

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD									
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE		AFSN/SSAN		
					A1C				
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		INDEX NUMBER			EXHIBITS SUBMITTED TO THE BOARD				
A94.06		A67.10			1 ORDER APPOINTING THE BOARD				
A92.06					2 APPLICATION FOR REVIEW OF DISCHARGE				
A92.02					3 LETTER OF NOTIFICATION				
A92.16					4 BRIEF OF PERSONNEL FILE				
A67.10					COUNSEL'S RELEASE TO THE BOARD				
A92.04					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE				
					TAPE RECORDING OF PERSONAL APPEARANCE HE				
HEARING DATE		CASE NUMBER							
12 Jun 2007		FD-2007-00031							
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 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.									
INDORSEMENT					DATE: 6/18/2007				
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-2007-00031
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered and scheduled for a personal appearance before the Discharge Review Board (DRB), via video teleconference between Andrews AFB, MD and Robins AFB, GA on 12 June 2007, but on the day of the hearing, ultimately declined to exercise his right to a personal appearance.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: The Board grants the requested relief. The discharge is upgraded to honorable.</p> <p>The Board finds that the evidence of record substantiates the applicant's request for a change of discharge characterization.</p> <p>ISSUE:</p> <p>Applicant contends discharge was inequitable because the positive contributions he made during his service outweigh the minor negative misconduct with which he was charged. Although the records indicated the applicant received one Article 15, five Letters of Reprimand, one Letter of Counseling, and four Records of Individual Counseling for various misconduct, the DRB opined that almost all of these administrative actions were for very minor offenses, and some were not given much, if any weight due to the explanations and rebuttals provided by the applicant. Additionally, the DRB took note of the applicant's duty performance as documented by his annual performance reports, letters of recommendation, and his many other accomplishments. Particularly remarkable were his extensive volunteer activities, a stellar four-month long deployment to Kirkuk Air Base, Iraq in support of OPERATION Iraqi Freedom, and his year-long Honor Guard service. These and his other accomplishments more than offset the minor negative aspects of the applicant's active duty service. The Board found the general discharge characterization was inappropriately harsh considering the entirety of the applicant's service.</p> <p>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.</p> <p>In view of the foregoing findings, the Board concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. The applicant's characterization should be changed to honorable under the provisions of Title 10, USC 1553.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Holloman AFB, NM on 7 Dec 06. UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 21 Sep 81. Enlmt Age: 20 5/12. Disch Age: 25 2/12. Educ: HS DIPL. AFQT: N/A. A-49, E-36, G-49, M-60. PAFSC: 3E451 - Utilities Systems Journeyman. DAS: 11 Sep 02.

b. Prior Sv: (1) AFRes 18 Mar 02 - 28 Apr 02 (1 month 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Apr 02 for 6 yrs. Svd: 04 Yrs 07 Mo 09 Das, all AMS.

b. Grade Status: A1C - 29 Aug 06 (Article 15, 29 Aug 06)
SrA - 14 Oct 04
A1C - 14 Jun 02

c. Time Lost: None.

d. Art 15's: (1) 29 Aug 06, Holloman AFB, NM - Article 86. You, did, on divers occasions, between on or about 07 Aug 06 and on or about 09 Aug 06, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Holloman AFB Fitness Center, located on Holloman AFB, NM. Article 92. You, having knowledge of a lawful order issued by 2Lt: _____, to wit: "you will attend mandatory squadron PT on Monday, Wednesday and Friday at 0600" or words to that effect, an order which it was your duty to obey, did, at or near Holloman AFB, NM, on divers occasions between on or about 07 Aug 06 and on or about 09 Aug 06, fail to obey the same by wrongfully failing to attend mandatory squadron PT. Reduction to A1C, 14 days extra duty, and a reprimand.
(Appeal/Denied) (No mitigation)

e. Additional: LOR, 27 MAR 06 - Failure to go.
LOR, 09 MAR 06 - Failed room inspection.
LOR, 13 FEB 06 - Violation of dress and appearance standards.
LOC, 12 DEC 05 - Failure to manage time and appointments effectively.
RIC, 03 DEC 03 - Failure to obey an order.

