

MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
COL KENNETH M. PARSONS						X
COL HENRY F. DAVIS						X
COL FREDERICK W. HORNICK						X
COL JAMES W. SHUMARD III						X
LT COL STEVEN A. SIMON						X
ISSUES A94.53	INDEX NUMBER A67.90	EXHIBITS SUBMITTED TO THE BOARD				
HEARING DATE 980924	CASE NUMBER FD98-00311	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			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AFHQ FORM 0-454.						
REMARKS Case heard at Washington, DC Advise applicant of the decision of the Board, the right to a personal appearance and the right to submit an application to the AFBCMR.						
SIGNATURE OF RECORDER <i>James W. Shumard III</i> JAMES W. SHUMARD III, COLONEL, USAF			SIGNATURE OF BOARD PRESIDENT <i>Kenneth M. Parsons</i> KENNETH M. PARSONS, COLONEL, USAF			
INDORSEMENT					DATE 98/09/25	
TO: SAF/MIBR 560 C Street West, Suite 40 RANDOLPH AFB, TX 78160-4742			FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING 3rd Floor ANDREWS AFB MD 20331-7002			
ADVISE THE APPLICANT, NEXT OF KIN, LEGAL GUARDIAN OR OTHER OF THE BOARD'S DECISION. SEE REMARKS SECTION FOR ADDITIONAL INSTRUCTIONS.						

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 to exercise this right.

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

FINDINGS: Upgrade of discharge is denied.

The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issue 1. Applicant contends discharge should be upgraded because he regrets and is sorry for what he did in the past. The Board was compassionate with his situation, but concluded that the applicant's misconduct during his time in the service 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.

Issue 2. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on July 24, 1996) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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.

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.

Attachment:
Examiner's Brief

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

FD-98-00311

[REDACTED]

(Former AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 97/09/23 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conditions Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 75/01/10. Enlmt Age: 21 3/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A M-78, A-61, G-30, E-51. PAFSC: 2T231 - Air Transportation Apprentice. DAS: 96/10/17.

b. Prior Sv: AFRes 96/04/19 - 96/07/09 (2 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as: A1C 96/07/10 for (4) Yrs. Svd: 1 Yrs 2 Mo 14 Das, all AMS.

b. Grade Status: AMN - 97/08/20 (ART 15, 97/08/20)

c. Time Lost: none.

d. Art 15's: (1) 97/08/20, Travis AFB, CA - You did, o/a 23 Jul 97 and o/a 24 Jul 97, physically control a vehicle, to wit: a passenger car, while drunk. You, having knowledge of a lawful order issued by Col -----, to wit: preliminary suspension of installation driving privileges, dated 28 Oct 96, an order which it was your duty to obey, did, o/a 23 Jul 97, fail to obey the same by wrongfully driving on suspended driving privileges. Rdn to Amn, forfeiture of \$505.00 pay. (No appeal) (No mitigation).

(2) 96/11/15, Travis AFB, CA - You did, o/a 28 Oct 96, at the Main Gate physically control a motor vehicle, to wit: a passenger car, while drunk. Rdn to Amn (susp til 14 May 97), forfeiture of \$300.00 pay per month for 2 months, and 40 days extra duty. (No appeal) (No mitigation).

e. CM: none.

f. Record of SV: none.

(Discharged from Travis AFB)

g. Awards & Decs: AFTR.

h. Stmt of Sv: TMS: (1) Yrs (5) Mos (5) Das
TAMS: (1) Yrs (2) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 98/06/14.
(Change Discharge to Honorable)

Issue 1: I was in college before I joined and was the main reason I did.
I'd like to further my education.

Issue 2: I deeply regret and am sorry for what I did but the past is the
past! I believe with a "Honorable" - will greatly contribute to the new me.

