

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

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

VOTES OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X

X

X

X

X

ISSUES

A94.53
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 HEARING

HEARING DATE

16 Jun 2011

CASE NUMBER

FD-2009-00693

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.

INDORSTMENT

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 20762-7001

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2009-00693

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.

ISSUE: Applicant received a General discharge for Misconduct—Minor Disciplinary Infractions

Applicant submitted no issues regarding the inequity or impropriety of his discharge. The applicant does submit that he requests an upgrade based on fulfilling personal goals, obtaining respect and to create career opportunities. The record indicates the applicant received one Article 15, five Letters of Reprimand, and a Letter of Counseling. His misconduct included failure to go to duty on time (10x), and failure to obey an order not to smoke in his dorm room. 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.

Attachment:
Examiner's Brief

**APPLICATION FOR THE REVIEW OF DISCHARGE
FROM THE ARMED FORCES OF THE UNITED STATES**
(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004
OMB approval expires
Oct 31, 2009

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 the Department of Defense, Executive Services Directorate (0704-0004). 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. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.**

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.**

a. BRANCH OF SERVICE (X one)	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
	E2 AIRMAN				
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 (Forward notification of any change in address.)				f. TELEPHONE NUMBER (Include Area Code)	
				g. E-MAIL	
				h. FAX NUMBER (Include Area Code)	

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)	5. BOARD ACTION REQUESTED (X one)
	<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 (Not applicable for Air Force)
	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION:
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	<input type="checkbox"/> UNCHARACTERIZED	
McConnell AFB - KANSAS	<input type="checkbox"/> OTHER (Explain)	

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 13. See instructions on Page 3.) **Requesting change/upgrade to Honorable Discharge in order to:**

- 1) fulfill personal goal
- 2) obtain personal and family respect
- 3) create career opportunities

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 14. If military documents or medical records are relevant to your case, please send copies.)

please see attached character reference letters.
please see attached personal letter from:

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 (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.
<input type="checkbox"/> I AND/OR (counsel/representative) 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 (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

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)
N/A	
	c. E-MAIL
	d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 12.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, and relationship by marking a box below.

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

12. 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.)

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

b. DATE SIGNED - REQUIRED
(YYYYMMDD)

2009 OCT 28

CASE NUMBER
(Do not write in this space.)

FD2009-00693

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

AFDRB BRIEF							
NAME (Last, First, MI):			SSN:		DOCKET # FD-2009-00693		COMPONENT: USAF
TYPE OF DISCHARGE: GENERAL		DISCHARGE FROM: MCCONNELL AFB, KS		DISCHARGE DATE: 27 NOV 06		APPEALS FOR: UPGRADE DISCHARGE TO HONORABLE	
DOB/ ENLMT AGE: 03 SEP 87 17		DISCH AGE: 19		FORMER: A1C	HGH: A1C	B. CURRENT DOR: 16 AUG 05	
						C. TIME LOST: NONE	
AFSC: 2T131 - VEHICLE OPERATIONS APPRENTICE				DEP DT: 08 FEB 05		ASVAB SCORES:	
D. ART 15 / VAC: ART: 1		D. LOR, LOA, RIC, LOC: LOR: 5 / LOC: 1		E. SCM / SPCM / GCM: NONE		ADDITIONAL: (IE. CIVIL CONV, CDC) NONE	
F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT): NONE							
G. AWARDS & DECS: NDSM, BMTR, GWOTSR, AFOUA							
EAD: 16 AUG 05		DAS: 10 DEC 05		H. TMS: 1 YRS 9 MOS 20 DAS		TAMS: 1 YRS 3 MOS 9 DAS	
APPLN (DD FORM 293) DTD: 28 OCT 09		DT/ INITIALS: 10MAR11/JLL		NPA/PA: NPA		BOARD REGION:	
RECORDS :		MPR: NO	ARMS: YES	STR: NO	ISSUES: YES		ATTACHMENTS: YES
AUTH FOR DISCHARGE : AFI 36-3208, PARA 5.49 (MISCONDUCT: MINOR DISCIPLINARY INFRACTION)							
ART 15; VAC; SCM; SPMC; GCM; ADDITIONAL:							
<div style="margin-left: 40px;"> <p>LOC: 06 MAR 06 - ON 3 SEPARATE OCCASSIONS FAILED TO GO TO DUTY ON TIME.</p> <p>LOR: 31 MAR 06 - FAILED TO GO TO DUTY ON TIME.</p> <p>LOR: 07 APR 06 - FAILED TO GO TO DUTY ON TIME.</p> <p>LOR: 13 APR 06 - ON 2 SEPARATE OCCASSIONS FAILED TO GO TO DUTY ON TIME.</p> <p>LOR: 14 JUL 06 - FAILED TO GO TO DUTY ON TIME.</p> <p>ART 15: 17 OCT 06 - (ART 86) FAILED TO GO TO DUTY ON TIME.</p> <p style="margin-left: 20px;">(ART 92) FAILED TO OBEY A ORDER NOT TO SMOKE IN DORM ROOM.</p> <p>LOR: 30 OCT 06 - FAILED TO REPORT FOR DUTY ON TIME.</p> </div>							
EXAMINER'S NOTE:							
NOTES:							

