better my education.
- I have included several reference letters that specifically state I have not been late once to my current job of over 18 months. My discharge package will show that I had a serious problem arriving on time to appointed places,
- PIF, Weapons Card, and EPR's for personnel background.
- The EPR bullets are photocopies of the originals submitted for my 2002-2003 EPR. These will show I was contributing to my unit.
- Record of Individual Counseling Dated 20040223. I am including this not to show the counseling, but rather because the response shows that I was not just making an effort to improve but that I was also making real progress in an attempt to salvage my career. (This was not included in my discharge package).
- Discharge package and Statements in regard to the opening of an Unfavorable Information file are simply for you to review why I was originally discharged from service.

As a young man I made mistakes. I have evaluated my situation and understand what will be required of me if I expect to serve in the military. I have matured and grown over

these last two and a half years and although I wasn't ready for the responsibilities coming out of high school I believe I am now mature, ready, and willing to take on the responsibilities of a soldier in the United States Army. It is with this goal in mind that I humbly request this change in my re-entry code to a 1 or 1J. I am prepared to answer any questions on any subject should more information be needed.

Sincerely and respectfully,





DEPARTMENT OF THE AIR FORCE
15TH AIR SUPPORT OPERATIONS SQUADRON (ACC)
FORT STEWART AIN, GEORGIA

FD 2006-00470

MEMORANDUM FOR SRA: [REDACTED]

13 April 2004

FROM: 15 ASOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. If your discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 26 Mar 04, you failed to go. For this incident you received an LOR dated 31 Mar 04.

b. On or about 19 Feb 04, you failed to go. For this incident you received an ROIC dated 24 Feb 04.

c. On or about 30 Jan 04, you were late. For this incident you received an ROIC dated 30 Jan 04.

d. On or about 1 Dec 03, you were late. For this incident you received an ROIC dated 10 Dec 03.

e. On or about 8 Sep 03, you failed to maintain standards. For this incident you received an ROIC dated 8 July 03.

f. On or about 1 Sep 03, you failed to go. For this incident you received an LOC dated 5 Sep 03.

g. On or about 23 Jun 03, you were late. For this incident you received an LOR dated 23 Jun 03.

h. On or about 19 Jun 03, you were late. For this incident you received an LOR dated 23 Jun 03.

i. Between on or about 27 May 03 and 2 Jun 03, you showed a lack of attention to detail. For this incident you received an ROIC dated 3 Jun 03.

j. On or about 27 May 03, you were late. For this incident, you received an LOR dated 27 May 03.

k. On or about 20 May 03, you were late. For this incident, you received an LOR dated 21 May 03.

l. On or about 22 Apr 03, you failed to turn in your weapon. For this incident, you received an LOR dated 23 Apr 03.

m. Between on or about 10 Jan 03 and 12 Jan 03, you were being insubordinate. For this incident, you received an ROIC dated 13 Jan 03.

n. On or about 1 Jan 03, you were being insubordinate. For this incident, you received an ROIC dated 4 Jan 03.

o. On or about 1 Jan 03, you were being insubordinate. For this incident, you received an ROIC dated 4 Jan 03.

p. On or about 27 Jun 02, you failed to go. For this incident, you received an LOC dated 27 Jun 02.

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial 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 and 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 Captain [redacted], Area Defense Counsel, 895-9530, 321 Cullen Street, at 1130 hours on 13 April 2004. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1000 hours on 16 April 2004 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to Primary Care at 0800 hours on 14 April 04 2004 and an additional examination will be scheduled if necessary.

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 the unit orderly room.

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



Commander

Attachments:

1. LOR from Lt Col: [redacted], 31 Mar 04 (Tab 4)
2. ROIC from SMSgt: [redacted], 24 Feb 04 (Tab 4)
3. ROIC from Capt: [redacted], 30 Jan 04 (Tab 4)
4. ROIC from SMSgt: [redacted], 10 Dec 03 (Tab 4)
5. Response to ROIC, 22 Sep 03 (Tab 4)
6. LOC from SSgt: [redacted], 5 Sep 03 (Tab 4)
7. ROIC from MSgt: [redacted], 8 Jul 03 (Tab 4)
8. LOR from Capt: [redacted], 23 Jun 03 (Tab 4)
9. LOR from Capt: [redacted], 23 Jun 03 (Tab 4)
10. Response to LOR, 23 Jun 03 (Tab 4)
11. ROIC from MSgt: [redacted], 3 Jun 03 (Tab 4)
12. Response to ROIC, 3 Jun 03 (Tab 4)
13. LOR from SSgt: [redacted], 27 May 03 (Tab 4)
14. LOR from SSgt: [redacted], 21 May 03 (Tab 4)
15. LOR from SSgt: [redacted], 23 Apr 03 (Tab 4)
16. ROIC from Capt: [redacted], 13 Jan 03 (Tab 4)
17. ROIC from SSgt: [redacted], 4 Jan 03 (Tab 4)
18. ROIC from SSgt: [redacted], 4 Jan 03 (Tab 4)
19. LOC from TSgt: [redacted], 27 Jun 02 (Tab 4)
20. Receipt of Notification Memorandum (Tab 5)