

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD									
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE		AFSN/SSAN		
					A1C				
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		A94.06			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		CASE NUMBER							
10 May 2007		FD-2007-00004							
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.									
* CHANGE RE CODE									
+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY									
INDORSEMENT					DATE: 5/29/2007				
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-2007-00004

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: The Board grants partial relief. Upgrade of discharge to honorable is granted. However, the Board denied the request to change the reason and authority for discharge and change of reenlistment code.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of the reason and authority or the reenlistment code. However, based upon the record and evidence provided by applicant, the Board finds the applicant's characterization of discharge inequitable.

ISSUE:

The applicant received a General Discharge for Minor Disciplinary Infractions. The applicant contends his discharge was inequitable because it was too harsh. He has expressed a desire for upgrade of his discharge to qualify for reenlistment into the armed forces. The Board concluded that there was no inequity or impropriety as concerns the reason and authority for applicant's discharge and denied the requested relief. The Board noted that the case file contained six Letters of Reprimand for misconduct to include failure to obey an order, dereliction of duty, and willfully disobeying direct orders. While the DRB did not condone the applicant's misconduct, they did feel it would have been equitable to give him an Honorable discharge.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. The applicant's characterization should be changed to Honorable under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Travis AFB, CA on 1 Nov 02 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: 12 Mar 81. Enlmt Age: 19 10/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-69, E-52, G-59, M-50. PAFSC: 3E731 - Fire Protection Apprentice. DAS: 15 Nov 01.

b. Prior Sv: (1) AFRes 24 Jan 01 - 24 Apr 01 (3 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Apr 01 for 4 years. Svd: 01 Yrs 06 Mo 07 Das, all AMS.

b. Grade Status: A1C - 25 Aug 02
Amn - 25 Oct 01

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 20 AUG 02 - Failure to obey an order.
LOR, 06 JUN 02 - Disobeying a direct order.
LOR, 29 MAY 02 - Willfully disobeying a direct order.
LOR, 02 FEB 02 - Failure to obey an order.
LOR, 30 JAN 02 - dereliction of duty.
LOR, 23 JAN 02 - Failure to obey an order or regulation.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (09) Mos (08) Das
TAMS: (01) Yrs (06) Mos (07) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 4 Jan 07.

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

Issue 1: I find the record to be unjust because I was discharged from the Air Force for minor infractions and was given a 2B making it impossible for me to rejoin any component of the armed forces. I believe that my discharge characterization and code are too stern for the separation codes that are listed on my DD 214.

Issue 2: Additional issues attached to brief.

ATCH

1. Applicant's issues.
2. DD Form 214
3. AF Form 899
4. AF Form 972
5. Six letters of reprimand.

14FEB07/day

I, [redacted], a former airman (A1C; pay grade E-3), was discharged General/Under Honorable Conditions on November 1, 2002 by reason of minor disciplinary infractions. I have been assigned a JKN separation code (Misconduct, minor disciplinary infractions) and an RE-2B reenlistment code (not eligible for reenlistment w/ waiver). The Air Force incorrectly characterized my discharge and I am requesting that the reenlistment codes be upgraded. I am here asking the BCMR to upgrade my reenlistment code from RE-2B to a code that would make me eligible to reenlist into another component of the Armed Forces. In addition to other miscellaneous documentation, I will submit a statement with several arguments pertaining to my discharge which I ask the BCMR to review.

The first argument I would like to present is that I feel that the reenlistment and separation codes entered on the Certificate of Release or Discharge from Active duty (DD Form 214) was "unfair, improper, and not justified by my record." The codes were too stern and unconditionally harsh for the minor infractions I received while in the service with the Air Force. Especially for not receiving any Letter of Counseling(LOC), Article 15's, or no negative feedback about my job performance.

As a First Term Airman I reported at Spandahlem Airbase on 15 Nov 2001 and proceeded in the First Term Airman's Course which I completed 30 Nov 2001. Around this time I learned that my father was critically ill and there was a great possibility he would not survive. Not knowing who to report this to or what to do I reported to my station on 7 Dec 2001. After providing documentation and receiving Red Cross emergency leave clearance I returned stateside on 18 Dec 2001 with a return date of 6 Jan 2002. Upon my return I received a Letter of Reprimand dated 2 Feb 2002 for my four day absence.

