

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL	
MEMBER SITTING		VOTE OF THE BOARD	
		HON	GEN
		UOTHC	OTHER
		DENY	
			X
			X
			X
			X
			X
ISSUES A94.53	INDEX NUMBER A64.00	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 29 Jun 2007	CASE NUMBER FD-2007-00035		
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.			
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	

INDORSEMENT

DATE: 7/16/2007

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE	CASE NUMBER FD-2007-00035
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUE:</p> <p>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 five Article 15s, two Letters of Reprimand, four Records of Individual Counseling, a Memorandum for Record, and four AF Form 341s for misconduct. The first Article 15 was for selling a wristlet to another airman which was property of the United States. He was punished with a forfeiture of pay for one month. The second Article 15 was received while assigned as a trainee, he wrongfully entered a permanent party dormitory; was out of uniform while outside of his assigned dormitory room during Phase I; and for stealing clothing from the laundry room. He was punished with a forfeiture of pay for two months and 30 days of extra duty. The third Article 15 was for failing to accomplish his extra-duty requirements. As a result, he forfeited pay for two months and performed 45 days of extra duty. His fourth Article 15 was for failure to go to his appointed place of duty. He was punished with a restriction to Chanute AFB for 45 days and restricted from entering the premises of the Community College Center for 45 days. The applicant had additional misconduct and was administratively disciplined for sleeping on duty, dereliction of duty, being outside without proper safety gear, being out of uniform and not marching in formation, disrespect towards an NCO, delayed entry into Phase II of training, lack of military bearing, and insubordinate conduct. 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.</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 further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.</p> <p>Attachment: Examiner's Brief</p>	

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

(Former AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF Chanute AFB, IL on 4 Feb 92 UP AFR 39-10, para 5-47a (Pattern of Misconduct - Discreditable Involvement With Military or Civil Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 26 Jul 73. Enlmt Age: 17 8/12. Disch Age: 18 6/12. Educ: HS DIPL. AFQT: N/A. A-11, E-42, G-76, M-71. PAFSC: 45812 - Aircraft Structural Maintenance Helper. DAS: 8 Oct 91.

b. Prior Sv: (1) AFRes 6 Apr 91 - 18 Jun 91 (2 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Jun 91 for 4 yrs. Svd: 00 Yrs 07 Mo 16 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 17 Jan 92, Chanute AFB, IL - Article 86. You, did, on or about 6 Jan 92, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 303E, 3362 Student Squadron. Restriction to the limits of Chanute AFB, IL, for 45 days, and Restriction from entering the premises of the Community College Center at Chanute AFB, IL, for 45 days (Both remitted on 4 Feb 92). (No appeal) (No mitigation)

(2) 30 Dec 91, Chanute AFB, IL - Article 92. In that you, who knew of your duties, on or about 15 Dec 91, were derelict in the performance of those duties in that you willfully failed to accomplish your extra-duty requirements, as it was your duty to do. Forfeiture of \$376.95 pay per month for two months. Forty five days extra duty (extra duty remitted on 4 Feb 92). (No appeal) (No mitigation)

(3) 13 Dec 91, Chanute AFB, IL - Article 91. In that, you, having received a lawful order from Sgt [REDACTED] an NCO, then known by you to be an NCO, to leave the premises of Building 306, an order which it was your duty to obey, did, on or about 29 Nov 91, willfully disobey the same. Article 92. In that you, a trainee

attending a technical training school, did, on or about 29 Nov 91, violate a lawful general regulation, to wit: paragraph 2b, Chanute Technical Training Center Regulation 39-1, dated 5 Jun 89, by wrongfully entering Building 306E, a permanent party dormitory. Article 92. In that you, a trainee attending a technical training school, did, on or about 7 Dec 1991 and 8 Dec 91, violate a lawful general regulation, to wit: paragraph A1-2a(1), Center Supplement 1, dated 11 Feb 91, to Air Training Command Regulation 52-7, dated 30 Mar 90, by wrongfully being out of uniform while outside your assigned dormitory room during phase I. Article 121. In that you, did, on or about 1 Dec 91, steal clothing from the laundry room in Building 303 of a value less than \$100.00, the property of AB Beason and AB Moss. Forfeiture of \$376.95 pay per month for two months and 30 days extra duty. (No appeal) (No mitigation)

(4) 07 Oct 91, Sheppard AFB, TX - Article 108. You did, on or about 25 Aug 91, without proper authority, sell to AB Jeffrey A. Huff, a wristlet of some value, military property of the United States. Forfeiture of \$150.00 pay for one month. (No appeal) (No mitigation)

e. Additional: CR, 09 JAN 92 - Serious lack of military discipline and extremely poor judgement.

