

YES		NO		ADDRESS AND/OR ORGANIZATION OF COUNSEL				
			X					
MEMBERS SITTING				HON	GEN	UOTMC	OTHER	DENY
								X
				X*				
				X*				
								X
ISSUES A92.2I, A93.0I		INDEX NUMBER A67.10		1	ORDER APPOINTING THE BOARD			
HEARING DATE 01 03 14		CASE NUMBER FD01-00031		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				
REMARKS Case heard at Washington, D.C.  "Change the Reason for Discharge to: Secretarial Authority. SPD: JFF  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.								
SIGNATURE OF RECORDER				SIGNATURE OF BOARD PRESIDENT				
[REDACTED]				[REDACTED]				
TO: SAF/MIBR 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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002				

AFHQ FORM 0-2077, JAN 00

(EF-V2)

Previous edition will be used.

**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 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant is doing well. However, no inequity or impropriety in his discharge was found in the course of the hearing. The records indicated the applicant received an Article 15, a Letter of Reprimand, a Letter of Admonishment, and a Record of Individual Counseling for misconduct. The misconduct included failing to go to his appointed place of duty on two occasions, failing to show respect to two commissioned officers during a board hearing in which he a witness, and wearing earrings on an USAFE installation. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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. 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. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 19 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 opined the applicant was as old as 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.

**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 AB)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 86/04/21 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

**2. BACKGROUND:**

a. DOB: 66/08/10. Enlmt Age: 18 0/12. Disch Age: 19 8/12 Educ: HS DIPL. AFQT: N/A. A-27, E-61, G-48, M-91. PAFSC: 42652 - Jet Engine Mechanic. DAS: 85/05/09.

b. Prior Sv: AFRes 84/08/13 - 84/12/11 (3 months 29 days) Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enld as AB 84/12/12 for 4 yrs. Svd: 1 Yrs 4 Mo 10 Das, all AMS.

b. Grade Status: AB - 86/03/10 (Article 15, 86/03/10)  
AMN - 85/06/12

c. Time Lost: none.

d. Art 15's: (1) 86/03/10, RAF Bentwaters, England - Article 86. You did, o/a 2 Mar 86, w/o authority, fail to go at the time prescribed to your appointed place of duty. Rdn to AB, and 30 days correctional custody. (No appeal)  
(No mitigation)

e. Add tional: LOA, 21 FEB 86 - Failure to go.  
LOR/UIF/CONTROL ROSTER, 26 FEB 86 - Wearing earrings on base.  
USAFE 330, 05 MAR 86 - Failure to display proper decorum in a board hearing.

f. CM: none.

g. Record of SV: 84/12/12 85/12/11 RAF Benwaters 8 (Annual)  
(Discharged from McGuire AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (8) Mos (9) Das  
TAMS: (1) Yrs (4) Mos (10) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 00/12/21.

(Change Discharge to Honorable)

Issue 1: I am applying to have my "General; Under Honorable Conditions" discharge upgraded to an "Honorable Discharge". I am currently enrolled at ----  
--- University in ----- and have been working towards my Bachelors Degree in  
Criminal Justice for 2 years now.

I am currently applying for Police Officer jobs in many different cities and states, and during this application process I am finding that many of the police departments require an "Honorable Discharge" only, therefore immediately disqualifying me with my "General Discharge". I feel that I am an honorable citizen with the highest morals and ethics. I am engaged to be married in February 2001 to a wonderful woman whom also holds the same values as myself.

When I was enlisted in 1984-1986, I was 18-19 years old and was very young, and young at heart as many men and women are at that age. Back then I wore earrings, in civilian clothes only. Now as we are 13 days away from the year 2001, many people (including a U.S. Army recruiter I am currently in contact with) are stunned to know that the U.S. Air Force would not only discharge a man for wearing earrings, but for wearing them in civilian clothes is even more surprising.

I want to be able to be proud of my military service and to be able to pursue the career that I have been dreaming of for years, to be able to apply for police jobs with an "Honorable Discharge". Please consider my request for an upgrade to my discharge. Thank you.

**ATCH**

1. Letter to the Discharge Review Board.
2. Two Character References.

01/01/31/ia

FD01-00051



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 81ST TACTICAL FIGHTER WING (USAFE)  
A W NEW YORK 09755-5000

REPLY TO  
ATTN OF: JA

4 April 1986

SUBJECT: Legal Review of Administrative Discharge (AB [redacted])

TO: 81 TFW/CC

1. I have reviewed the administrative discharge file in the case of AB [redacted] and find it legally sufficient to support his discharge from the Air Force.

