






AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE AIC	AFSN/SSAN 
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	



MEMBERS SITTING	VOICE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.53, A92.21	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	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

REMARKS
Case heard at Andrews AFB, MD

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 
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INDORSEMENT	DATE: 4 OCT 02
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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 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2001-0437

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change of reason for discharge and change of reenlistment eligibility code.

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) at Andrews AFB, MD on October 3, 2002, but after acknowledging intent to appear, failed to do so without requesting a postponement.

FINDINGS: Upgraded of discharge to Honorable is denied.
Change of reason for discharge and reenlistment code is denied.

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

ISSUES: The applicant's issues are listed in the attached brief. The applicant contends that his discharge was inequitable because of mitigating circumstances of suppressed bereavement with depressed feelings, and immaturity. He also submits that his post service accomplishments support his contention. The record indicates the applicant received 4 counselings (letters of counseling, record of counseling, verbal counseling), and 4 Letters of Reprimand for various minor infractions including financial irresponsibility, dress and appearance, failure to follow established procedures for borrowing equipment, failure to have required personal gear, and failure to have his dorm room in inspection condition. He received an Article 15 for failure to go at the prescribed time. The DRB took note of the applicant's very good duty performance as documented by his laudatory performance reports, letters of recommendation and other information contained in the record. Members of the Board noted that the applicant had contended in his letter responding to the Article 15 action that he had evidence that mitigated the circumstances of his Article 15, specifically a letter from the flight chief corroborating his report of a communication error. However he has not provided a copy of this letter and said letter is not contained in the personnel file. In that letter of response to the Article 15 the applicant makes no mention of difficulties with bereavement or personal problems or any sort. The board also noted that the Article 15 punishment that suspended the reduction in rank is usually reserved for members who the commander intends to retain on active duty. There is no documentation of misconduct subsequent to the Article 15. The Board also noted the applicant's report of post service accomplishments. However no corroborating documentation of his claim were submitted, for example that he has attained the role of chief of police. After a thorough review of the record, the Board concluded that the applicant has not shown that there was any inequity or impropriety in his discharge. If he can provide additional documentation to substantiate his contentions the applicant should consider exercising his right to review by the Air Force Board for Correction of Military Records.

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, change of reason for discharge and change of RE code, 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

[REDACTED]
[REDACTED]
(HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 90/07/18 UP AFR 39-10, para 5-49b (Pattern of Misconduct). Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 69/05/31. Enlmt Age: 18 10/12. Disch Age: 21 1/12. Educ:HS DIPL. AFQT: N/A. A-46, E-56, G-66, M-43. PAFSC: 81150 - Security Specialist. DAS: 88/10/11.

b. Prior Sv: (1) AFRes 88/04/06 - 88/05/17 (1 month 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 88/05/18 for 4 yrs. Svd: 02 Yrs 02 Mo 01 Das, all AMS.

b. Grade Status: A1C - 89/09/18
AMN - 88/11/18

c. Time Lost: none.

d. Art 15's: (1) 90/05/23, Nellis AFB, NV - Article 86. You did, at Tonopah Test Range, Nevada, on or about 5 May 90, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn (suspended until 21 Nov 90), and forfeiture of \$100.00 pay per month for two months. (Appeal/Denied) (No mitigation)

e. Additional: MFR, 03 APR 90 - Failure to return books to the base library.

LOR, 25 JAN 90 - Violated established procedures.

LOR, 28 DEC 89 - Violation of AFR 35-10, Dress & Appearance.

LOR, 23 MAR 89 - Dereliction of duty.

RIC, 25 APR 89 - Failure to repair.

LOR, 11 APR 89 - Bad checks.

VBC, 25 NOV 88 - Failed room inspection.

LOC, 22 NOV 88 - Missed Appointment.

f. CM: none.

g. Record of SV: 88/05/18 - 90/01/17 Nellis AFB 4 (Initial)

(Discharged from Nellis AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (02) Yrs (03) Mos (13) Das
TAMS: (02) Yrs (02) Mos (01) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/10/10.
(Change Discharge to Honorable and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Resume.
3. Two Certificates of Membership.
4. Two Certificates of Training.
5. Character Reference.
6. Two Certificates of Training.
7. Certificate of Appreciation.
8. Certificate of Training.
9. Certificate of Membership.
10. Character Reference.
11. Three Certificates of Training.

02/02/13/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

Post military achievements (career resume)