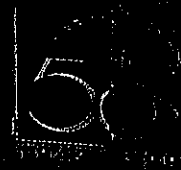
ATCHS

1. DD Form 214.

98/09/03/ia



FD-787 (Rev. 11-18-83)



MEMORANDUM FOR AMN: [REDACTED]

02311997

FROM: 60 APS/CC
90 Ragsdale Street
Travis AFB CA 94535-2941

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable, general or under other than honorable conditions. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. You did, at Travis Air Force Base, California, on or about 28 Oct 96, at the Main Gate physically control a motor vehicle, to wit: a passenger car, while drunk, in violation of Article 111, UCMJ. For this offense, you received an Article 15, dated 15 Nov 96, which was placed in an unfavorable information file (UIF). Punishment consisted of a suspended reduction to the grade of airman, forfeiture of \$300.00 pay per month for 2 months, and 40 days extra duty (Atch 1, Tab 1).
 - b. You did, at Travis Air Force Base, California, between on or about 23 Jul 97 and on or about 24 Jul 97, at Tunner Street physically control a motor vehicle, to wit: a passenger car, while drunk, in violation of Article 111, UCMJ.
 - c. You, having knowledge of a lawful order issued by Colonel [REDACTED] to wit: preliminary suspension of installation driving privileges, dated 28 Oct 96, an order which it was your duty to obey, did, at Travis Air Force Base, California, on or about 23 Jul 97, fail to obey the same by wrongfully driving on suspended driving privileges, in violation of Article 92, UCMJ. For this offense and the offense in paragraph 2b, you received an Article 15, dated 20 Aug 97 (placed in UIF) and a control roster action was initiated. Punishment consisted of reduction to the grade of airman and forfeiture of \$505.00 pay (Atch 2, Tab 1).
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

and if you are discharged, how your service will be affected. 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 **Cap. [REDACTED]**, Area Defense Counsel, 540 Airlift Drive, Bldg. 381, Suite D-100, Travis AFB, California, 94535-2479, DSN: [REDACTED] commercial: [REDACTED] on 05 SEP 1997 at 1030. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me by (three workdays from service of this letter) 05 SEP 1997, no later than 1715 hours unless you request and receive an extension for good cause. I will send any statements you submit to the separation authority.

6. If you fail to consult counsel or to submit statements on your behalf, your failure will constitute a waiver of your right to do so.

7. Report to **[REDACTED]**, Physical Exams Section, on 3 Sep 97 at 1130 for a separation examination. You also have a Primary Care Clinic appointment on 03 SEP 1997 consult with a physician.

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 orderly room.

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

[REDACTED] USAF
Commander

Attachments:

1. Article 15, 15 Nov 96 w/Atchs
2. Article 15/UIF, 20 Aug 97 w/Atchs
3. Other Derogatory Data:
60 MDOS/SGOHS Memorandum, 11 Aug 97

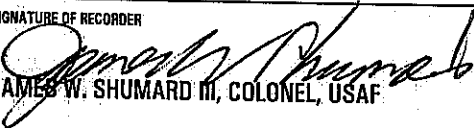

MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UO/HC	OTHER	DENY
COL KENNETH M. PARSONS						X
COL HENRY F. DAVIS						X
COL FREDERICK W. HORNICK						X
COL JAMES W. SHUMARD III						X
LT COL STEVEN A. SIMON						X
ISSUES A92.21, A94.53	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD				
HEARING DATE 980924		CASE NUMBER FD98-00245		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		

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AFHQ FORM 0-454

REMARKS

Case heard at Washington, DC

Advise applicant of the decision of the Board, the right to a personal appearance and the right to submit a application to the AFBCMR.

SIGNATURE OF RECORDER  JAMES W. SHUMARD III, COLONEL, USAF	SIGNATURE OF BOARD PRESIDENT  KENNETH M. PARSONS, COLONEL, USAF
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INDORSEMENT DATE 98/09/25

TO: SAF/MBR 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 20331-7002
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ADVISE THE APPLICANT, NEXT OF KIN, LEGAL GUARDIAN OR OTHER OF THE BOARD'S DECISION. SEE REMARKS SECTION FOR ADDITIONAL INSTRUCTIONS.

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 to exercise this right.

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

FINDINGS: Upgrade of discharge is denied.

The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issue 1: Applicant contends discharge was inequitable because there was no qualified reason for the discharge and he had requested a trial by court-martial. The records indicated the applicant received an Article 15 (for which he waived his rights to a court-martial and accepted non-judicial proceedings under Article 15, UCMJ), two Letters of Reprimand, and two Letters of Counseling for misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The applicant failed to substantiate the issue. The Board concluded the 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.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant is interested in joining the Air Force Reserve, is doing well at college and has a good job there. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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.