LOR/UIF, 09 JAN 92 - Sleeping on duty.

ATC 341, 17 DEC 91 - Outside in darkness without safety gear. Not dressed in proper weather code clothes. Drinking soda; no military bearing.

ATC 341, 15 DEC 91 - Dereliction of duty.

ATC 341, 20 NOV 91 - Out of uniform and not marching in formation.

RIC, 07 NOV 91 - Room failure - Energy Conservation Violation.

AETC 341, 23 OCT 91 - Security violation.

LOR, 29 AUG 91 - Disrespect to an NCO and instructor.

RIC, 28 AUG 91 - Room failure.

MFR, 22 AUG 91 - Delayed entry into Phase II of training.

RIC, 27 AUG 91 - Insubordinate conduct.

RIC, 21 AUG 91 - Violation of Squadron policy and lack of military bearing.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (00) Yrs (09) Mos (29) Das
TAMS: (00) Yrs (07) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 26 Jan 07.

(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

14MAR07/ia



DEPARTMENT OF THE AIR FORCE
3330TH TECHNICAL TRAINING WING (ATC)
CHANUTE AIR FORCE BASE IL 61868-5000

FD2007-00035

REPLY TO
ATTN OF: 3362 STUS/CC

29 Jan 92

SUBJECT: Addendum to Notification Letter, 17 Jan 92 - Board Hearing

TO: AB [REDACTED]
3362d Student Squadron

1. In my original letter I recommended your discharge from the United States Air Force for your pattern of misconduct consisting of your dis-creditable involvement with military authorities according to AFR 39-10, under the provisions of paragraph 5-47a.
2. You were informed that this action could result in your separation with an other than honorable conditions discharge. This is being amended to read: that this action could result in your separation with an under other than honorable conditions discharge.
3. In addition to the rights mentioned in my previous notification letter, you should again confer with your legal counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The state-ment must be signed in the presence of your counsel who also will sign it. If you fail to respond, your failure will constitute a waiver of the right to a board hearing.
4. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
Commander

1 Atch
Acknowledgment of Receipt of
Addendum to Notification Ltr



DEPARTMENT OF THE AIR FORCE
3330TH TECHNICAL TRAINING WING (ATC)
CHANUTE AIR FORCE BASE IL 61868-5000

PD2007-00035

REPLY TO 3362 STUS/CC
ATTN OF:

SUBJECT: Notification Letter--Board Hearing

17 Jan 92

TO: AB [REDACTED]
3362d Student Squadron

1. I am recommending your discharge from the United States Air Force for your pattern of misconduct consisting of your discreditable involvement with military authorities according to AFR 39-10, under the provisions of paragraph 5-47a. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. That on or about, 16 August 1991, at Sheppard Air Force Base, Texas, knowing of your duty to remain in uniform when departing your dormitory room, you were derelict in the performance of that duty by wearing civilian clothing outside your assigned dormitory room.

b. That on or about, 25 August 1991, you did, at Sheppard Air Force Base, Texas, without proper authority, sell to AB [REDACTED], a wristlet of some value, military property of the United States.

c. That on or about 27 August 1991, at Sheppard Air Force Base, Texas, you were disrespectful in toward GS-9 [REDACTED], then known by you to be a technical training instructor, who was then in the execution of her office, by saying "not now, I'm just too sleepy to do this right now."

d. That between about 22 August 1991 and 27 August 1991, on divers occasions you did, at Sheppard Air Force Base, Texas, violate a lawful general regulation, namely ATCR 52-7, by failing to keep your dormitory room in inspection order during duty hours.

