

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		GRADE AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>						
TYPE HON	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">COUNSEL</td> <td style="width: 90%;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td style="text-align: center;">YES</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES	No	X		ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION								
YES	No								
X									
MEMBER SITTING		VOTE OF THE BOARD							
		HON	GEN						
		UOTHC	OTHER						
		DENY							
			X**						
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			X**						
ISSUES A94.05	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-2007-00025								
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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> <p>* Reason and Authority + Reenlistment Code</p> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>									
INDORSEMENT		DATE: 5/7/2007							
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-2007-00025

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for 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: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are 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:

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He has also expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The records indicated the applicant received an Article 15, a Vacation, a Letter of Reprimand, and a Record of Individual 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 suspended reduction in grade to Airman, thirty days of correctional custody, and a reprimand. The Vacation action was for breaking restriction while assigned to Correctional Custody which resulted in his reduction in grade to Airman. The applicant was also administratively disciplined for financial irresponsibility. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Wright-Patterson AFB, OH on 2 Jan 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 20 Mar 84. Enlmt Age: 19 8/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-55, E-74, G-40, M-67. PAFSC: 2A635 - Aircraft Hydraulic Systems Apprentice. DAS: 30 Jul 04.

b. Prior Sv: (1) AFRes 17 Dec 03 - 23 Feb 04 (2 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Feb 04 for 6 yrs. Svd: 01 Yrs 03 Mo 09 Das, all AMS.

b. Grade Status: Amn - 17 Mar 05 (Vacation of Article 15, 7 Apr 05)
A1C - 9 Apr 04

c. Time Lost: None.

d. Art 15's: (1) 07 Apr 05, Vacation, Ramstein AB, Germany - Article 134. You, having been restricted to the limits of Correctional Custody, building 2104, by a person authorized to do so, did, on or about 19 Mar 05, break said restriction. Reduction to Airman. (No appeal) (No mitigation)

(2) 17 Mar 05, Ramstein AB, Germany - Article 86. You, did, on or about 1 Mar 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 2210. Article 107. You, did, on or about 1 Mar 05, with intent to deceive, make to TSgt Brown, an official statement, to wit: Furnishings Management Office (FMO) showed up at 1400, which statement was false in that FMO showed up at 0815, and was then known by you to be so false. Suspended reduction to Airman. Thirty days correctional custody, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 02 MAR 05 - Financial irresponsibility.
RIC, 24 JAN 05 - Financial irresponsibility.

f. CM: None.

g. Record of SV: None.

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

i. Stmt of Sv: TMS: (01) Yrs (05) Mos (16) Das
TAMS: (01) Yrs (03) Mos (09) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 12 Jan 07.

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

Issue 1: My discharge was wrongfully given due to the fact that my commander sent me to RAMP (Ramstien (sic) Area Motivational Program) and I quit the program without going AWOL. I was sent to RAMP due to my financial irresponsibilities (sic) within a 2 mnth (sic) period and I think it was wrong for my commander to send me to RAMP for that reason alone. Therefore I ask to upgrade my discharge to Honorable and to change my re-entry code from 2B to something other than a 2, so I can yet serve my country in another branch of service.

ATCH

None.

09MAR07/ia



DEPARTMENT OF THE AIR FORCE
86TH AIRCRAFT MAINTENANCE SQUADRON (USAF)

FD 2007-00025

11 May 05

MEMORANDUM FOR AMN: [REDACTED] 86 AMXS

FROM: 86 AMXS/CC

SUBJECT: Notification Memorandum

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, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. If my recommendation is approved, your service will be characterized as either Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On 19 March 2005, you broke restriction. For this incident, you received a vacation of suspended Article 15 punishment, dated 7 April 2005. Punishment consisted of a reduction to the grade of Airman. (Atch 1a)

b. On 1 March 2005, you failed to go, and made a false official statement. For these incidents, you received an Article 15, dated 17 March 2005. This document established your Unfavorable Information File (UIF). (Atch 1b)

c. On 16 February 2005, you failed to pay your utilities. For this incident, you received a Letter of Reprimand (LOR), dated 2 March 2005. (Atch 1c)

d. On 18 January 2005, you were two months behind in rent. For this incident, you received a Record of Individualized Counseling (RIC), dated 24 January 2005. (Atch 1d)

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 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. I have made an appointment for you to consult with Capt [REDACTED] Area**

Defense Counsel, Ramstein AB, GE, Building 2111, DSN 480-2182/2492 on 11 May 05 at 0900 hours. If you chose not to consult counsel then you must call and cancel this appointment. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 16 May 05 at 0600 hours 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 report in uniform with your medical records and an escort to the Force Health Management, Physical Exams, Building 2121 on 11 May at 10 00 hours for the evaluation. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, *Administrative Separation of Airmen*, is available for your use in the orderly room.

9. Execute the attached acknowledgement and return it to me immediately.

Commander

Attachments:

1. Supporting Documents:

- a. AF Form 366, dated 7 April 2005 w/attachment
- b. AF Form 3070, dated 17 March 2005 w/attachment
- c. LOR, dated 2 March 2005
- d. RIC, dated 24 January 2005
- e. Airman's Receipt of Notification Memorandum