

# 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: 80px; height: 20px; margin-top: 5px;"></div>							
TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </table>		COUNSEL		YES	No	X		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
COUNSEL										
YES	No									
X										
MEMBER SITTING			VOTE OF THE BOARD							
			HON	GEN	UOTHC	OTHER	DENY			
<div style="border: 1px dashed black; width: 250px; height: 150px;"></div>							X			
							X			
							X			
							X			
							X			
ISSUES <b>A94.05</b>		INDEX NUMBER <b>A67.10</b>		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 <b>24 May 2007</b>		CASE NUMBER <b>FD-2007-00017</b>								
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>										
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**

**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. He contends that his discharge was expedited because the Air Force was going through Force Shaping. The records indicated the applicant received an Article 15, a Vacation, four Letters of Reprimand, and two Letters of Counseling for misconduct. The applicant received an Article 15 for failure to go to his appointed place of duty and making a false official statement. He was punished with a reduction in grade to Airman, suspended forfeiture of pay and a reprimand. The Vacation action was for failure to go to his appointed place of duty and failure to pay a debt to the Military Star Program. For this misconduct, he was punished with a forfeiture of pay for two months. The applicant had additional misconduct and was administratively disciplined for being late for duty, failure to go, substandard training progression, and violation of the Dress and Appearance 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.

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 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Schriever AFB, CO on 8 Nov 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Aug 82. Enlmt Age: 19 9/12. Disch Age: 22 3/12. Educ: HS DIPL. AFQT: N/A. A-88, E-91, G-89, M-86. PAFSC: 3C231 - Communications-Computer Systems Control Apprentice. DAS: 6 Jan 03.

b. Prior Sv: (1) AFRes 10 May 02 - 10 Jun 02 (1 month 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Jun 02 for 6 yrs. Svd: 02 Yrs 04 Mo 28 Das, all AMS.

b. Grade Status: Amn - 18 May 04 (Article 15, 18 May 04)  
A1C - 29 Jul 02

c. Time Lost: None.

d. Art 15's: (1) 24 Sep 04, Vacation, Schriever AFB, CO - Article 86. You, did, on or about 10 Aug 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 220. Article 134. You, being indebted to Military Star Program in a certain sum for credit purchases, which amount became due and payable on or about 8 Jul 04, did at or near Colorado Springs, Colorado from 8 Jul 04 to 14 Sep 04, dishonorably fail to pay said debt. Forfeiture of \$200.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 18 May 04, Schriever AFB, CO - Article 86. You did, on or about 30 Apr 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 400, mod 3. Article 86. You, did, on or about 4 May 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 400, mod 3. Article 107. You, did, on or about 26 Apr 04, with intent to deceive, make to TSgt [REDACTED], an official statement, to wit: "I didn't come to work, on 25 Apr 04, because I went to sick call at Peterson Air Force Base," or words to that effect, which statement was totally false, and was then known by you to be so false. Reduction to Airman.

Suspended forfeiture of \$200.00 pay per month for 2 months. Reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 23 SEP 04 - Late for duty and failure to go to a dental appointment.  
LOR, 23 SEP 04 - Failure to go.  
LOR, 04 SEP 04 - Substandard training progression.  
LOC, 30 APR 04 - Violation of Dress and Appearance Standards.  
LOR, 26 APR 04 - Failure to go.  
LOC, 17 JAN 04 - Violation of Dress and Appearance Standards.
- f. CM: None.
- g. Record of SV: 11 Jun 02 - 15 Jan 04 Schiever AFB 3 (HAF Dir)
- h. Awards & Decs: AFOUA, NDSM, ASCM, AFTR.
- i. Stmt of Sv: TMS: (02) Yrs (05) Mos (29) Das  
TAMS: (02) Yrs (04) Mos (28) Das

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

Issue 1: I would like to upgrade my discharge because I believe it was expedited due to the Air Force going through a Force Reshaping at the time. In which any persons with article 15's or UIF's on their records would be singled out to be removed from the current Air Force structure. I do not believe my actions warranted me being generally discharged or losing my VA/MGIB benefits.

