

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

A93.01

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

29 Jun 2007

CASE NUMBER

FD-2007-00036

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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: 7/16/2007

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-2007-00036
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.</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, change of reason and authority for discharge, and change of reenlistment code are denied.</p> <p>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.</p> <p>ISSUE:</p> <p>Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 23 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. 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, two Letters of Reprimand, and two Records of Individual Counseling for misconduct. The applicant received an Article 15 for being absent without authority from his place of duty and for making a false official statement. He was punished with a reduction in grade to Airman and 30 days of extra duty. The applicant had additional misconduct and was administratively disciplined for financial irresponsibility, poor work performance, and dereliction of duty. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.</p> <p>If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.</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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Scott AFB, IL on 30 Jun 00 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: 11 Apr 77. Enlmt Age: 21 4/12. Disch Age: 23 2/12. Educ: HS DIPL. AFQT: N/A. A-90, E-63, G-68, M-69. PAFSC: 1W031 - Weather Apprentice. DAS: 24 May 99.

b. Prior Sv: (1) AFRes 20 Aug 98 - 27 Sep 98 (1 month 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Sep 98 for 6 yrs. Svd: 01 Yrs 09 Mo 03 Das, all AMS.

b. Grade Status: Amn - 4 May 00 (Article 15, 4 May 00)
A1C - 14 Nov 98

c. Time Lost: None.

d. Art 15's: (1) 4 May 00, Scott AFB, IL - Article 86. You did, in the continental United States, on or about 9 Apr 00, absent yourself without authority from your place of duty, the 19th Air Support Operations Squadron, Fort Campbell, KY, where you were required to be and did remain so absent until on or about 17 Apr 00 by intentionally leaving your place of duty without submitting a leave form. Article 86. You did, in the continental United States, on or about 23 Nov 99 absent yourself without authority from your place of duty, the 19th Air Support Operations Squadron, Fort Campbell, KY, where you were required to be and did remain so absent until on or about 27 Nov 99, by intentionally leaving your place of duty without submitting a leave form. Article 107. You did, in the continental United States, between on or about 9 Apr 00 and 17 Apr 00, with intent to deceive, make to Lt. Price an official statement, to wit: that you had turned in a leave form for the period of on or about 9 Apr 00 and 17 Apr 00, which statement was totally false and was then known by you to be totally false. Reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 15 MAR 00 - Financial irresponsibility.
LOR, 15 MAR 00 - Financial irresponsibility.

RIC, 21 JAN 00 - Poor work performance.
RIC, 12 OCT 99 - Dereliction of duty.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFOUA, AFTR.

i. Stmt of Sv: TMS: (01) Yrs (10) Mos (11) Das
TAMS: (01) Yrs (09) Mos (03) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 25 Jan 07
(Change Discharge to Honorable, Change the RE Code, and Reason for Discharge)

Issue 1: My discharge wa inequitable because it was based on actions of a young airman who was letting his life be determined by an outside influence who lives with regret each and every day. I miss the Air Force.

ATCH

1. DD 214.

15MAR07/ia

12 June 2000

MEMORANDUM FOR Amn []

FROM: 19 ASOC/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 AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as honorable, under honorable conditions (general) or under other than honorable conditions. I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

- a. On or about 12 Oct 99, you were counseled for not following your checklists and making excessive errors. For these offenses, you received a Record of Individual Counseling (LOC), dated 12 Oct 99. (Atch 1).
- b. Between on or about 13 Oct 99 and 21 Jan 00, you were counseled for continued poor work performance. For this offense, you received a Record of Individual Counseling (LOC), dated 21 Jan 00. (Atch 2).
- c. On 31 Jan 00, you failed to pay your just debts, and failed to obey an order. For these offenses, you received a Letter of Reprimand (LOR), dated 15 Mar 00. (Atch 3).
- d. On or about 14 March 00, you failed to pay your just debts, misused funds from the Air Force Aid Society, made false statements regarding the state of your financial situation, and failed to maintain proper funding in your checking account to cover the checks you were writing. For these offenses, you received a Letter of Reprimand (LOR) dated 15 Mar 00. (Atch 4)
- e. On or about 23 Nov 99 and on or about 9 Apr 00, you were AWOL. Furthermore, between on or about 9 Apr and 17 Apr 00, you told Lt Price you submitted a leave form covering the above dates, when in fact you had not submitted a leave form. For these offenses, you received Non-judicial Punishment, (Article 15), dated 25 Apr 00. (Atch 5).

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. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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 the Area Defense Counsel, Bldg 7, on 13 Jan 2000 at 1500 hrs. 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 with in 3 duty days of your receipt of this letter 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 report to the 375th Medical Group, Physical Examinations Section with your medical records for a doctor to determine if further action is required.
8. The Privacy Act Statement as explained in AFI 36-3208 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the squadron orderly room.
9. You must take the following actions:
 - a. You will report to the Transportation Management Office (TMO), Outbound Assignments, to complete a Scott Air Force Base Form 241/Personal Property Appointment Sheet. That worksheet must be completed and returned to TMO as soon as you receive your separation orders.
 - b. You will report before close of business tomorrow (or the next duty day) to Special Actions at Military Pay, Bldg P-10, room C201, to make arrangements concerning your military pay.



Commander

Attachments:

1. LOC, dated 12 Oct 99
2. LOC, dated 21 Jan 00
3. LOR, dated 15 Mar 00 w/response
4. LOR, dated 15 Mar 00 w/response
5. Article 15, dated 25 Apr 00 w/response
6. Airman's Acknowledgement