

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; width: 150px; height: 20px; margin-top: 5px;"></div>					GRADE AMN		AFSN/SSAN <div style="border: 1px dashed black; width: 100px; height: 20px; margin-top: 5px;"></div>							
TYPE GEN		PERSONAL APPEARANCE			X		RECORD REVIEW							
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL									
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MEMBER SITTING					VOTE OF THE BOARD									
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2007-00011

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 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:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, a Vacation, seven Letters of Reprimand, two Letters of Counseling, a Record of Individual Counseling and a Memorandum for Record for misconduct. His first Article 15 was for failure to go. He was reduced in grade to Airman First Class, a suspended forfeiture of pay and a reprimand. The Vacation action for failure to go resulted in a forfeiture of pay. His last Article 15 was for making false official statements. He was punished with a reduction in grade to Airman, suspended forfeiture of pay, and a reprimand. The applicant had further misconduct and was disciplined for failure to obey a lawful order, failure to report on time, driving under the influence of alcohol, suspended driving privileges, dereliction of duty, being late for duty, and showing up for duty unshaven. 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.

Issue 2. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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

[REDACTED] (Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Wright-Patterson AFB, OH on 23 Jun 06 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: 29 Oct 81. Enlmt Age: 20 4/12. Disch Age: 24 7/12. Educ: HS DIPL. AFQT: N/A. A-59, E-50, G-55, M-42. PAFSC: 3P051 - Security Forces Journeyman. DAS: 10 Jan 04.

b. Prior Sv: (1) AFRes 4 Mar 02 - 13 May 02 (2 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 May 02 for 6 yrs. Svd: 04 Yrs 01 Mo 10 Das, all AMS.

b. Grade Status: Amn - 10 Mar 04 (Article 15, 10 Mar 06)
A1C - 27 Jan 06 (Article 15, 27 Jan 06)
SrA - 01 Nov 04
A1C - 28 Jun 02

c. Time Lost: None.

d. Art 15's: (1) 10 Mar 06, Kadena AB, Japan - Article 107. You, did, on or about 27 Jan 06, with intent to deceive, make to MSgt [REDACTED] an official statement, to wit: that you checked the duty roster after work on 5 Jan 06, and you were not listed as the clearing barrel official on the duty roster or words to that effect, which statement was false in that you knew that you had been appointed as clearing barrel official on the duty roster, and was then known by you to be so false. Article 107. You, did, on or about 27 Jan 06, with intent to deceive, make to MSgt [REDACTED] an official statement, to wit: TSgt [REDACTED] changed the duty roster after you departed work, without informing you he had appointed you as clearing barrel official, or words to that effect which statement was false in that you knew that you had been appointed as clearing barrel official on the duty roster, and was then known by you to be so false. Article 107. You, did, on or about 27 Jan 06, with intent to deceive, make to MSgt [REDACTED] an official statement, to wit: that you talked to TSgt [REDACTED] and he admitted he had changed the duty roster without telling you, which statement was false in

that you did not speak to TSgt [] and was then known by you to be so false. Reduction to Airman. Suspended forfeiture of \$250.00 pay per month for 2 months. Reprimand. (No appeal) (No mitigation)

(2) 28 Feb 06, Vacation, Kadena AB, Japan - Article 86. You, did, between on or about 29 Jan 06 and on or about 31 Jan 06, without authority, fail to go at the prescribed time to your appointed place of duty, to wit: Building 613. Forfeiture of \$250.00 pay per month for 2 months. (No appeal) (No mitigation)

(3) 27 Jan 06, Kadena AB, Japan - Article 86. You, did, on or about 9 Jan 06, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 718. Reduction to A1C. Suspended forfeiture of \$250.00 pay per month for 2 months. Reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 20 FEB 06 - Failure to go.
 LOR, 28 JAN 06 - Failure to obey a lawful order or regulation.
 LOC, 30 DEC 05 - Failed to show on time for mandatory training.
 LOR/UIF, 18 JUL 05 - Failure to obey a lawful order.
 RIC, 29 APR 05 - Failure to obey a lawful order or regulation.
 LOR/UIF, 09 SEP 04 - Driving under the influence of alcohol.
 MFR, 19 AUG 04 - Suspension of driving privileges.
 LOR, 13 APR 04 - Failure to go.
 LOR, 02 APR 04 - Dereliction of duty.
 LOR, 24 MAR 04 - Showing up for duty unshaven.
 LOC, 17 MAR 04 - Late for duty.

f. CM: None.

