

PERSONAL APPEARANCE		X RECORD REVIEW					
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	NO						
	X						
MEMBERS SITTING			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
							X
							X
							X
							X
ISSUES A94.05		INDEX NUMBER A67.30		EXHIBITS SUBMITTED TO THE BOARD			
HEARING DATE 6 AUG 02		CASE NUMBER FD2001-0363		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 AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
REMARKS Case heard at Washington, D.C.  Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.							
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT				
INDORSEMENT			DATE: 6 AUG 02				
TO: SAF/MIDR 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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD01-0363

**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:** The applicant felt his discharge was too harsh because he was undergoing some personal problems. The applicant received three Article 15's for driving while drunk, failure to obey a lawful order to depart the examination room, being drunk and disorderly, for failing to store his firearms in the depository, and for assaulting another active duty member with a firearm. The Board concluded the misconduct was a significant departure from conduct of all military members. The Board found that the seriousness of that misconduct; Commission of a Serious Offense, outweighs the applicant's otherwise satisfactory service. No inequity or impropriety in his discharge was suggested or found in the course of the records review. The Board concluded that the character of and reason for discharge were appropriate due to his 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 88/06/03 UP AFR 39-10, para 5-49d (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 55/11/13. Enlmt Age: 19 3/12. Disch Age: 32 6/12. Educ:HS DIPL. AFQT: N/A. A-75, E-90, G-76, M-98. PAFSC: 30373 - Auto Tracking Radar Specialist. DAS: 85/10/12.

b. Prior Sv: (1) AFRes 75/02/24 - 75/07/10 (4 months 17 days) (Inactive).

(2) Enlisted as AB 75/07/11 for 4 yrs. Extended 78/08/02 for 3 months. Extended 79/09/06 for 12 months. Extended 80/08/18 for 6 months. Reenlisted as SSgt 81/03/04 for 4 yrs. Extended 82/12/21 for 6 months. Svd: 8 yrs 11 months 25 days, all AMS. AMN-(APR Indicates: 75/07/11-77/05/10. A1C-(APR Indicates): 77/05/11-77/09/07. SRA-(APR Indicates): 78/03/02-78/08/02. SSgt - 81/03/01. APRs: 9,9,9,9,8,9,9,9,9,9,9.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt 84/07/06 for 6 yrs. Svd: 03 Yrs 10 Mo 28 Das, all AMS.

b. Grade Status: A1C - 88/04/20 (Article 15, 88/04/20)  
SGT - 85/12/03 (Article 15, 85/12/03)

c. Time Lost: none.

d. Art 15's: (1) 88/04/20, Mountain Home AFB, ID - Article 134. You were, on or about 09 Apr 88, drunk and disorderly. Article 92. You did, on or about 09 Apr 88, having knowledge of a lawful order issued by the Commander, 366<sup>th</sup> Combat Support Group, to wit: Mountain Home AFB Regulation 125-37, para 6, dated 01 Feb 88, an order which it was your duty to obey, fail to obey the same by wrongfully failing to store your firearms in the Consolidated Private Weapons Depository (CPWD). Reduction to A1C, and forfeiture of \$205.00. (No appeal) (No mitigation)

(2) 85/12/03, Mountain Home AFB, ID - Article 92. You, having knowledge of a lawful order issued by MSgt -----, to wit: to depart the examination room and stay out of the examination room, an order which it was your duty to obey, did, on or about 23 Nov 85, fail to obey the same.

Reduction to Sgt, forfeiture of \$480.00 pay per month for two months (suspended until 02 Jun 86), 30 days correctional custody, and reprimand. (No appeal) (No mitigation)

(3) 83/10/18, Clark AB, Philippines - You did, on or about 08 Oct 83, on Mitchell Highway operate a vehicle, to wit: a jeep while drunk. Reduction to Sgt (suspended until 17 Apr 84). (No appeal) (No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: 84/03/02 - 85/03/01 Clark AB 9 (Annual)  
 85/03/02 - 85/08/04 Clark AB 9 (CRO)  
 85/08/05 - 86/08/04 Mountain Home AFB 9 (Annual)  
 86/08/05 - 87/07/03 Mountain Home AFB 9 (CRO)  
 87/07/04 - 88/04/22 Mountain Home AFB 8 (CRO)

(Discharged from Mountain Home AFB)

h. Awards & Decs: AFTR, NCOPMER, AFLSAR W/3 OLCS, AFGCM W/2 OLCS, AFOUA.

i. Stmt of Sv: TMS: (03) Yrs (03) Mos (10) Das  
 TAMS: (12) Yrs (10) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/08/30.  
 (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

#### ATCH

1. Applicant's Issues.
2. Congressional Correspondence.
3. Letter of Recommendation.
4. DD Form 214.
5. Three Certificates of Training.
6. Four Letters of Appreciation.
7. Letter of Recommendation.
8. Meritorious Service Medal.

01/11/29/ia

July 18, 2001

Re: Issues

To upgrade my discharge from the United States Air Force from General to Honorable.  
Date of discharge: June 06, 1988.