e. That on or about 23 October 1991, you as a non prior service student at Chanute Air Force Base, Illinois, you did violate a lawful general regulation, namely ATCR 52-7, CTTCS 1, by failing to keep your dormitory room in inspection order during duty hours.

f. That on or about 6 November 1991, you as a non prior service student at Chanute Air Force Base, Illinois, you did violate a lawful general regulation, namely ATCR 52-7, CTTCS 1, by failing to keep your dormitory room in inspection order during duty hours.

g. That on or about 20 November 1991, at Chanute Air Force Base, Illinois, knowing of your duty to comply with base cold weather Codes, you were derelict in the performance of that duty by failing to wear the appropriate outdoor clothing.

Atch 1 (1 of 4)

h. That on or about 29 November 1991, having received a lawful order from Sergeant [redacted], a noncommissioned officer, then known by you to be a noncommissioned officer, to leave the premises of Building 306, an order which it was your duty to obey, did, at Chanute Air Force Base, Illinois, willfully disobey the same..

i. That on or about 29 November 1991, a trainee attending a technical training school, you did at Chanute Air Force Base, Illinois, violate a lawful general regulation, to wit: Paragraph 2b, CTTCR 39-1, dated 5 June 1989, by wrongfully entering Building 306E, a permanent party dormitory

j. That on or about 1 December 1991, at Chanute Air Force Base, Illinois, you did, steal clothing from the laundry room in Building 303 of a value of less than \$100.00, the property of Airman Basic [redacted] and Airman Basic [redacted]

k. That on or about 7 December 1991 and 8 December 1991, at Chanute Air Force Base, Illinois, you did violate a lawful general regulation, to wit: Paragraph A1-2a(1), Center Supplement 1, dated 11 February 1991, to ATCR 52-7, dated 30 March 1990, by wrongfully being out of uniform while outside your assigned dormitory room during Phase I.

l. That on or about 15 December 1991, at Chanute Air Force Base, Illinois, knowing of your duty to remain alert while performing mandatory weekend duties, you were derelict in the performance of those duties by going to your dormitory room and lying down..

m. That on or about 17 December 1991, at Chanute Air Force Base, Illinois, knowing of your duty to remain within cold weather dress at all times when outside, you were derelict in the performance of those duties by going outside without your proper outdoor clothing

n. That on or about 20 December 1991, at Chanute Air Force Base, Illinois, knowing of your duty to remain alert while performing mandatory duties, you were derelict in the performance of those duties by going to your dormitory room and lying down.

o. That on or about 6 Jan 92, at Chanute Air Force Base, Illinois, you did without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 303E, 3362 Student Squadron.

3. This action could result in your separation with an other than Honorable conditions discharge. I am recommending that you receive an other than honorable conditions discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You were scheduled for a medical examination on 26 December 1991, at the Chanute Air Force Base's Hospital at 0700.

6. Military legal counsel, Capt [redacted], at Bldg 260, ext 4108, has been obtained to assist you. An appointment has been scheduled for you to consult him on 21 Jan 92 at 1300, Bldg 260. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 2. A copy of AFR 39-10 is available for you use in the 3362d Student Squadron Orderly Room.

9. Execute the attached acknowledgment return it to me immediately.

[redacted]

Commander, 3362d Student Sq

14 Atch

See Attachment For Listing

13 Atch

1. AF Fm 174, 21 Aug 91 w/atch
2. AF Form 3070, 7 Oct 91
w/atch
3. LOR, 29 Aug 91, w/atch
4. AF Form 174, 28 Aug 91,
w/atch
5. ATC Form 341, 23 Oct 91
6. AF Form 174, 7 Nov 91, w/atch
7. ATC Form 341, 20 Nov 91
8. AF Form 3070, 13 Dec 91,
w/atch
9. AF Form 3070, 30 Dec 91,
w/atch
10. ATC Form 341, 17 Dec 91
11. LOR, 9 Jan 92, w/atch
12. AF Form 3070, 17 Jan 92, w/atch
13. Receipt of Notification
Ltr,