

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

OTHER

DENY

X*+

X*+

X*+

X*+

X*+

ISSUES

A95.00

A01.00

INDEX NUMBER

A67.90

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-2007-00026

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.

* Reason and Authority

+ Reenlistment Code

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

FD-2007-00026

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

Issue 1. The applicant has expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The records indicated the applicant received two Article 15s, two Letters of Reprimand, and two Letters of Counseling for misconduct. The applicant received his first Article 15 for failure to pay a debt to Lake Hill Motors. He was disciplined with a suspended forfeiture of pay for two months and restriction to the limits of Little Rock AFB for seven days. His second Article 15 was for failure to go to his appointed place of duty, failure to maintain cleanliness standards in his dormitory room, and for possession of alcohol in his dormitory room while under the age of 21. He was punished with a reduction in grade to Airman Basic (reduction below Airman was suspended). The applicant had additional misconduct and was administratively disciplined for a failed dorm room inspection, having alcohol in his dorm room while under the age of 21, dereliction of duty, being disrespectful towards an NCO, and failure to go. 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 (DD Form 2366, on August 20, 2002) 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Little Rock AFB, AR on 14 Jul 04 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, to Change RE Code and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 27 Jan 84. Enlmt Age: 17 11/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-48, E-52, G-44, M-70. PAFSC: 3P051 - Security Forces Journeyman. DAS: 3 Jan 03.

b. Prior Sv: (1) AFRes 31 Dec 01 - 5 Aug 02 (7 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Aug 02 for 4 years. Svd: 01 Yrs 11 Mo 09 Das, all AMS.

b. Grade Status: Amn - 17 Jun 04 (Article 15 - 17 Jun 04)
A1C - 06 Dec 03
Amn - 06 Feb 03

c. Time Lost: None.

d. Art 15's: (1) 17 Jun 04, Little Rock AFB, AR - Article 86. You, did, on or about 19 May 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1090 at 1500 hours. Article 92. You, who knew of your duties, on or about 25 May 04, were derelict in the performance of those duties in that you willfully failed to maintain the cleanliness and neatness standards in your dormitory room 105 of building 714, as it was your duty to do. Article 92. You, who knew of your duties, on or about 25 May 04, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcohol in your dormitory room while under the age of twenty-one (21), as it was your duty to do. Reduction to AB, with reduction below Amn suspended. (No appeal)
(No mitigation)

(2) 18 Nov 03, Little Rock AFB, AR - Article 134. You, being indebted to Lake Hill Motors in the sum of \$444.96 for a Honda four-wheeler, which amount became due and payable on or about 15 Oct 03, did, from 15 Oct 03 to 22 Oct 03, dishonorably fail to pay said debt. Suspended

forfeiture of \$645.00 pay per month for 2 months.
Restrictions to the limits of Little Rock AFB AR for 7
days. (No appeal) (No mitigation)

- e. Additional: LOC, 10 SEP 03 - Failed dorm room inspection.
LOR, 09 AUG 03 - Having alcohol in dorm room while
underage.
LOR, 25 MAY 03 - Dereliction of duty and being
disrespectful towards an NCO.
LOC, 08 MAY 03 - Failure to go.
(EXMAINERS NOTE: DOCUMENTS MISSING FROM FILE. INFORMATION
TAKEN FROM LETTER OF NOTIFICATION.)

f. CM: None.

g. Record of SV: 06 Aug 02 - 06 Apr 04 Little Rock AFB 3 (Initial)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (06) Mos (14) Das
TAMS: (01) Yrs (11) Mos (09) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 17 Jan 07.
(Change Discharge to Honorable, Change the RE Code and Reason for
Discharge.)

Issue 1: I wish to change my re-entry code so I can serve my country more
better or at least get my education benefits back.

ATCH
None.

12MAR07/day



DEPARTMENT OF THE AIR FORCE

314 SECURITY FORCES SQUADRON
LITTLE ROCK AFB, ARKANSAS 72099

JUN 22 2004

MEMORANDUM FOR AMN: [REDACTED]

FROM: 314 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 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.

2. My reason for this action is:

a. On or about 4 May 2003, you failed to go to your appointed place of duty. For your actions, you received a letter of counseling (LOC), dated 8 May 2003.

b. On or about 25 March 2003, you were seen outside your area of responsibility as a sentinel by a non-commissioned officer (NCO). Furthermore, you were disrespectful to an NCO when questioned about being outside your area. For your actions, you received a letter of reprimand (LOR), dated 25 May 2003.

c. On or about 8 August 2003, you had alcohol in your dormitory room while under the age of 21. For your actions, you received an LOR, dated 9 August 2003.

d. On or about 8 September 2003, your dorm room failed to meet the inspection standards. For your actions, you received an LOC, dated 10 September 2003.

e. Between on or about 15 October 2003 and on or about 22 October 2003, you failed to pay a debt in the sum of \$444.96 for a Honda four-wheeler. For your actions, you received nonjudicial punishment under Article 15 of the UCMJ.

f. On or about 19 May 2004, you failed to go at the time prescribed to your appointed place of duty. On or about 25 May 2004, your dorm room failed to meet inspection standards. Moreover, on or about 25 May 2004, you had alcohol in your dormitory room while under the age of 21. For your actions, you received nonjudicial punishment under Article 15 of the UCMJ.

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 Captain [REDACTED] at 1255 Vandenberg Blvd, on 22 June 2004, at 1500 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 25 Jun 04 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 are scheduled for the following appointments. You must first report to the Military Personnel Flight, Separations Section, located at 1255 Vandenberg Blvd, Room 100 on **23 June 2004 at 0700 hours**. You must then report to the Medical Clinic, located at 1090 Arnold Dr at **0900 hours on 23 June 2004** for your examination. You must fast 14 hours prior to the examination and may drink only water during that time. You must not smoke 14 hours prior, nor may you consume alcohol 72 hours prior to your examination. If you wear glasses, bring them with you. If you wear contact lenses, bring a container to store them in during your eye examination.
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 the orderly room.
8. Execute the attached acknowledgment and return it to me immediately.



Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum w/Recoupment Statement