During my almost 13 years of service with the United States Air Force I always made every effort to perform in an exemplary manner. My on-the-job performance was demonstrated by receiving an overall 8.9 of a possible 9 in my numerous personnel evaluations. I have also received various accolades from fellow Air Force personnel, NCOs, and Officers for always exceeding mission expectations.

Yet as a young man I experienced the loss of my Mother in May 1976, and my Father in December 1978. This created an extreme amount of personal anguish throughout my Air Force career. Additionally, this grief was compounded with the fact that at the time of my parents' death, I also had a much younger sister that I felt anguish for, as now she had no parents to raise her. Fortunately, a caring and loving older half sister stepped in to raise our sister Faye, as I was not mentally prepared as twenty-year-old to take care of a 12-year-old girl. This in itself caused great tribulation in my sense of self-character. I carried these emotions with me throughout my Air Force career, and even to this day.

My Father had instilled in me a high degree of moral character and work ethics. Being that I had failed him in the aspect of taking care of my younger sister, I embraced the Air Force with a high degree of voracity. There was no mountain too high and no river too wide. It was with the greatest satisfaction and pride that I served the United States Air Force and in turn, my Country.

Unfortunately, there were instances in my career that cast shadows and appeared inconsistent with my drive, commitment and duty. The only way to explain the reasoning behind these actions is that in my intense approach in overcoming any obstacle, whether on the job or off duty, was to throw myself fully and totally without second thought to myself. With the emotional stone that I carried with me constantly, I experienced many highs and lows in my personal life.

I always presumed in knowing the distinction of one's actions between on and off duty. Yet as an Air Force member, I later realized, there is no distinction. My personal anguish in the loss of my parents had caught up with me. I let people down, yet I did it at my expense. Never did I consciously or otherwise, compromise anyone or anything on my behalf. I have always put others before me.

Presently, I have had the great fortune of meeting and marrying my wife Susan, who with her understanding and compassion, has helped me, look forward and to the future, without necessarily having to forget the past. She has been a most supportive spouse, and I will always be thankful to her for it.

In my effort of continual self-improvement, and in providing a comfortable living for both Susan and myself, I have made numerous attempts utilizing the vast knowledge and experience the United States Air Force has afforded me, by improving my occupational standing in the civilian world. Unfortunately, time and time again, the issue of my General Discharge although under Honorable Conditions, has proved to be a tremendous wall in my achieving a position that is commensurate with what the USAF had found so valuable in me, during my service.

How does one express definitively, in words, their character, personality and attributes, specifically to a Board of Review, when documentation on record shows actions that were less than beyond reproach?

I am not the same person, and yet I am. I have tempered my emotions, realized my mistakes, and drawn upon the guidance of family and friends which has had a most positive influence on my life. As for being the same person, I will always have my parents to thank for their uncompromising values they initially instilled upon me.

It is with the greatest sincerity in these words above, that I respectfully request in your consideration to upgrade my discharge to Honorable. I have served with pride and dedication for almost 13 years the United States Air Force, and would willingly serve my country again. I only wish that I had more than my Personnel Evaluations, Letters of Appreciation and this statement to sway you in your decision, as I feel your decision would greatly influence my ability to improve the quality of life for myself and my family.

Again, I wish to thank you for your consideration on this decision.

Respectfully,



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS TWELFTH AIR FORCE (TAG)  
BERGSTROM AIR FORCE BASE TX 78743-5002

REPLY TO  
ATTN OF: JA

24 May 1988

SUBJECT: Administrative Discharge: [REDACTED], [REDACTED]  
366 ECRS, Mountain Home AFB ID

TO: CC

1. I have reviewed subject discharge case and find it legally sufficient to support discharge. I concur with and adopt the 366 CSG/JA legal review.
2. On 9 Apr 88 the respondent was drunk and disorderly and violated a lawful written order to store his gun in the Consolidated Private Weapons Depository. As a result, he was punished under Article 15, UCMJ. According to the 366 CSG/JA, when the respondent attempted to drive away from a barracks party, a friend attempted to stop him because he was intoxicated. The respondent pulled out a gun and threatened the friend. The friend denied being afraid the respondent would shoot him.
3. The respondent is 32 years old and has 12 years, 10 years total active military service. He is a job control specialist with 15 APRs averaging 8.9. He is entitled to wear the AFGCM with 3 Oak Leaf Clusters (OLC), the AF Overseas Short Tour Ribbon, the AF Longevity Service Ribbon, the NCO PME Ribbon, and the AF Training Ribbon. He submitted no statements for your review.
4. You may direct retention, reject the conditional waiver and direct a board be convened unless the respondent submits an unconditional waiver, or accept the conditional waiver and order separation with an honorable or a general discharge with or without probation and rehabilitation.
5. I recommend you accept the respondent's conditional waiver and direct separation with a general discharge without probation and rehabilitation.