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

a. **BRANCH OF SERVICE** (X one) ☐ ARMY ☐ MARINE CORPS ☐ NAVY ☒ AIR FORCE ☐ COAST GUARD

b. **NAME** (Last, First, Middle Initial)

c. **GRADE/RANK AT DISCHARGE**

d. **SOCIAL SECURITY NUMBER**

E2 AIRMAN

e. **CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11** (Forward notification of any change in address.)

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

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)

2006 NOV 27

4. DISCHARGE CHARACTERIZATION RECEIVED (X one)

☐ HONORABLE

☒ GENERAL/UNDER HONORABLE CONDITIONS

☐ UNDER OTHER THAN HONORABLE CONDITIONS

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:

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION

☐ BAD CONDUCT (Special court-martial only)

☐ UNCHARACTERIZED

☐ OTHER (Explain)

McConnell AFB - KANSAS

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 13. See instructions on Page 3.) Requesting change/upgrade to Honorable Discharge in order to:

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

N/A

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c. **E-MAIL**

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

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12. 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)

2009 OCT 28

FD2009-00693

October 28, 2009

To Whom it May Concern:

My name is _____ and I was enlisted in the United States Air Force for approximately 1.5 years. Starting out, everything was going great. I loved everything about the military and was anxious to serve my country. But, after being in Kansas for a few months, things started to go down hill for me. I began to show up late for work and breaking some of the rules. Later, I was discharged with a general but under honorable conditions discharge, and came back home. Since then, I have been living at home, with my parents and working at a local grocery store. Ever since I came home, I have regretted the mistakes I made that led to my discharge. I know that I have made some mistakes, during my prior service time, and I am regrettably sorry for them. I have taken full responsibility for my actions and have done all I can do to become a better person and be more mature and responsible. Mostly, I am striving to become the type of young man that would make my parents, my family, my peers, and my country proud of me. Furthermore, I understand that my prior actions will not be tolerated and those occurrences will never happen again. Secondly, I do not want to make a career in the grocery business and am aware that my current status with you prohibits me from exploring many other job/career opportunities. I will be forever in your debt, if you will consider upgrading my discharge to Honorable, and allow me the chance to prove myself and create a better life for myself and my future family. Thank you for your consideration.