g. Record of SV: 14 May 02 - 01 Jun 04 Kadena AB 3 (Initial)
 02 Jun 04 - 01 Jun 05 Kadena AB 3 (Annual) REF
 02 Jun 05 - 11 May 06 Kadena AB 1 (Cmdr Dir) REF

h. Awards & Decs: AFTR, NDSM, GWOTSM, AFLSAR, AFOSLTR.

i. Stmt of Sv: TMS: (04) Yrs (03) Mos (20) Das
 TAMS: (04) Yrs (01) Mos (10) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01 Jan 07.
 (Change Discharge to Honorable)

Issue 1: I would like to go to school to finish my degree. I served four years the best I could give for my country. I got discharged on a bunch of minor things over a 2 year period. Normally you can have paperwork removed but not in my unit. As a result the paperwork just builds ups. (sic) with no way to get rid of it and a system that thinks it's a bad thing that there is a lot of

paperwork. It is setup so that you fail at it or PCS to avoid it. It (sic) not a very fair system and I think should have gotten a better discharge.

ATCH

None.

21FEB07/ia

**DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES**

64 JUN 2005

MEMORANDUM FOR AMN: [REDACTED]

FROM: 18 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. 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 an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.
2. My reason for this action is:
 - a. On 12 Mar 04, you failed to show up at the appropriate time for a mandatory Airman Professional Development Forum. As a result, you received a Letter of Counseling (LOC) on 17 Mar 04 (Tab 1-1).
 - b. On 23 Mar 05, you showed up for a firing appointment unshaven. As a result, you received a Letter of Reprimand (LOR) on 24 Mar 04 (Tab 1-2).
 - c. On 25 Mar 04, you failed to bring your required PT gear to work with you, despite being briefed to do so the previous day. As a result, you received an LOR on 2 Apr 04 (Tab 1-3).
 - d. On 10 Apr 04, you failed to show for a commander-directed stress firing appointment. This was not the first time you missed an appointment. As a result, you received an LOR on 13 Apr 04 (Tab 1-4).
 - e. On or about 14 Aug 04, you operated a vehicle while under the influence of alcohol on Chuo Street, Okinawa, City, Okinawa, Japan. As a result, you received an LOR on 9 Sep 04 (Tab 1-5).
 - f. On 24 Apr 05, you failed to conduct a 100% hands-on inspection of 379 EMSG/CC's ID card. As a result, you received an LOC on 29 Apr 05 (Tab 1-6).

g. On 9 Jul 05, you failed to obey a lawful order, 18 WG/CC Liberty Stand-Down Order, dated 8 Jul 05, despite acknowledging your understanding of this order the previous day. As a result, you received an LOR on 18 Jul 05 (Tab 1-7).

h. On 30 Dec 05, you failed to arrive on time for mandatory supervised remedial training. This training was required due to the fact that you failed your annual QC. As a result, you received an LOC on 30 Dec 05 (Tab 1-8).

i. On or about 9 Jan 06, you failed to go to your appointed place of duty at the time prescribed. As a result, you received an Article 15 on 27 Jan 06. Your punishment consisted of a reduction to the grade of Airman First Class; forfeiture of \$250.00 pay per month for two months, suspended for six months; and a reprimand (Tab 1-9).

j. On or about 26 Dec 05, you failed to obey an order to get your flu shot. This order was given to you during guard mount on or about 26 Dec 05. As a result, you received an LOR on 28 Jan 06 (Tab 1-10).

k. On or about 18 Feb 06, you failed to conduct bay orderly duty, and could not be located. As a result, you received an LOR on 20 Feb 06 (Tab 1-11).

l. Between on or about 29 Jan 06 and 31 Jan 06, you failed to go to your appointed place of duty at the time prescribed. As a result, the previous suspended portion of your Article 15 was vacated on 28 Feb 06, and you forfeited \$250.00 pay per month for two months (Tab 1-12).

m. On or about 27 Jan 06, you lied to MSgt: _____; telling him you had checked the duty roster, when, in fact, you had not. As a result, you received an Article 15 on 10 Mar 06. Your punishment consisted of a reduction to the rank of Airman; forfeiture of \$250.00 pay per month for two months, suspended for six months; and a reprimand (Tab 1-13).

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 the ADC at Bldg 1460, on 10 JUN 2006, at N/A 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 107 JUN 2006 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 N/A on _____, at _____ hours for the examination. MR: Completed with on 16 May 06.

7. 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 at Area Defense Counsel's Office, Bldg 1460.

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


[Redacted signature box]

Commander, 18th Security Forces Squadron

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum