

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE		AFSN/SSAN															
					AB																	
TYPE GEN		PERSONAL APPEARANCE			<b>X</b>		RECORD REVIEW															
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL																	
YES		No																				
		<b>X</b>																				
MEMBER SITTING					VOTE OF THE BOARD																	
					HON	GEN	UOTHC	OTHER	DENY													
									X													
									X													
									X													
									X													
									X													
ISSUES		INDEX NUMBER			EXHIBITS SUBMITTED TO THE BOARD																	
A94.05		A67.10			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center; width: 20px;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>				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
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HEARING DATE		CASE NUMBER																				
24 May 2007		FD-2007-00012																				
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>																						
ENDORSEMENT					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

FD-2007-00012

**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:**

Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s and a Vacation for misconduct. The applicant received his first Article 15 for wrongfully using provoking words and gestures. He was punished with a suspended reduction in grade to Airman, restriction to Ramstein AB for 30 days, 30 days of extra duty, and a reprimand. His second Article 15 and the Vacation action were for possession of alcohol while under the age of twenty-one and driving while drunk. He was reduced in grade to Airman Basic, restricted to Charleston AFB for 30 days and 30 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.

**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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Charleston AFB, SC on 8 Jun 06 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 27 Apr 85. Enlmt Age: 18 3/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-80, E-72, G-78, M-55. PAFSC: 2T231 - Air Transportation Apprentice. DAS: 23 Jan 06.

b. Prior Sv: (1) AFRes 22 May 03 - 22 Sep 03 (4 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Sep 03 for 4 yrs. Svd: 02 Yrs 08 Mo 16 Das, all AMS.

b. Grade Status: AB - 10 May 06 (Article 15, 10 May 06)  
Amn - 28 Nov 05 (Vacation to Article 15, 1 May 06)  
A1C - 23 Jan 05  
Amn - 23 Mar 04

c. Time Lost: None.

d. Art 15's: (1) 10 May 06, Charleston AFB, SC - Article 92. You, who knew or should have known of your duties, on or about 15 Apr 06, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcohol while under the legal age of 21, as it was your duty to do. Article 92. You, who knew or should have known of your duties, on or about 15 Apr 06, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcohol while under the legal age of 21, as it was your duty to do. Article 111. You, did, on or about 15 Apr 06, at the Rivers Gate entry to Charleston AFB, SC, physically control a vehicle, to wit: a passenger car, while drunk. Reduction to AB, restriction to the limits of Charleston AFB, SC, for 30 days, and 30 days extra duty.  
(No appeal) (No mitigation)

(2) 01 May 06, Vacation, Charleston AFB, SC - Article 92. You, who knew or should have known of your duties, on or about 15 Apr 06, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcohol while under the legal age of 21,

as it was your duty to do. Article 92. You, who knew or should have known of your duties, on or about 15 Apr 06, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the legal age of 21, as it was your duty to do. Article 111. You, did, on or about 15 Apr 06, at the Rivers Gate entry to Charleston AFB, SC, physically control a vehicle, to wit: a passenger car, while drunk. Reduction to Airman. (No appeal) (No mitigation)

- (3) 28 Nov 05, Ramstein AB, Germany - Article 117. You, did, on or about 23 Aug 05, wrongfully use provoking words, to wit: "no blacks beyond this point" or words to that effect and gestures, to wit: sticking your foot in front of A1C [REDACTED]; U.S. Air Force. Suspended reduction to Airman. Restriction to the limits of Ramstein AB, Germany for 30 days, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 23 Sep 03 - 22 May 05 Ramstein AB 5 (Initial)  
23 May 05 - 11 Dec 05 Ramstein AB 3 (CRO)

h. Awards & Decs: AFTR, GWOTSM, AFSCM.

i. Stmt of Sv: TMS: (03) Yrs (00) Mos (17) Das  
TAMS: (02) Yrs (08) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02 Jan 07.  
(Change Discharge to Honorable)

Issue 1: I am requesting a change of discharge from General/under Honorable Conditions to Honorable. I received the General discharge after an Article 15 for Minor Disciplinary Infractions. After the Article 15 I was restricted to base for 30 days, received 30 days extra duty and I was reduced in rank to E-1. After completing this punishment I was called into the commander's office and received the notification of the General discharge. I feel this was a second punishment and exceptionally harsh considering the charges.

**ATCH**

1. Response to Nonjudicial Punishment Proceedings.
2. Response to Vacation Action.
3. Letter of Support.

08MAR07/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 437TH AIRLIFT WING (AMC)

FD2007-00012

MAY 12 2006

MEMORANDUM FOR AB: \_\_\_\_\_, 437 APS

FROM: 437 APS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: 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 either Honorable, Under Honorable Conditions (General) or Under Other Than Honorable Conditions (UOTHC). I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. On or about 15 April 2006, you were derelict in the performance of your duties in that you failed to refrain from possessing and consuming alcohol while under the age of 21. Also, on or about 15 April 2006, you operated a passenger car while drunk. For these offenses, you received an Article 15, dated 10 May 2006, and you received a vacation of non-judicial punishment, dated 1 May 2006 (Attachments 1 and 2);

b. On or about 28 November 2005, you wrongfully used provoking words and gestures. For this offense, you received an Article 15, dated 28 November 2005 (Attachment 3).

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 jurisdiction or higher authority will decide whether you will be discharged or retained in the United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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: \_\_\_\_\_ at Charleston AFB, SC via telephone at DSN 673-4416 or commercial 963-4416 on 12 MAY 06 at 1630 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 MAY 06 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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6. If you fail to consult counsel or to submit statements on 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 The Medical Group on 15 May 2006, at 1305 hours for the examination.

8. You have been scheduled for a Transition Assistance Briefing at the Family Support Center, Bldg 255, on 16 May 2006, at 0900 hours.

9. You have been scheduled for a separation briefing at Personnel Relocations, Bldg 503, on 15 May 2006, at 1000 hours.

10. 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 the unit orderly room.

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



437 APS Commander

**Attachments:**

1. AF Form 3070 w/ response, dated 10 May 2006
2. AF Form 366 w/ response, dated 01 May 2006
3. AF Form 3070, w/ response, dated 28 November 2005