LOR, 08 JUL 03 - Failure to go.
 LOR, 08 JUL 03 - Failure to respond to standby call.
 RIC, 23 MAY 03 - Late for work.
 RIC, 21 MAR 03 - Reckless driving.
 RIC, 24 SEP 02 - Late for work.

f. CM: None.

g. Record of SV: 29 Apr 02 - 29 Dec 03 Holloman AFB 4 (Initial)
 30 Dec 03 - 21 Oct 04 Holloman AFB 5 (CRO)
 22 Oct 04 - 21 Oct 05 Holloman AFB 4 (Annual)
 22 Oct 05 - 21 Apr 06 Holloman AFB 2 (CRO) REF

h. Awards & Decs: AFTR, AFLSAR, AFESR W/GB, GWOTSM, GWOTEM, AFEM, NDSM, AFGCM, AFOUA W/VALOR, AFAM.

i. Stmt of Sv: TMS: (04) Yrs (08) Mos (20) Das
 TAMS: (04) Yrs (07) Mos (09) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 28 Dec 06.
 (Change Discharge to Honorable)

Issue 1: My discharge should be change (sic) for the very same reason one star General [REDACTED] felt it should be changed. It was not fair and depicts the Air Force as a Force that will not adhere to EEO ideals. This should not have been allowed to take place.

ATCH

1. DD Form 214.
2. AF IMT 100.
3. Five Discharge Documents.
4. Two Photos.
5. Four Character References.
6. Two Certificates of Achievement.
7. Air Force Achievement Medal.
8. Training Certificate.
9. Certificate of Recognition.
10. Personal Statement.
11. Three Photos.
12. List of Personal Achievements.

06APR07/ia



DEPARTMENT OF THE AIR FORCE
 48TH CIVIL ENGINEERING SQUADRON
 HOLLoman AIR FORCE BASE, NEW MEXICO

NOV 09 2006

MEMORANDUM FOR A1C: [REDACTED]

FROM: 49 CES/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* (14 Jul 93), and AFI 36-3208, *Administrative Separation of Airmen* (9 Jul 04), paragraph 5.49. If my recommendation is approved, your service will be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

(a) You, did, at or near Holloman Air Force Base, New Mexico, on divers occasions, between on or about 07 Aug 06 and on or about 09 Aug 06, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Holloman Air Force Base Fitness Center, located on Holloman Air Force Base, New Mexico.

(b) You, having knowledge of a lawful order issued by Second Lieutenant [REDACTED] to wit: "you will attend mandatory squadron PT on Monday, Wednesday and Friday at 0600" or words to that effect, an order which it was your duty to obey, did, at or near Holloman Air Force Base, New Mexico, on divers occasions, between on or about 07 Aug 06 and on or about 09 Aug 06, fail to obey the same by wrongfully failing to attend mandatory squadron PT. For this misconduct, you received an Article 15, dated 29 Aug 06. (Atch 1)

(c) You, did, at or near Holloman Air Force Base, New Mexico, on or about 16 Mar 06, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 49th Aeromedical Dental Squadron, located on Holloman Air Force Base, New Mexico. For this misconduct, you received a Letter of Reprimand (LOR), dated 27 Mar 06. (Atch 2)

(d) You, who knew or should have known of your duties at or near Holloman Air Force Base, New Mexico, on or about 2 Mar 06, were derelict in the performance of those duties in that you willfully failed to ensure your room was clean and in inspection order, as it was your duty to do. For this misconduct, you received an LOR, dated 9 Mar 06. (Atch 3)