Respectfully Submitted,



DEPARTMENT OF THE AIR FORCE
22D LOGISTICS READINESS SQUADRON (AMC)
MCCONNELL AIR FORCE BASE, KANSAS

MEMORANDUM FOR AMN

17 NOV 2006

FROM: 22 LRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions, in accordance with AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as either honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. On or about 17 Oct 06, you failed to report for duty at the scheduled time of 0700 hours. For this misconduct, you received a Letter of Reprimand (LOR), dated 30 Oct 06.
 - b. On or about 20 Aug 06, you failed to report for duty at the scheduled time of 0700 hours. For this misconduct, you received an Article 15, dated 17 Oct 06. You received an immediate reduction to the rank of Airman from the rank of Airman First Class and 45 days extra duty. This Article 15 was added to your existing UIF.
 - c. On or about 14 Sep 06, you failed to obey a lawful order not to smoke cigarettes in your dormitory room. For this misconduct, you received an Article 15, dated 17 Oct 06. You received an immediate reduction to the rank of Airman from the rank of Airman First Class and 45 days extra duty. This Article 15 was added to your existing UIF.
 - d. On or about 28 Jun 06, you failed to report for duty at the scheduled time of 0700 hours. For this misconduct, you received a LOR, dated 14 Jul 06, which was placed in your existing UIF.
 - e. On or about 9 Apr 06 you failed to report for duty at the scheduled time. For this misconduct, you received a LOR, dated 13 Apr 06, which was placed in your existing UIF.
 - f. On or about 13 Apr 06, you failed to report for duty at the scheduled time. For this misconduct, you received a LOR, dated 13 Apr 06, which was placed in your existing UIF.
 - g. On or about 7 Apr 06, you failed to report for duty at the scheduled time of 0645 hours. For this misconduct, you received a LOR, dated 7 Apr 06.
 - h. On or about 31 Mar 06, you failed to report for duty at the scheduled time 0700 hours. For this misconduct, you received a LOR, dated 31 Mar 06.

i. On or about 6 Mar 06, you failed to report for duty at the scheduled time. For this misconduct, you received a Letter of Counseling (LOC), dated 6 Mar 06.

j. On or about 4 Mar 06, you failed to report for duty at the scheduled time. For this misconduct, you received a LOC, dated 6 Mar 06.

k. On or about 27 Feb 06, you failed to report for duty at the scheduled time. For this misconduct, you received a LOC, dated 6 Mar 06.

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 and, if you are discharged, how your service will be characterized. If your discharge is approved, you will be ineligible for reenlistment, and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult military counsel. Military legal counsel will be made available to assist you at no expense to you. I have made an appointment for you to consult with the Area Defense Counsel (ADC) at McConnell AFB, Kansas, on 20 Nov 06 at 1000 hours. You can contact the ADC at ext. 4375. You may consult with civilian counsel at your own expense.

5. You have the right to submit matters in your own behalf. Any statements you want the separation authority to consider must reach me by 21 Nov at 1230 hours unless you request and receive an extension for good cause shown. Any matters and statements you submit will be forwarded 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 **mandatory** medical appointments. You are to report to the 22d Medical Squadron, Physical Exams Section (ext 5155), on 20 Nov 06 at 1100 hours. You are to report to the 22d Aeromedical-Dental Squadron, on 20 Nov 06 at 1100 hours.

8. If you live in base housing, you must contact the housing office immediately upon receipt of this notification.

9. 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 your squadron orderly room.

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

Col, USAF

Commander

12 Attachments:

1. Receipt of Notification Memorandum (1 page)
2. Statement of Understanding (1 page)
3. Identification Card Retrieval Letter (1 page)
4. LOR, dated 30 Oct 06 (3 pages including Amn one (1) page response)
5. AF Form 3070, Record of Nonjudicial Punishment, dated 17 Oct 06 (4 pages including Amn one (1) page response)
6. LOR, dated 14 Jul 06 (3 pages including Amn one (1) page response)
7. AF IMT 1137, Unfavorable Information File Action, dated 28 Jun 06 (1 page)
8. LOR, dated 13 Apr 06 (2 pages)
9. AF IMT 1137, Unfavorable Information File Action, dated 13 Apr 06 (1page)
10. LOR, dated 7 Apr 06 (2 pages)
11. LOR, dated 31 Mar 06 (2pages)
12. LOC, dated 6 Mar 06 (2 pages)



DEPARTMENT OF THE AIR FORCE
22D AIR REFUELING WING (AMC)
McCONNELL AIR FORCE BASE, KANSAS

NOV 22 2006

MEMORANDUM FOR 22 ARW/CC ^A_{11/20}

FROM: 22 ARW/JA

SUBJECT: Involuntary Discharge - Amn

1. **FACTS AND CIRCUMSTANCES:** On 17 Nov 06, the 22 LRS/CC notified Amn that Amn was being considered for an involuntary administrative discharge from the United States Air Force pursuant to AFD 36-32 and AFI 36-3208, paragraph 5.49, for Minor Disciplinary Infractions. On 21 Nov 06, the 22 LRS/CC received a two-page response from Amn. After reviewing Amn response, the 22 LRS/CC recommended Amn be discharged from the U.S. Air Force with a general service characterization without probation and rehabilitation (P&R).

2. **EVIDENCE:**

a. Evidence for the Government.

(1) On or about 17 Oct 06, Amn 0700 hours. For this misconduct, Amn Oct 06.

failed to report for duty at the scheduled time of received a Letter of Reprimand (LOR), dated 30

(2) On or about 20 Aug 06, Amn of 0700 hours. For this misconduct, Amn Amn received an immediate reduction to the rank of Airman from the rank of Airman First Class and 45 days extra duty. This Article 15 was added to his existing Unfavorable Information File (UIF).

failed to report for duty at the scheduled time received an Article 15, dated 17 Oct 06.

(3) On or about 14 Sep 06, Amn cigarettes in his dormitory room. For this misconduct, he received an Article 15, dated 17 Oct 06. Amn received an immediate reduction to the rank of Airman from the rank of Airman First Class and 45 days extra duty. This Article 15 was added to his existing UIF.

failed to obey a lawful order not to smoke

(4) On or about 28 Jun 06, Amn 0700 hours. For this misconduct, Amn placed in his existing UIF.

failed to report for duty at the scheduled time of received a LOR, dated 14 Jul 06, which was

(5) On or about 9 Apr 06. Amn For this misconduct, Amn existing UIF.

failed to report for duty at the scheduled time. received a LOR, dated 13 Apr 06, which was placed in his

(7) On or about 7 Apr 06, Amn failed to report for duty at the scheduled time of 0645 hours. For this misconduct, he received a LOR, dated 7 Apr 06.

(8) On or about 31 Mar 06, Amn failed to report for duty at the scheduled time 0700 hours. For this misconduct, he received a LOR, dated 31 Mar 06.

(9) On or about 6 Mar 06, Amn failed to report for duty at the scheduled time. For this misconduct, he received a Letter of Counseling (LOC), dated 6 Mar 06.

(10) On or about 4 Mar 06, Amn failed to report for duty at the scheduled time. For this misconduct, he received a LOC, dated 6 Mar 06.

(11) On or about 27 Feb 06, Amn failed to report for duty at the scheduled time. For this misconduct, he received a LOC, dated 6 Mar 06.

b. Evidence for the Respondent. On 21 Nov 06, Amn submitted a two-page statement, dated 21 Nov 06, to the 22 LRS/CC. Amn asked the 22 LRS/CC to consider his participation in squadron and base events. McConnell AFB was Amn first duty assignment, and during his tenure, he was nominated for Airman of the Month three times. Amn also participated in the squadron's flag football team, drove buses for school activities and base tours, and made multiple DV runs for the 22 ARW/CC, 22 ARW/CV, and the 22 MSG/CC. Amn stated he joined the U.S. Air Force to serve his country and to do something he had never done before. He is proud of his service and would do anything to continue serving. If he is unable to remain in the U.S. Air Force, Amn asked that he be discharged with an Honorable service characterization. Specifically, Amn requested an Honorable service characterization in lieu of the recommended General service characterization so that he may maintain his G.I. Bill. Finally, Amn admitted his service had not been perfect but believed he had, in fact, served honorably.