2. BASIS FOR THE ACTION: Respondent's commander has initiated this discharge under the provisions of AFR 39-10, Section H, paragraph 5-46 (misconduct/minor disciplinary infractions). A general discharge without probation and rehabilitation is recommended.

3. SUMMARY OF THE EVIDENCE:

a. For the Government:

1) AB [redacted] failed to go on 2 March 1986. He received Article 15 punishment on 10 March 1986, was reduced to Airman Basic and given 30 days correctional custody. However, AB [redacted] spent only three hours in correctional custody, then asked to be discharged from the Air Force instead of continuing in correctional custody.

2) During a 5 March 1986 discharge board hearing in which he was a witness, respondent was counseled by the legal advisor for his failure to show respect to counsel, both commissioned officers, when answering their questions. He also slouched and mumbled, demonstrating a complete lack of military bearing.

3) Respondent wore an earring on base on 22 February 1986. He had been repeatedly advised since September 1985 that CINCUSAFE had issued a policy letter against the wearing of earrings on USAFE installations by male Air Force members, in or out of uniform. He received a letter of reprimand and UIF entry.

4) Respondent failed to go to a scheduled dental appointment on 31 January 1986, for which he received a letter of admonishment on 21 February 1986.

b. For the Respondent:

1) Respondent is 19 years old and has served on active duty since 12 December 1984. His AQE scores are M-91, A-27, 6-48, E-61. His only overall APR rating is an 8.

2) Respondent did not submit matters for your consideration.

4. DISCUSSION:

a. Airmen who engage in a pattern of misconduct consisting of minor disciplinary infractions are subject to discharge. AB [redacted] failures to go, refusal to stay in correctional custody, earring wearing, and failure to show respect in a board hearing constitute such a pattern of minor disciplinary infractions. He is subject to discharge.

b. Discharges under paragraph 5-46 are normally characterized as general. Although an under other than honorable conditions (UOTHC) discharges are theoretically authorized, it is hard to imagine a scenario in which it would be appropriate for minor disciplinary infractions. This is certainly not one of them. An honorable discharge is also inappropriate. Respondent has consciously failed to meet Air Force standards, detracting from his overall record. He deserves a general discharge.

c. Probation and rehabilitation are not appropriate for AB [redacted] He was given an opportunity for rehabilitation when he was placed in correctional custody. However, he asked to be released from correctional custody and to be discharged from the Air Force. Retention in any status would be a waste of Air Force resources and damaging to discipline in the Wing.

d. You as Separation Authority, may:

- a. direct the respondent be retained in the Air Force, or;
- b. direct the respondent be separated from the Air Force with a general discharge, either with or without probation and rehabilitation, or;
- c. recommend to 3AF/CC that respondent be separated with an honorable discharge with or without probation and rehabilitation, or;
- d. direct that the case be referred to a board of officers if you feel a discharge under other than honorable conditions may be warranted.

5. RECOMMENDATIONS: That you direct AB [redacted] be separated from the Air Force with a general discharge under paragraph 5-46 of AFR 39-10, and that he not be offered further opportunities for probation and rehabilitation. If you do not recommend probation and rehabilitation you must explain your reasons therefor.

[redacted signature]

Assistant Staff Judge Advocate

I concur.

[redacted signature]

Staff Judge Advocate

FROM: 81 EMS/CCQ

21 MAR 1986

SUBJECT: Letter of Notification

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for conduct prejudicial to good order and discipline. The authority for this action is AFR 39-10, section H, paragraph 5-46. 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 21 Feb 86, you received a letter of admonishment for failure to go to a scheduled dental exam.

b. On 26 Feb 86, you received a letter of reprimand, UIF, and Control Roster for wearing earrings on base.

c. On 5 Mar 86, you received a USAFE 330 from [REDACTED] Deputy Staff Judge Advocate, for failure to display proper decorum in a board hearing.

d. On 10 Mar 86, you received an Article 15 for fail to go. You were reduced to AB and ordered to undergo 30 days correctional custody. On 14 Mar 86, you entered correctional custody, only to walk out within 3 hours.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander, 81 TFW, 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 Capt [REDACTED] building 57, RAF Bentwaters on 21 MAR 86 at 1430 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 by 25 MAR 86 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 have been scheduled for a medical examination. You must report to the Clinic in uniform, at 0715 hours on ~ A L L.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A Copy of AFR 39-10 is available for your use in the unit orderly room.

8. Execute the attached acknowledgement and return it to me immediately.



Squadron Section Commander

THIS DOCUMENT CONTAINS PERSONAL DATA. DISCLOSURE OF SSAN FOR OTHER THAN OFFICIAL PURPOSES AND TO UNAUTHORIZED PEOPLE IS PROHIBITED BY AFR 12-35, PRIVACY ACT.