

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
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TYPE	GEN	PERSONAL APPEARANCE	X	RECORD REVIEW					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">COUNSEL</td> <td style="width: 50%; padding: 5px;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td style="padding: 5px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">YES</td> <td style="width: 50%; padding: 5px;">No</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">X</td> </tr> </table> </td> <td style="padding: 5px;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">YES</td> <td style="width: 50%; padding: 5px;">No</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">X</td> </tr> </table>	YES	No		X	ADDRESS AND OR ORGANIZATION OF COUNSEL
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YES	No								
	X								

	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
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					X

ISSUES <b>A94.53</b>	INDEX NUMBER <b>A67.10</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center; padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th></tr> <tr><td style="width: 5%; text-align: center;">1</td><td style="padding: 5px;">ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td style="padding: 5px;">LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td></tr> </table>	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 HEARING
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HEARING DATE <b>06 Jan 2011</b>	CASE NUMBER <b>FD-2009-00386</b>
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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.

<p style="text-align: center; margin: 0;"><b>INDORSEMENT</b></p> <p>TO:  SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742</p>	<p style="text-align: right; margin: 0;">DATE: 1/11/2011</p> <p>FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7001</p>
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2009-00386**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined and requests that the review be completed based on the available service record.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDING:** The Board denies the upgrade of the discharge.

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. Applicant submitted no issues regarding the inequity or impropriety of his/her discharge. The record indicates the applicant received an Article 15, a vacation of suspended punishment, two Letters of Reprimand, and a Record of Individual Counseling. His misconduct included failure to report (4x), dereliction in the performance of his duty, and failing a dorm room inspection. The Board opined that through these administrative actions, the applicant had ample opportunities to change his behavior. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board reviewed the entire record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge.

**CONCLUSION:** 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 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 and determines the discharge should remain unchanged.

Attachment:  
Examiner's Brief

**APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL  
FROM THE ARMED FORCES OF THE UNITED STATES**

*(Please read instructions on Pages 3 and 4 BEFORE completing this application.)*

*Form Approved  
OMB No. 0704-0004  
Expires Aug 31, 2006*

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

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**PRIVACY ACT STATEMENT**

**AUTHORITY:** 10 U.S.C. 1553; E.O. 9397.

**PRINCIPAL PURPOSE(S):** To apply for a change in the characterization or reason for military discharge issued to an individual.

**ROUTINE USE(S):** None.

**DISCLOSURE:** Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

**1. APPLICANT DATA** *(The person whose discharge is to be reviewed).* **PLEASE PRINT OR TYPE INFORMATION.**

<b>a. BRANCH OF SERVICE</b> <i>(X one)</i>		<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
<b>b. NAME</b> <i>(Last, First, Middle Initial)</i>			<b>c. GRADE/RANK AT DISCHARGE</b>		<b>d. SOCIAL SECURITY NUMBER</b>	
<b>2. DATE OF DISCHARGE OR SEPARATION</b> <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i>  20061031			<b>4. DISCHARGE CHARACTERIZATION RECEIVED</b> <i>(X one)</i>		<b>5. BOARD ACTION REQUESTED</b> <i>(X one)</i>	
			<input type="checkbox"/> HONORABLE		<input checked="" type="checkbox"/> CHANGE TO HONORABLE	
			<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS		<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS	
			<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS		<input type="checkbox"/> CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>	
<b>3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION</b>  2MXS BARKSDALE AFB LA			<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>		<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:	
			<input type="checkbox"/> UNCHARACTERIZED			
			<input type="checkbox"/> OTHER <i>(Explain)</i>			

**6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST** *(Continue in Item 14. See instructions on Page 3.)*

**7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON** *(YYYYMMDD)*

**AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.**

**8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE:** *(Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)*

**9. TYPE OF REVIEW REQUESTED** *(X one)*

<input checked="" type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR <i>(counsel/representative)</i> WILL NOT APPEAR BEFORE THE BOARD.
<input type="checkbox"/> I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
<input type="checkbox"/> I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO <i>(enter city and state)</i> <small><i>(NOTE: The Navy Discharge Review Board does not have a traveling panel.)</i></small>

**10.a. COUNSEL/REPRESENTATIVE** *(if any)* **NAME** *(Last, First, Middle Initial)* **AND ADDRESS**  
*(See Item 10 of the instructions about counsel/representative.)*

**b. TELEPHONE NUMBER** *(Include Area Code)*

**c. E-MAIL**

**d. FAX NUMBER** *(Include Area Code)*

**11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW.** If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name *(print)* and relationship by marking a box below.