(e) You, did, at or near Holloman Air Force Base, New Mexico, on or about 10 Feb 06, violate a lawful general regulation, to wit: Air Force Instruction 36-2903, Table 1.5, dated 2 Aug 06, by wrongfully wearing earrings in both your ears. For this misconduct, you received an LOR, dated 13 Feb 06. (Atch 4)

(f) You, did, at or near Holloman Air Force Base, New Mexico, between on or about 1 Nov 05 and between on or about 30 Nov 05, with intent to deceive, make to MSgt. [redacted] an official statement, to wit: you were going to have surgery on 1 Dec 05 for your ankle, which statement was totally false, and was then known by you to be so false. For this misconduct, you received a Letter of Counseling (LOC), dated 12 Dec 05. (Atch 5)

(g) You, having knowledge of a lawful order issued by Master Sergeant [redacted] to wit: "you will sign back in from leave on Monday 1 Dec 05," or words to that effect, an order which it was your duty to obey, did, at or near Holloman Air Force Base, New Mexico, on divers occasions, between on or about 1 Dec 05 and on or about 3 Dec 05, fail to obey the same by wrongfully failing to sign back in from leave on the specified date. For this misconduct, you received a Record of Individual Counseling (RIC), dated 3 Dec 03. (Atch 6)

(h) You, did, at or near Holloman Air Force Base, New Mexico, on or about 8 Jul 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Base Gym, located on Holloman Air Force Base, New Mexico. For this misconduct, you received an LOR, dated 8 Jul 03. (Atch 7)

(i) You, who knew or should have known of your duties at or near Holloman Air Force Base, New Mexico, on or about 8 Jul 03, were derelict in the performance of those duties in that you willfully failed to respond to a standby call, as it was your duty to do. For this misconduct, you received an LOR, dated 8 Jul 03. (Atch 8)

(j) You, did, on or about 23 May 03, without authority, absent yourself from your place of duty at which you were required to be, to wit: 49th Civil Engineering Squadron, located at Holloman Air Force Base, New Mexico, and did remain so absent until on or about 23 May 03. For this misconduct, you received an RIC, dated 23 May 03. (Atch 9)

(k) You, who knew of your duties, at or near Holloman Air Force Base, New Mexico, on divers occasions, between on or about 13 Sep 02 and on or about 18 Mar 03, were derelict in the performance of those duties, in that you willfully failed to obey traffic laws, as it was your duty to do. For this misconduct, you received an RIC, dated 21 Mar 03. (Atch 10)

(l) You, did, on or about 23 Sep 02, without authority, absent yourself from your place of duty at which you were required to be, to wit: 49th Civil Engineering Squadron, located at Holloman Air Force Base, New Mexico, and did remain so absent until on or about 23 Sep 02. For this misconduct, you received an RIC, dated 24 Sep 02. (Atch 11)

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 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 Bldg 222, on 13 Nov 06, at 1300 hours. 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 15 Nov 06 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 to Family Practice Clinic, Family Practice Bldg 15 on 14 Nov 06, at 0930 hours for the examination.

8. You have been scheduled for a Separations briefing. You must report to Bldg 222 on 13 Nov 06, at 0830 hours for your briefing.

9. You will be escorted by SRA _____ to all outprocessing appointments. You are ordered to proceed to your escort's office. You and your escort will then immediately report to the NCOIC, Adverse Actions in the Military Justice Section of the 49 FW/JA office.

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 49 FW legal office.

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

Commander

Atchs:

1. Article 15, dated 29 Aug 06
2. LOR, dated 27 Mar 06
3. LOR, dated 9 Mar 06
4. LOR, dated 13 Feb 06
5. LOC, dated 12 Dec 05
6. RIC, dated 3 Dec 03
7. LOR, dated 8 Jul 03
8. LOR, dated 8 Jul 03
9. RIC, dated 23 May 03
10. RIC, dated 21 Mar 03
11. RIC, dated 24 Sep 02
12. Receipt of Notification Memorandum