

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AMN

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

OTIHER

DENY

X

X

X

X

X

ISSUES

A94.53

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

03 May 2007

CASE NUMBER

FD-2007-00018

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.

ENDORSEMENT

DATE: 5/7/2007

TO:

SAF/MRHR
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-2007-00018

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received an Article 15, four Letters of Reprimand, a Letter of Counseling, and two Records of Individual Counseling for misconduct. The applicant received an Article 15 for failure to go to his appointed place of duty and for making a false official statement. He was punished with a reduction in grade to Airman and a reprimand. He was administratively disciplined for failure to obey orders, dereliction of duty on two separate occasions, lying and not having the required uniform, making numerous false statements, being out of uniform, late for duty, haircut out of regulation, and blatant disregard to AFI 36-2903, *Dress and Appearance of Air Force Personnel*. 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

[REDACTED] (Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Schriever AFB, CO on 6 Jul 06 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 11 Feb 81. Enlmt Age: 21 7/12. Disch Age: 25 4/12. Educ: HS DIPL. AFQT: N/A. A-69, E-62, G-47, M-36. PAFSC: 3A051 - Information Management Journeyman. DAS: 17 Oct 05.

b. Prior Sv: (1) AFRes 12 Sep 02 - 10 Mar 03 (5 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Mar 03 for 4 yrs. Svd: 03 Yrs 03 Mo 26 Das, all AMS.

b. Grade Status: Amn - 16 Jun 06 (Article 15, 16 Jun 06)
A1C - 11 Jul 04
Amn - 11 Sep 03

c. Time Lost: None.

d. Art 15's: (1) 16 Jun 06, Schriever AFB, CO - Article 86. You, did, on or about 4 Apr 06, without authority, fail to go at time prescribed to your appointed place of duty, to wit: Building 210 at 0900 for an official photo appointment. Article 107. You, did, on or about 5 May 06, with intent to deceive, make to MSgt [REDACTED] and MSgt [REDACTED], an official statement, to wit: that your Battle Dress Uniform blouse was at alterations, a statement which was totally false, and was then known by you to be so false. Reduction to Airman. Reprimand. (No appeal) (No mitigation)

e. Additional: LOC, 14 JUN 06 - Dereliction of duty.
LOR, 15 MAY 06 - Failure to obey a lawful order.
LOR, 15 MAY 06 - Dereliction of duty.
LOR, 10 MAY 06 - Lying and not having the required uniform.
LOR, 31 JAN 06 - Making numerous false official statements, disobeying the orders of those in the Chain of Command, and blatant disregard to AFI 36-2903, Dress and Appearance of Air Force Personnel.
RIC, 06 JAN 06 - Out of uniform.
RIC, 29 NOV 05 - Late for duty, and hair cut out of

regulation.

f. CM: None.

g. Record of SV: 11 Mar 03 - 11 Nov 04 Misawa AB 4 (Initial)
12 Nov 04 - 05 Aug 05 Misawa AB 4 (CRO)

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

i. Stmt of Sv: TMS: (03) Yrs (09) Mos (25) Das
TAMS: (03) Yrs (03) Mos (26) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 08 Jan 07.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

28FEB07/ia



DEPARTMENT OF THE AIR FORCE

27 JUN 2006

MEMORANDUM FOR AMN: [REDACTED] DET 1, 392 TRS

FROM: DET 1, 392 TRS/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 AFPD 36-32 and AFI 36-3208, paragraph 5.49. If your discharge 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 29 Nov 05, you failed to go to your appointed place of duty at the prescribed time and failed to meet the dress and appearance standards of the Air Force, due to your hair being out of standards. These actions constitute violations of Articles 86 and 92 of the Uniform Code of Military Justice (UCMJ). As a result, you received a Letter of Counseling (LOC), dated 29 Nov 05. (Atch 1a)

b. Between on or about 1 Oct 05 and on or about 5 Jan 06, you were derelict in the performance of your duties by failing to meet the dress and appearance standards of the Air Force, by not having the correct patches on your Battle Dress Uniform (BDU). This action constitutes a violation of Article 92 of the UCMJ. As a result, you received an LOC, dated 6 Jan 06. (Atch 1b)

c. On or about 27 Jan 06 and on or about 30 Jan 06, you made official statements, concerning your uniforms, which statements were totally false, and were known to you to be so false. These actions constitute violations of Article 107 of the UCMJ. As a result, you received an LOR, dated 31 Jan 06. (Atch 1c)

d. Between on or about 24 Mar 06 and on or about 31 Mar 06, you made an official statement, to wit: you had a serviceable service jacket, which statement was totally false, and was then known to you to be so false. This action constitutes a violation of Article 107 of the UCMJ. As a result, you received an LOR, dated 10 May 06. (Atch 1d)

e. On or about 25 Oct 05, you made an official statement, to wit: all in-processing appointments had been completed, which statement was totally false, and was then known to you to be so false. This action constitutes a violation of Article 107 of the UCMJ. As a result, you received an LOR, dated 15 May 06. (Atch 1e)

f. On or about 5 May 06, you failed to obey a direct order to obtain a serviceable BDU shirt. This action constitutes a violation of Article 92 of the UCMJ. As a result, you received an LOR, dated 15 May 06. (Atch 1f)

g. On or about 8 Jun 06, you were derelict in the performance of your duties by failing to perform your assigned duties. This action constitutes a violation of Article 92 of the UCMJ. As a result, you received an LOC, dated 14 Jun 06. (Atch 1g)

h. On or about 4 Apr 06, you failed to go to your appointed place of duty at the prescribed time. This action constitutes a violation of Article 86 of the UCMJ. As a result, you received non-judicial punishment, dated 16 Jun 06, with a reduction to the grade of Airman, and a reprimand. (Atch 1h)

i. On or about 5 May 06, you made an official statement, to wit: that your Battle Dress Uniform blouse was at alterations, which statement was totally false, and was then known to you to be so false. This action constitutes a violation of Article 107 of the UCMJ. As a result, you received non-judicial punishment, dated 16 Jun 06, with a reduction to the grade of Airman, and a reprimand. (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 Street, Peterson AFB, on 28 JUNE 06 at 1600 H. 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 must complete the attached DD Form 2697 (Atch 5). You are required to make an appointment with the Schriever AFB Flight Medicine clinic within 24 hours of receiving this notification letter.

8. You must report to MPF Separations on 28 Jun 06 at 1430 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, Det 1, 392nd Training Squadron

Attachments:

1. Derogatory Data:
 - a. LOC, dated 29 Nov 05
 - b. LOC, dated 6 Jan 06
 - c. LOR, dated 31 Jan 06
 - d. LOR, dated 10 May 06
 - e. LOR, dated 15 May 06
 - f. LOR, dated 15 May 06
 - g. LOC, dated 14 Jun 06
 - h. AF Form 3070, dated 16 Jun 06
2. Airman's Receipt of Notification
3. Airman's Statement
4. Recoupment Statement
5. DD Form 2697