☐ SPOUSE ☐ WIDOW ☐ WIDOWER ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER *(Specify)*

**12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE**  
*(Forward notification of any change in address.)*

**b. TELEPHONE NUMBER** *(Include Area Code)*

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**13. CERTIFICATION.** I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. *(U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)*

**CASE NUMBER**  
*(Do not write in this space.)*

**a. SIGNATURE - REQUIRED** *(Applicant or person in Item 11 above)*

**b. DATE SIGNED - REQUIRED**  
*(YYYYMMDD)*

20090622

FD 2009-00386

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

<b>AFDRB BRIEF</b>											
NAME (Last, First, MI):			SSN:		DOCKET # <b>FD-2009-00386</b>		COMPONENT: <b>USAF</b>				
TYPE OF DISCHARGE: <b>GENERAL</b>		DISCHARGE FROM: <b>BARKSDALE AFB, LA</b>		DISCHARGE DATE: <b>31 AUG 06</b>		APPEALS FOR: <b>UPGRADE DISCHARGE</b>					
DOB/ ENLMT AGE: <b>11 MAR 85      18</b>		DISCH AGE: <b>21</b>		FORMER: <b>AMN</b>		HGH: <b>A1C</b>		B. CURRENT DOR: <b>27 JUL 06</b>		C. TIME LOST: <b>NONE</b>	
AFSC: <b>2A652 - AEROSPACE GROUND EQPMT JOURNEYMAN</b>				DEP DT: <b>11 JUN 02</b>		ASVAB SCORES: <b>A: 91 E: 89 G: 83 M: 85</b>					
D. ART 15 / VAC: <b>ART 15: 1 / VAC: 1</b>		D. LOR, LOA, RIC, LOC: <b>LOR: 3 / RIC: 1</b>		E. SCM / SPCM / GCM: <b>NONE</b>		ADDITIONAL: (IE. CIVIL CONV, CDC) <b>NONE</b>					
F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT) : <b>23 SEP 04 - 23 MAY 05 BARKSDALE AFB 4 (INITIAL)</b> <b>24 MAY 05 - 01 JAN 06 BARKSDALE AFB 5 (CRO)</b>											
G. AWARDS & DECS: <b>AFTR, NDSM, GWOTSM, GWOTEM, AFESR, MUA</b>											
EAD: <b>23 SEP 03</b>			DAS: <b>22 MAY 04</b>			H. TMS: <b>4 YRS 2 MOS 21 DAS</b>			TAMS: <b>2 YRS 11 MOS 9 DAS</b>		
APPLN (DD FORM 293) DTD: <b>22 JUN 09</b>			DT/ INITIALS: <b>13JUL10/JL</b>			NPA/PA: <b>NPA</b>			BOARD REGION:		
RECORDS :		MPR:NO		ARMS: YES		STR: YES		ISSUES: NO		ATTACHMENTS: NO	
AUTH FOR DISCHARGE : <b>AFI 36-3208 PARA 5.49 (MISCONDUCT: MINOR DISCIPLINARY INFRACTOINS)</b>											
ART 15; VAC; SCM; SPMC; GCM; ADDITIONAL:											
<div style="text-align: center;"> <p>RIC: 25 FEB 05 - REPORTED LATE FOR DUTY.</p> <p>LOR: 11 MAR 05 - FAILED TO REPORT FOR DUTY.</p> <p>LOR: 28 MAR 06 - FALSELY FILLED OUT A SERVICE INSPECTION CHECKLIST BY STATING THAT CHECKS WERE DONE &amp; DORM ROOM FAILED INSPECTION BY 1SGT.</p> <p>(1) ART 15: 15 JUN 06 - (ART 86) DID NOT REPORT TO MAINT SQ FOR DUTY.</p> <p>(2) AC: 27 JUL 06 - (ART 92) FAILED TO PERFORM EXTRA DUTIES AS REQUIRED.</p> </div>											
EXAMINER'S NOTE:											
NOTES:											

**APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL  
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b. **NAME** (Last, First, Middle Initial)

c. **GRADE/RANK AT DISCHARGE**

d. **SOCIAL SECURITY NUMBER**

E2

**2. DATE OF DISCHARGE OR SEPARATION**

*(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)*

20061031

**4. DISCHARGE CHARACTERIZATION RECEIVED** (X one)

☐ HONORABLE

☒ GENERAL/UNDER HONORABLE CONDITIONS

☐ UNDER OTHER THAN HONORABLE CONDITIONS

☐ BAD CONDUCT *(Special court-martial only)*

☐ UNCHARACTERIZED

☐ OTHER *(Explain)*

**5. BOARD ACTION REQUESTED** (X one)

☒ CHANGE TO HONORABLE

☐ CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS

☐ CHANGE TO UNCHARACTERIZED *(Not applicable for Air Force)*

☐ CHANGE NARRATIVE REASON FOR SEPARATION TO:

**3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION**

2MXS BARKSDALE AFB LA

**6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST** *(Continue in Item 14. See instructions on Page 3.)*

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b. **DATE SIGNED - REQUIRED**  
(YYYYMMDD)

2009 06 22

FD 2009-00386



**DEPARTMENT OF THE AIR FORCE**  
**HEADQUARTERS 2D BOMB WING (ACC)**  
**BARKSDALE AIR FORCE BASE, LOUISIANA**

10 AUG 06

**MEMORANDUM FOR AMN**

**FROM: 2 MXS/CC**

**SUBJECT: Notification Memorandum**

1. I am recommending your discharge from the United States Air Force for misconduct: minor disciplinary infractions. The authority for this action is AFD 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 honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are as follows:

a. You, who knew or should have known of your duties at or near Barksdale Air Force Base, Louisiana, on divers occasions between on or about 15 June 2006 and on or about 14 July 2006, were derelict in the performance of those duties in that you negligently failed to properly perform your assigned extra duties, as it was your duty to do. As a result, you received a Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, AF Form 366, dated 27 July 2006.

b. You did, at or near Barksdale Air Force Base, Louisiana, on or about 24 May 2006, without authority, absent yourself from your place of duty at which you were required to be, to wit: 2d Maintenance Squadron, located at Building 5778 at approximately 0930, and did remain so absent until 25 May 2006. As a result, you received a Record of Nonjudicial Punishment Proceedings dated 15 June 2006.

c. On 24 March 2006 and 27 March 2006, you failed room inspections conducted by the First Sergeant and your NCOIC, respectively. As a result, you received a Letter of Reprimand dated 28 March 2006.

d. On 22 March 2006, it was found that several service inspections were not complied with but were documented by you on your weekly checklist. As a result, you received a Letter of Reprimand dated 28 March 2006.

e. On 10 March 2005, you failed to show up for duty. As a result, you received a Letter of Reprimand dated 11 March 2005.

*Global Power For America*

f. On 25 February 2005, you reported to duty late. As a result, you received a Record of Individual Counseling dated 25 February 2005.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial 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 Capt \_\_\_\_\_ Area Defense Counsel, at Building 4714, Third Floor, Barksdale AFB, on 11 Aug 2006 at 0930 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 AUG 06 2006 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 rights to do so.

7. You have been scheduled for a medical examination. You must report to the 2d Medical Group, Barksdale AFB at 0830 hours on 14 AUG 06 2006 for the examination.

8. 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 in the unit orderly room.

Commander

Attachments:

1. Receipt of Notification Memorandum
2. Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, AF Form 366, dated 27 July 2006, and 2 pages of related documents
3. Record of Nonjudicial Punishment Proceedings, AF Form 3070, dated 15 June 2006, and 7 pages of related documents
4. Letter of Reprimand, dated 28 March 2006
5. Letter of Reprimand, dated 28 March 2006
6. Letter of Reprimand, dated 11 March 2005
7. Record of Individual Counseling, dated 25 February 2005



## DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 2D BOMB WING (ACC)  
BARKSDALE AIR FORCE BASE, LOUISIANA

AUG 28 2006

MEMORANDUM FOR 2 BW/CC

FROM: 2 BW/JA

SUBJECT: Legal Review of Administrative Discharge—

1. I have reviewed the proposed discharge action case file and find it legally sufficient to support separation of Amn 2 MXS with an under honorable conditions (general) discharge as soon as he is found medically fit for separation.
2. **Background:** On 16 August 2006, 2 MXS/CC properly notified the respondent of the recommendation to separate the respondent under the provisions of AFI 36-3208, paragraph 5.49 for misconduct: minor disciplinary infractions with an under honorable conditions (general) discharge. Because respondent is not entitled to a board hearing, this case has been pursued via the notification procedures of AFI 36-3208, Section 6B.
3. **Evidence for the Government:**
  - a. The respondent, who knew or should have known of his duties at or near Barksdale Air Force Base, Louisiana, on divers occasions between on or about 15 June 2006 and on or about 14 July 2006, was derelict in the performance of those duties in that he negligently failed to properly perform his assigned extra duties, as it was his duty to do. As a result, he received a Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, AF Form 366, dated 27 July 2006.
  - b. The respondent did, at or near Barksdale Air Force Base, Louisiana, on or about 24 May 2006, without authority, absent himself from his place of duty at which he was required to be, to wit: 2d Maintenance Squadron, located at Building 5778 at approximately 0930, and did remain so absent until 25 May 2006. As a result, he received a Record of Nonjudicial Punishment Proceedings dated 15 June 2006.
  - c. On 24 March 2006 and 27 March 2006, the respondent failed his room inspections conducted by the First Sergeant and his NCOIC, respectively. As a result, he received a Letter of Reprimand dated 28 March 2006.

This document contains FOR OFFICIAL USE ONLY (FOUO) information that must be protected under the Privacy Act of 1974 (see AFI 33-332). Do not release outside of DoD channels without the consent of the originator's office.



d. On 22 March 2006, several service inspections that were not complied with but were documented by him on his weekly checklist. As a result, he received a Letter of Reprimand dated 28 March 2006.

e. On 10 March 2005, the respondent failed to show up for duty. As a result, he received a Letter of Reprimand dated 11 March 2005.

f. On 25 February 2005, the respondent reported to duty late. As a result, he received a Record of Individual Counseling dated 25 February 2005.

4. **Evidence for the Respondent:** The respondent was properly notified of his right to counsel and to submit statements on his behalf for your consideration. The respondent did consult with legal counsel and did submit a statement for your consideration. The respondent realizes the mistakes he has made and has learned from these mistakes. He would like the opportunity to stay in the military and complete his enlistment honorably.

5. **Discussion:**

a. **A basis for discharge exists.** The respondent's discharge is based on misconduct: minor disciplinary infractions. The authority for this discharge is AFD 36-32 and AFI 36-3208, paragraph 5.49.

b. **The respondent should be discharged under AFI 36-3208, paragraph 5.49.** Airmen are subject to discharge for a pattern of misconduct consisting solely of minor disciplinary infractions in the current enlistment. The respondent committed multiple infractions since February 2005. The respondent has been given numerous opportunities to conform to Air Force standards, which he has failed to do. Instead, he has engaged in misconduct that resulted in a Record of Individual Counseling, followed by three Letters of Reprimand, nonjudicial punishment, and vacation of suspended nonjudicial punishment.

c. **The respondent should be given an under honorable conditions (general) discharge.** Based on the respondent's military record in the current enlistment, including personal conduct, performance of duty, and the reason for discharge, 2 MXS/CC recommends a general discharge. According to AFI 36-3208, paragraph 1.18.2, a general discharge is appropriate when "significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record." The negative aspects of the respondent's conduct outweigh the positive aspects of his record.

d. **Probation and Rehabilitation (P&R) is not appropriate in this case.** P&R gives Airmen an opportunity to stay in the Air Force, show that they can meet Air Force standards, and complete their current enlistment. The respondent does not merit an offer of P&R because he has not demonstrated a potential to serve satisfactorily or be rehabilitated for completion of the current enlistment, which ends 22 September 2007.

6. **Options:** As the special court-martial convening authority and separation authority in this case, you may:

a. Direct retention if you determine the evidence does not warrant discharge;

b. Forward this case to the general court-martial convening authority, 8 AF/CC, with the recommendation that the respondent receive an honorable discharge;

c. Direct separation with an honorable or under honorable conditions (general) discharge with or without probation and rehabilitation;

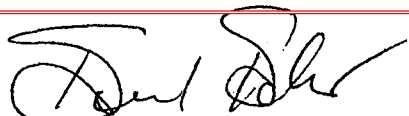
d. Return this case to the unit for re-initiation and consideration of an under other than honorable conditions (UOTHC) discharge.

7. **Recommendation:** Direct respondent's separation with an under honorable conditions (general) discharge without probation and rehabilitation. A proposed memorandum to that effect is attached for your signature.

8. **Barment:** Barment from Barksdale Air Force Base is not recommended

Chief, Adverse Actions

I concur.



DAVID S. DALES, Lt Col, USAF  
Staff Judge Advocate

Attachments:

1. Proposed Letter
2. Case File