Captain, USAF  
Assistant Staff Judge Advocate

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 366TH COMBAT SUPPORT GROUP (TAC)  
MOUNTAIN HOME AIR FORCE BASE, ID 83648-5000

FD 01-0366

6 MAY 1988

REPLY TO  
ATTN OF: JA

SUBJECT: Legal Review, AFR 39-10 Discharge - [REDACTED]

TO: 366 CSG/CC

1. Pursuant to the provisions of AFR 39-10, paragraph 5-49d, discharge action for commission of a serious offense was initiated against [REDACTED] by the Squadron Commander. The Squadron Commander recommends the Respondent be separated from the service with a general discharge and further recommends he not be offered probation and rehabilitation opportunities under the provisions of AFR 39-10, Chapter 7.

2. The recommendation for discharge is based on the following information: He was at Mountain Home Air Force Base, Idaho, on or about 9 April 1988 drunk and disorderly. He also failed to obey a lawful written order to store his firearms in the Consolidated Private Weapons Depository on 9 April 1988. As a result of this misconduct he was given an Article 15 on 20 April 1988.

3. The Respondent is years old. Respondent has completed approximately twelve years and nine months of active service. His AP's commencing with the most recent are: 9, 9, 9, 9, 9, 9, 9, 9, 8, 9, 9, 9, and 9. The Respondent is entitled to wear the Air Force Good Conduct Medal W/3 OLC, the Air Force Overseas Short Tour Ribbon, the Air Force Longevity Service Award Ribbon, the NCO PME Graduation Ribbon, and the Air Force Training Ribbon.

4. Under the provisions of AFR 39-10, Chapter 7, paragraph 7-2f, the Respondent is eligible for probation and rehabilitation. In the instant case, the Electronic Combat Range Squadron Commander does not recommend probation and rehabilitation. If you determine the Respondent is subject to discharge, you may recommend probation and rehabilitation. However, the seriousness of the Respondent's offense demonstrates he has little potential for rehabilitation.

5. The Respondent has consulted with military legal counsel and has specifically waived his right to submit statements in his behalf. The Respondent has submitted a conditional waiver of his right to have his case heard before an administrative discharge board. The waiver is conditioned upon the receipt of a general discharge.


6. There are no errors in the file which prejudice the substantial rights of [REDACTED]. It should be insured that a copy of the Respondent's separation physical is included in the discharge package before he is separated. As the convening authority, you may recommend the Commander 12 AF, accept the conditional waiver for discharge. You may reject the conditional waiver and notify the respondent that either an unconditional waiver or request for a board hearing may be submitted. You may also recommend either retention of

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the Respondent or an honorable discharge or a general discharge as recommended by the Squadron Commander. Finally, you may recommend an honorable or a general discharge but recommend conditionally suspending its execution and offering probation under Chapter 7, AFR 39-10.

7. Based on the available facts, I concur with the recommendations of the Squadron Commander. The Respondent's record has demonstrated he is subject to discharge. He is an unsuitable candidate for probation and rehabilitation because he has little demonstrated potential for rehabilitation. Retaining him on active duty in a probationary status is not consistent with the maintenance of good order and discipline in the Air Force. I therefore recommend you recommend approval of the conditional waiver for a general discharge and that he not be offered probation and rehabilitation opportunities under Chapter 7, AFR 39-10.

  
Assistant Staff Judge Advocate

I concur.

  
Major, USAF  
Staff Judge Advocate



FD01-0363

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 366TH TACTICAL FIGHTER WING (TAC)  
MOUNTAIN HOME AIR FORCE BASE ID 83648



REPLY TO  
ATTN OF: 366 ECRS/CC

SUBJECT: Letter of Notification - Board Hearing

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for commission of a serious offense according to AFR 39-10, under the provisions of paragraph 5-49d. Copies of my recommendation and the documents to be forwarded to the separation authority in support of this recommendation are attached.

2. My reasons for this action are: You were at Mountain Air Force Base, Idaho, on or about 9 April 1988, drunk and disorderly. You also failed to obey a lawful written order to store your firearms in the the Consolidated Private Weapons Depository on 9 April 1988. As a result of this misconduct you were given an Article 15 on 20 April 1988.

3. This action could result in your separation with an honorable, general or under other than honorable conditions discharge. I am recommending that you receive a general separation. The Commander, 366th Combat Support Group or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination at 0700 hours on 2 MAY 88 for the examination. The military uniform is required and if you wear glasses, wear them and also have your shot records with you.

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6. Military legal counsel Capt [redacted] Building 2426, telephone number 2675, has been obtained for you to consult on 2 MAY 88 at 1400 hours. You must ensure that a copy of your discharge package is provided to your counsel for his review. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statements must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

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

9. You will turn in your MHAFB vehicle sticker and your USAF vehicle decal to the unit orderly room not later than 3 MAY 88. This letter authorizes you to proceed to the Security Police, Pass and Registration Section, building 278, where you will be issued a temporary permit good for 90 days.

10. You will surrender your ID card to me immediately. You are directed to report to the Customer Service Section, CBPO, building 278, with this letter of notification to complete an ID card application. This temporary ID card will be valid for 90 days. If your discharge action is still pending at the end of the first 90 days, another temporary ID card will be issued until the case is finalized

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

[redacted]  
Squadron Commander

USAF

2 Atch

- 1. Supporting Documents for the Reasons for Discharge
- 2. Airman's Acknowledgment