3. DISCUSSION: As the separation authority, you must make four determinations:

(1) whether a basis for discharge exists; (2) whether an involuntary discharge is appropriate in this case; (3) if discharge is appropriate, how the discharge should be characterized; and (4) whether probation and rehabilitation is appropriate.

a. Basis for Discharge: AFD 36-32 and AFI 36-3208, paragraph 5.49, states that Airmen who engage in a pattern of minor disciplinary infractions during the current enlistment are subject to discharge. The infractions under this section may involve failure to comply with nonpunitive regulations or minor offenses under the UCMJ, and they typically result in formal counseling, LORs, or nonjudicial punishment. As noted above, Amn has committed numerous offenses that make him subject to discharge under this provision.

b. Appropriateness of Discharge: AFI 36-3208, paragraph 6.1.1, lists the factors that you should consider in making this determination. Among these factors are the seriousness of the circumstances that make Amn subject to discharge, whether those circumstances are

likely to continue or recur, and whether he has the ability to perform his duties effectively now and in the future. During his time in the Air Force and as stated in the 22 Nov 06 recommendation from the 22 LRS/CC; Amn has been an average Airman.

While Amn meets minimal job standards, his recurring misconduct has also been a problem. The unit made several attempts to correct his behavior, as evidenced by Letters of Reprimand, an Article 15; a Letter of Counseling, and Unfavorable Information File. Amn repetitive misconduct and seeming unwillingness to modify his behavior and comply with Air Force standards indicate that discharge is appropriate.

c. Characterization of the Discharge: AFI 36-3208, paragraph 1.17.3, requires that you consider the Airman's age, length of service, grade, aptitude, physical and mental condition, and the standards of acceptable conduct and performance for Airmen in determining the proper characterization. Paragraph 1.18.2 states that when an Airman's service has been faithful on the whole, yet significant negative aspects of the Airman's conduct or performance of duty outweigh the positive aspects of his record, a general discharge is appropriate. A1C on-duty conduct resulted in several corrective actions. His misconduct indicates his disregard for military standards. A1C misconduct outweighs any positive aspects of his career. Therefore, a general discharge characterization is appropriate.

d. Probation and Rehabilitation: Under AFI 36-3208, paragraph 7.3, a member must have the potential to serve satisfactorily and the capacity to be rehabilitated before an offer of P&R is appropriate. A1C refusal to respond to his unit's progressive rehabilitative efforts indicates that an offer of probation and rehabilitation is unwarranted in this case. Furthermore, the third criterion for P&R is whether or not retention is consistent with the maintenance of good order and discipline in the U.S. Air Force. Amn has consistently and continually failed to improve his duty performance. Amn retention would be inconsistent with the maintenance of good order and discipline in the U.S. Air Force.

e. Security Clearance: Due to Amn not having access to sensitive information or sensitive compartmented information, action according to AFI 31-501 is not required.

4. **OPTIONS**: As the separation authority, you must authorize or recommend one of four courses of action:

a. Direct that the member be discharged with a general discharge with or without suspension for probation and rehabilitation;

b. Authorize that the member be retained in the U.S. Air Force;

c. Recommend to the 18 AF/CC that the member be discharged with an honorable discharge; or

d. Recommend that a board be convened to determine whether the member should be discharged with an under other than honorable conditions discharge.

5. **RECOMMENDATION:** The evidence in the file is factually and legally sufficient to support the 22 LRS/CC's discharge recommendation. I recommend you sign the attached letter directing Amn Woolard be involuntarily discharged from the United States Air Force pursuant to AFI 36-3208, paragraph 5.49, with a general discharge without probation and rehabilitation.

**Sign
Here**

USAF

Attachments:

1. Commander's Letter Recommending Discharge, dated 22 Nov 06
2. AFI 36-3208 Discharge Package