On 30 Jan 2002, I was given another letter of reprimand for not obtaining a USAREUR license. My supervisor ordered me to get the license on 23 Jan 2002 and wanted the task to be completed 29 Jan 2002. With no knowledge of the German driving rules and regulations test I failed my first attempt. The testing administrator informed me that I would not be able to retake the test for another week. With the dates given I would not be able to complete this task by my supervisor's deadline. I was issued my license 5 Feb 2002 after completing the second test.

On 20 Aug 2002 I received my final Letter of Reprimand. I was given this reprimand for not having my dormitory room in inspection order. My room was seldom if ever a health or a safety hazard. I never failed a mandatory room inspection and after the order to bring my room to inspection order I did so with knowledge of an inspection in the morning. The morning of inspection I was treated with total disrespect and unfairness. I again failed my room inspection for lent on the floor.

I'm claiming that the determination of my reenlistment code I received for discharge was based solely on minor incidences, and not a reflection on my character or my actual duty performance. A lack luster paper trail, of six (6) Letter of Reprimands (LOR) two of which are repeated, and one due to my emergency leave. This code is unfair and it affects me further by excluding me from service in any military component. As a first term airman I was poorly advised with regard to how these codes could affect me and what they meant. I am seeking a review based upon all facts. Aside for a few minor incidences, my job performance was never reprimanded.



DEPARTMENT OF THE AIR FORCE
52D FIGHTER WING (USAF)

21 Oct 02

MEMORANDUM FOR AMN: [REDACTED] 52 CES

FROM: 52 CES/CSS


SUBJECT: Notification Letter

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, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).

2. My reasons for this action are:

- a. On 23 Jan 02, you failed to obey an order, regulation or instruction. You were informed by MSgt: [REDACTED] that your hair was not meeting the dress and appearance standard. You were told to have your hair cut the next duty day, and you knowingly reported to duty without a hair cut. For this infraction, you received a letter of reprimand (LOR) on 23 Jan 02 (Atch 1).
- b. On 29 Jan 02, you failed to complete the assigned task of getting a USAREUR license no later than 29 Jan 02. You were told the starting time of the testing and the location of the testing. For this infraction, you received another LOR on 30 Jan 02 (Atch 2).
- c. On or about 3 Dec 01, you failed to report/call your duty section as you were told to do. For this infraction, you received another LOR on 2 Feb 02 (Atch 3).
- d. On 28 May 02, you willfully disobeyed a direct order to complete a cer-test on Chapter 6 of silent war and then report back when finished. For this infraction, you received another LOR on 29 May 02 (Atch 4).
- e. On 28 May 02 and 3 Jun 02, you willfully disobeyed a direct order to report to the training office on both days at 0900 to complete a certification course review exercise for CDC 10027, Driver Operator ARFF. For this infraction, you received another LOR on 6 Jun 02 (Atch 5).
- f. On 18 Aug 02, you failed to have your dormitory room 314 in Bldg 225 in inspection order. Your room was both a health and fire safety hazard. You were ordered to have your room in inspection order before you reported to duty the next day. For this infraction, you received another LOR on 20 Aug 02 (Atch 6).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM 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 re-enlistment 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. I recommend you schedule an appointment to consult with the area defense counsel at Spangdahlem AB, Germany, DSN 452-6607. 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 NLT 24 Oct 02, unless you request and receive an extension in writing 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. Schedule a separation medical examination with the 52d Medical Group, physical exams element and with the family practice clinic ASAP.
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 commander's support staff office.
9. Execute the attached acknowledgment and return it to me immediately.


Squadron Section Commander

Attachments:

1. LOR, 23 Jan 02
2. LOR, 30 Jan 02
3. LOR, 2 Feb 02
4. LOR, 29 May 02
5. LOR, 6 Jun 02
6. LOR, 20 Aug 02
7. Airman's Receipt of Notification Letter, located at Tab 2