

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>	
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		
				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-2006-00480		
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> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>				
INDORSEMENT				
TO:		DATE: 5/15/2007		
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-2006-00480
<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 discharge was inequitable because it was too harsh. He admits his misconduct was immature in nature and somewhat impulsive. The records indicated the applicant received two Article 15s for misconduct. The applicant received his first Article 15 for willfully damaging fire alarms by holding a flame next to them. He was punished with a reduction in grade to Airman Basic, a suspended forfeiture of pay for two months, and thirty days of correctional custody. His second Article 15 was for failing to obey dormitory living standards by having a female live with him in his dorm and failure to refrain from using alcohol while under the age of 21. For this misconduct, he was punished with a forfeiture of pay, restriction to Whiteman AFB for 30 days, and 14 days of extra duty. 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.</p> <p>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.</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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Whiteman AFB, MO on 17 Dec 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 18 Jul 83. Enlmt Age: 18 5/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-63, E-60, G-57, M-67. PAFSC: 3E731 - Fire Protection Apprentice. DAS: 20 Oct 02.

b. Prior Sv: (1) AFRes 17 Jan 02 - 22 Apr 02 (3 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Apr 02 for 4 years. Svd: 01 Yrs 07 Mo 25 Das, all AMS.

b. Grade Status: AB - 09 May 03 (Article 15, 9 May 03)
Amn - 23 Oct 02

c. Time Lost: None.

d. Art 15's: (1) 2 Dec 03, Whiteman AFB, MO - Article 92. You, having knowledge of a lawful order issued by Lt Col [] to wit: Dormitory Living Standards and Procedure, dated 22 Oct 02, an order which it was your duty to obey, did, between on or about 20 Aug 03 and on or about 20 Oct 03, fail to obey the same by wrongfully allowing [] to live with you in your dorm room, Building 1552, Atlantis Hall, Room 336, Whiteman AFB, MO. Article 92. You, who knew of your duties at or near Warrensburg, MO, on or about 20 Oct 03, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages until the age of 21, as it was your duty to do. Forfeiture of \$575.00 pay per month for 2 months. Restriction to the limits of Whiteman AFB, MO for 30 days and 14 days extra duty. (No appeal)
(No mitigation)

(2) 9 May 03, Whiteman AFB, MO - Article 108. You, did, on or about 4 Mar 03, without authority, willfully damage by holding a flame next to a fire alarm, military property of the United States the amount of said damage being in the sum of about \$196.00. Article 80. You,

did, between on or about 15 Dec 02 to on or about 31 Jan 03, without proper authority, attempt to willfully damage military property of the United States, by holding a flame next to a fire alarm on the second floor of Atlantis Hall. Reduction to AB. Suspended forfeiture of \$375.00 pay per month for 2 months (subject to restitution being made to Whiteman Housing Office in the amount of \$196.00). Thirty days correctional custody. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (01) Yrs (11) Mos (01) Das
TAMS: (01) Yrs (07) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 18 Dec 06.
(Change Discharge to Honorable.)

Issue 1: I would like an upgrade in order to complete my future goals. Each of the offenses I committed (sic) were immature in nature and somewhat impulsive. My first offense was destruction of government property. It's shameful to say but at that time I was easily influenced by my peers. My second offense was disobeying a lawful order with alcohol (sic) involved. Basically I chose the wrong girlfriend. I disobeyed an order by allowing her to stay in my dormitory. Since I have been discharged I have served in Afghanistan for one year and Iraq for eleven (sic) months. The main reason I decided to use the skills I learned in the military working for Halliburton was because of my poor performance in the military. I felt I owed it to my country.

Issue 2: There is no excuse for my actions in the military, but my job performance was in good order. I still want to continue my firefighting career (sic) in civilian life. With the "General" discharge it's more difficult. I would hope that my performance in the middle east with Halliburton has made up for some of my mistakes in the military. Thanks you for your consideration.

ATCH

1. Contractor Deployment Order.

12FEB07/day



**DEPARTMENT OF THE AIR FORCE
509TH CIVIL ENGINEERING SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI**

8 Dec 03

MEMORANDUM FOR AB:

FROM: 509 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct prejudicial to good order and discipline. The authorities for this action are AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved your service may 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. Between on or about 20 Aug 03 and on or about 20 Oct 03, you failed to obey a lawful order issued to you by your Commander in that you wrongfully allowed Kristina Harris to live with you in your dorm room. For this incident, you received an Article 15 dated 02 Dec 03. (Atch 1a)
 - b. On or about 20 Oct 03, you were derelict in the performance of your duties in that you failed to refrain from consuming alcoholic beverages until the age of 21. For this incident, you received an Article 15 dated 02 Dec 03. (Atch 1b)
 - c. On or about 04 Mar 03, you damaged government property in that you held a flame to a fire alarm, the amount of said damage totaled \$196.00. For this incident, you received an Article 15 dated 09 May 03. In addition, this Article 15 was placed in your Unfavorable Information File. (Atch 1c)
 - d. Between on or about 15 Dec 02 and on or about 31 Jan 03, you attempted to damage government property by holding a flame next to a fire alarm. For this incident, you received an Article 15 dated 09 May 03. In addition, this Article 15 was placed in your Unfavorable Information File. (Atch 1d)
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial convening authority 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 Area Defense Counsel in Bldg 509 on 8 Dec 03 at 1500. You may also 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 11 Dec 03 unless you request and receive an extension for good cause shown. I will forward your statements 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 rights to do so.

7. You have been scheduled for a medical examination. You must report to Family Practice at 0800 on 9 Dec 03 for the examination. 1120-PA Gem

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's Commander Support Staff.

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

Commander

Attachments:

1. Supporting documents --for the reason for discharge

- a. Article 15, dated 02 Dec 03
- b. Article 15, dated 02 Dec 03
- c. Article 15, dated 09 May 03
- d. Article 15, dated 09 May 03

2. Documents containing derogatory information -- which are not listed in the notification memorandum: None.

3. Airman's receipt of notification memorandum, dated _____.