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.

Attachment:
Examiner's Brief

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

(Former AMN) (MISSING DOCUMENTS)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 97/01/07 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 75/07/29. Enlmt Age: 18 4/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A M-34, A-63, G-34, E-45. PAFSC: 2T031 - Traffic Management Apprentice. DAS: 96/02/24.

b. Prior Sv: AFRes 93/12/20 - 94/08/17 (7 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as: AB 94/08/18 for (4) Yrs. Svd: 2 Yrs 4 Mo 21 Das, all AMS.

b. Grade Status: AMN - 96/10/03 (ART 15, 96/10/03)
A1C - 95/12/18
AMN - 95/02/18

c. Time Lost: none.

d. Art 15's: (1) 96/10/03, Hickam AFB, Hawaii - You, did o/a 19 Sep 96, w/o auth, fail to go at the time prescribed to your appointed place of duty. Rdn to Amn, and 14 days extra duty. (No appeal) (No mitigation).

e. CM: none.

f. Record of SV: 94/08/18 96/08/28 Hickam AFB 3 (Initial)
(Discharged from Hickam AFB)

g. Awards & Decs: NDSM, AFOSTR, AFTR.

h. Stmt of Sv: TMS: (3) Yrs (0) Mos (18) Das
TAMS: (2) Yrs (4) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 98/03/23.
(Change Discharge to Honorable)

SEE ATTACHED LETTER.

FD-98-00245

ATCHS

1. Applicant's Letter.

98/07/20/ia

FD 98-00245

February 11, 1998

Air Force
AFMPC/MPCDOA1
Randolph AFB, TX 78150-6001

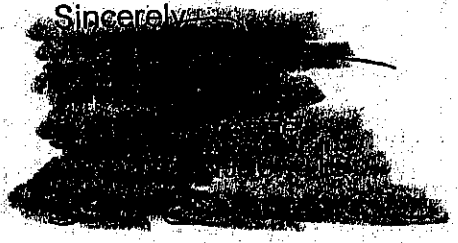
Re: Review of Discharge or Dismissal

Dear Sir/Madam,

At the time of my discharge, knowing that there was no qualified reason for my dismissal, I requested that I be trialed by a Court Martial. The request was denied. I still wish to pursue my career back into the military, and will acquire an attorney if needed.

Since that time of my dismissal, I have worked to pay for my education at a local college that I am now attending. While attending college I would like to join the Air Force Reserves, and once I get my degree in computer science, I would like to pursue a career in the Air Force.

Sincerely,

A large, dark, irregularly shaped redacted area covering the signature and name of the sender.



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD 98-00245



DEC 17 1996

MEMORANDUM FOR AMN [REDACTED]

FROM: 15 TRNS/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 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On 20 Nov 96, you wrongfully communicated numerous threats to and assaulted another member of the armed forces. For this, you received a Letter of Reprimand (LOR), dated 6 Dec 96.

b. On 3 Oct 96, you failed to go to your appointed place of duty at the time prescribed. For this, you received an Article 15, dated 23 Sep 96. Punishment consisted of reduction to the grade of Amn, and 14 days extra duty.

c. On 14 Aug 96, you failed to report to your duty section on time. For this, you received an LOR, dated 14 Aug 96.


d. On 21 Jun 96, you failed to report to your duty section on time. For this, you received a Letter of Counseling (LOC), dated 21 Jun 96.

e. On 4 Apr 96, you failed to report to your duty section on time. For this, you received a LOC, dated 4 Apr 96.

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

3. 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 [REDACTED] Area Defense Counsel, [REDACTED] on 17 Dec 96 at 1000 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays, by 20 Dec 96, unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You were previously scheduled for a medical examination on 16 Dec 96.
7. 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 orderly room.


USAF
Commander, 15th Transportation Squadron

Attachments:

1. Airman's Receipt of Notification Memorandum
2. LOR, dated 6 Dec 96
3. AF Form 3070, dated 23 Sep 96
4. LOR, dated 14 Aug 96
5. LOC, dated 21 Jun 96
6. LOC, dated 4 Apr 96