The reason for my Unfavorable Information File is because the length of punishment stated on my Article 15 was long enough to warrant having a UIF opened. Aside from that there was no other reason for having one.

**ATCH**

- 1. DD Form 214.

28FEB07/ia



## DEPARTMENT OF THE AIR FORCE

80TH SPACE WING (AFSPC)

12 October 2004

MEMORANDUM FOR AMN: [REDACTED], 50 SCS

FROM: 50 SCS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your current term of service be characterized as general.

2. My reasons for this action are:

a. On or about 17 Jan 04, you arrived for duty wearing a dirty uniform and displaying poor personal hygiene. This constituted a violation of Art 92 of the Uniform Code of Military Justice (UCMJ). As a result, you received a Letter of Counseling (LOC), dated 17 Jan 04. (Atch. 1a)

b. On or about 26 Apr 04, you failed to report to duty at the prescribed time. This constituted a violation of Art 86 of the UCMJ. As a result you received a Letter of Reprimand (LOR), dated 26 Apr 04. (Atch. 1b)

c. On or about 30 Apr 04, it came to the attention of your Crew Commander, 2LT [REDACTED], that you failed several days in a row to have your hair cut to the standard prescribed by AFI 36-2903. This constituted a violation of Art 92 of the UCMJ. As a result you received an LOC, dated 30 Apr 04. (Atch. 1c)

d. On or about 30 Apr 04 and on or about 4 May 04, you, without authority, failed to go at the prescribed time to your place of duty. On or about 26 Apr 04, you, with the intent to deceive, made a false official statement. These actions constituted violations of Art 86 and 107 of the UCMJ. As a result, nonjudicial punishment was imposed on 18 May 04 with a punishment of reduction to the grade of Airman, and a forfeiture of \$200.00 pay per month for two months, suspended. (Atch. 1d)

e. On or about 2 Sep 04, it came to the attention of your Crew Manager, TSgt [REDACTED], that you had not made adequate training progression. This constituted a violation of Art 91 of the UCMJ. As a result you received an LOR, dated 4 Sep 04. (Atch. 1e)

f. On or about 21 Sep 04, you failed to go to your assigned place of duty. This constituted a violation of Art 86 of the UCMJ. As a result you received an LOR, dated 23 Sep 04. (Atch. 1f)

g. On or about 13 Sep 04, it came to the attention of your Flight Commander, Maj [redacted] that you had failed to go to your assigned place of duty, on divers occasions. This constituted a violation of Art 86 of the UCMJ. As a result you received an LOR, dated 23 Sep 04. (Atch. 1g)

h. On or about 10 Aug 04, you, without authority, failed to go at the prescribed time to your place of duty and between on or about 8 Jul 04 and on or about 14 Sep 04, dishonorably failed to pay a just debt. These actions constituted violations of Art 86 and 134 of the UCMJ. As a result, I vacated the suspension of your prior nonjudicial punishment. (Atch 1h)

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 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. An appointment has been made for you to consult the Area Defense Counsel Office, 556-7611, 135 Dover St, Peterson AFB, on 12 Oct 04 at 1400 hours. You may consult civilian counsel at your own expense. Civilian counsel, if employed, must be readily available.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 duty days from the date you receive this memorandum of notification 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 complete the attached DD Form 2697 (Atch 5) and report to the Schriever AFB Flight Medicine for your scheduled appointment on 13 Oct 04 at 1000. You must arrive 20 minutes prior to the scheduled appointment time.

8. You must report to MPF Separations on 13 Oct 04 at 1300 hours to receive a briefing.

9. 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 orderly room.



Commander, 50th Space Communications Squadron

**Attachments:**

1. Derogatory Data:
  - a. LOC, dated ,17 Jan 04
  - b. LOR, dated, 26 Apr 03
  - c. LOC, dated, 30 Apr 04
  - d. AF Form 3070, dated, 24 May 04
  - e. LOR, dated, 4 Sep 03
  - f. LOR, dated, 23 Sep 04
  - g. LOR, dated, 23 Sep 04
  - h. AF Form 3070, dated, 24 Sep 04
2. Airman's Receipt of Notification
3. Airman's Statement
4. Recoupment Statement
5. DD Form 2697