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

MY HUMBLEST GREETINGS AND SINCERE GRATITUDE TO THE BOARD FOR AFFORDING ME THE OPPORTUNITY TO PETITION FOR UPGRADE OF MY MILITARY DISCHARGE. THE CRUX OF MY APPLICATION FOR UPGRADE RESTS IN THE MITIGATING CIRCUMSTANCES THAT CONTRIBUTED TO CHAIN OF EVENTS LEADING TO MY DISCHARGE. AS REFERENCED IN MY MILITARY RECORDS, I ENTERED THE U.S. AIR FORCE AT AGE 18. MY MOTIVATION FOR ENLISTMENT HAD EVERYTHING TO DO WITH A STRONG PATRIOTIC INCLINATION TO SERVE AND PROTECT MY COUNTRY AND HELP TO SAFEGUARD THE VALUES AND PRINCIPLES OF FREEDOM AND DEMOCRACY. THIS STRONG SENSE OF PATRIOTISM HAS REMAINED WITH ME TO THIS DAY. IT IS WHY I FEEL A SENSE OF DISCOMFORT AND SHAME FOR HAVING TO SOME DEGREE FAILED MY COUNTRY BY MY INABILITY TOWARDS THE LATTER PART OF MY MILITARY SERVICE. I SEEK TO PROVIDE THE BOARD WITH A COMPLETE PICTURE OF WHY THAT OCCURED DURING MY TRAINING IN THE U.S. AIR FORCE, I WAS CONTENDING WITH A MULTITUDE OF ISSUES. FROM BIRTH TO THE AGE OF 18, I WAS RAISED BY MY PATERNAL AUNT. SHE ESSENTIALLY TOOK ME IN AND RAISED ME AS HER OWN SON UNTIL HER DEATH FROM CERVICAL CANCER, WHICH OCCURED JUST PRIOR TO MY ENLISTMENT. HER DEATH SHOOK ME TO MY VERY CENTER, HOWEVER AT THE TIME I WAS USING DENIAL AS A MEANS OF DEALING WITH THE PAIN, AND WASN'T AWARE ON A CONSCIOUS LEVEL JUST HOW MUCH I HAD BEEN AFFECTED BY HER DEATH. WITHOUT A MOMENT TO WORK THROUGH IT, I ENLISTED IN THE U.S. AIR FORCE AND WAS OFF TO BASIC TRAINING. CONTINUED ON ATTACHMENT →

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

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

a. DATE (YYYYMMDD)

2001/10/10

b. SIGNATURE

[Redacted Signature]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001

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

BLOCK 8. ISSUES (continued from preceding page)

Throughout my training, I kept myself preoccupied with the day to day aspects of the military and continued to suppress my grief. Somehow, by thrusting all of my energies into military life, I was able to excel in proficiency and command the attention of my superiors. As such, shortly after completion of training associated with my occupational specialty, I was hand selected for inclusion in a special assignment, whereby I was granted a Top Secret Clearance and afforded the coveted opportunity to participate in highly covert, sensitive projects associated with safeguarding the national security and interests of our beloved country. As a result, I received orders to my first duty assignment, the Nellis Range Complex in Nevada and what was eventually to be known as the 4450th Combat Support Group. Initially, I excelled in this assignment as well, being eventually selected to comprise an elite core of security specialists on the installation tasked with emergency service team responsibilities including counter-terrorism, resource protection, testing installation readiness and vulnerability and training. I was good at what I did and so proud to serve my country. However, I would soon discover that I could not continue to run away from my grief issues associated with my aunt's death for much longer. I began to experience depression. I was frightened with the prospect of sharing this information with my Commander, since as a young airman I had heard that if I did so, or requested the assistance of a family counselor, then I would lose my Top Secret Clearance and lose my special assignment. I'm not sure to this day whether or not that is true, but as a young, impressionable airman, I took at face value what I had been told in this regard by my peers. So I continued to stuff my grief and as a means of trying to deal with things. There was also a sense of guilt from feeling that somehow I was not tough enough to work through this on my own. I felt I was letting my unit down. Ultimately, my attempts to sidestep and stuff my grief would fail and I began to lose focus at work, running late, reporting unprepared, difficulty managing my finances, etc. This would culminate in my Commander notifying me of my imminent discharge. I suppose I could have tried to explain, but as a young airman standing before his Major, I was intimidated and I did not explain. I loved my unit so much and I felt so bad for letting them down, my overwhelming sense of failure also served to keep me from saying or exercising any appropriate avenues in my defense. After all these years, I want to set the record straight once and for all. I so love my country, I love my brothers in uniform, I still love the Air Force. Soon after my discharge, I was able to successfully work through my grief and set about a campaign to serve my country on the local level. I have amassed over ten years in professional law enforcement and excelled significantly in my field. My highest held position being that of Chief of Police. I have done well for myself and for my country. The upgrade of my discharge from General under Honorable Conditions to Honorable Discharge is the final rung in my hope to correct a blemish on my service to my country. I urge with deep respect and humility that you look deep into the recesses of your hearts and minds and grant me this request. I am currently interested in pursuing employment with the U.S. Military Reserves; I'd like to do so with honor. There is still opportunity for me to make my country proud by again donning the uniform and serving now with greater maturity, life experience, courage, determination and above all, honor.

Thank you in advance for your consideration and may God Bless You, and may God Bless America.



DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS 37TH TACTICAL FIGHTER WING (TAC)
 NELLIS AIR FORCE BASE NV 89191-5000

REPLY TO JA
 ATTN OF:

SUBJECT: Legal Review of Administrative Discharge Proceedings Under AFR
 39-10, Para 5-47b, AIC [REDACTED], FR [REDACTED]

TO: CC

1. Action: This case is before you in your capacity as the Discharge Authority for your review and action. The commander, Major [REDACTED], 37th Security Police Squadron, initiated this action on 9 July 90 recommending that respondent be discharged for a pattern of misconduct. The case has been processed by notification procedure. As the Discharge Authority, you have the following alternatives:

a. Direct that the respondent be retained in the United States Air Force; or,

b. Direct that the respondent be discharged with a general discharge; or,

c. Return the package to the unit commander and direct reinitiation of the package with an under other than honorable conditions discharge; or,

d. Send the package to 12th AF/CC with a recommendation that the respondent receive an honorable discharge with or without probation and rehabilitation; or,

e. Direct discharge as in b. above, but offer the respondent probation and rehabilitation.

2. Facts:

a. For the Government: The file clearly shows that the respondent has engaged in a pattern of misconduct which consisted of conduct prejudicial to good order and discipline. It is shown by the following evidence:

1. On or about 5 May 1990, he failed to go to his appointed place of duty, to wit; Building 217, Tonopah Test Range, Nevada, for which he was given an Article 15 on 14 May 1990

2. On or about 3 Apr 1990, he failed to return a TTR library book that was 2 weeks overdue and for which he had received two late notices.

3. On or about 25 Jan 1990 he violated established procedures by attempting to take a recording tape player and cassette tapes from TTR without proper authority for which he received a letter of reprimand.

4. On or about 28 Dec 1989, he was placed on the Control Roster after receiving a LOR for a gross violation of 35-10 and failure to maintain sufficient funds for which he was counseled on 16 Oct 1989.

5. On or about 23 March 89 he was inattentive on post in violation of Art 92 for which he received a LOR.

6. Between 3 and 5 April 89, he failed to properly prepare for duty by failing to have a poncho, forcing him to sign a poncho out from supply.

7. On or about 11 Apr 89 he mismanaged his personal funds and wrote bad checks for which he was given a letter of reprimand.

8. On or about 25 Nov 88 he maintained his assigned dormitory room in total disarray to the prejudice of good order and discipline.

9. On or about 17 Nov 88 he failed to attend a Flight Training Appointment for which he was given a Letter of Counseling.

b. For the Respondent: The Respondent has served approximately 2 years and 1 month as a member of the United States Air Force.

c. His Airman Performance report is: EPR - 4

d. His test scores are: Adm-46, Elect-56, Gen-66, Mech-43

e. You must consider all statements submitted by the Respondent.

3. Errors and Irregularities: There are no errors or irregularities which affect any substantive right of the respondent. This legal review is contingent upon the respondent's physical exam showing that he is qualified for world-wide duty.

4. Conclusions:


a. Legal Sufficiency: The file has been prepared in compliance with AFR 39-10. All substantive rights under AFR 39-10 have been afforded this respondent. The file will support the discharge of this respondent prior to the normal expiration of his enlistment should you decide to take that course of action.

b. Should the Respondent be Discharged: The squadron commander has recommended discharge. I concur. The file contains ample evidence to support discharge in this case. The respondent's numerous infractions clearly establish a pattern of misconduct and behavior adverse to Air Force standards.

c. Characterization of Discharge: The squadron commander recommends a general discharge. I concur.

d. Probation and Rehabilitation: I concur with the recommendation of the squadron commander that this member not be offered probation and rehabilitation. This respondent is an unsuitable candidate for the probation and rehabilitation program. Previous counseling and other rehabilitative efforts made by training squadron and current squadron failed to turn his behavior around.

5. Recommendations: I recommend that you order this respondent discharged from the United States Air Force with a general discharge and that he not be offered probation and rehabilitation.


_____, Major, USAF
Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 37TH TACTICAL FIGHTER WING (TAC)
NELLIS AIR FORCE BASE NV 89191-5000

FD 2001-0437

REPLY TO 37 SPS/CC
ATTN OF:

JUL 09 1990

SUBJECT: Notification Letter

TO: AIC [REDACTED], FR [REDACTED]

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFR 39-10, paragraph 5-47b. 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 is:

a. On or about 5 May 1990, you failed to go to your appointed place of duty, to wit; Building 217, Tonopah Test Range, Nevada, for which you were given an Article 15 on 14 May 1990.

b. On or about 3 Apr 1990, you failed to return a TTR library book that was 2 weeks overdue and for which you had received two late notices.

c. On or about 25 Jan 1990 you violated established procedures by attempting to take a recording tape player and cassette tapes from TTR without proper authority for which you received a letter of reprimand.

d. On or about 28 Dec 1989, you were placed on the Control Roster after receiving or a LOR for gross violation of 35-10 and failure to maintain sufficient funds for which you were counseled 16 Oct 89.

e. On or about 23 March 89 you were inattentive on post in violation of Art 92 for which you received a LOR.

f. Between 3 and 5 April 89, you failed to properly prepare for duty by failing to have a poncho, forcing you to sign a poncho out from supply.

g. On or about 11 Apr 89 you mismanaged your personal funds and wrote bad checks for which you were given a letter of reprimand.

h. On or about 25 Nov 88 you maintain your assigned dormitory room in total disarray to the prejudice of good order and discipline.

i. On or about 17 Nov 88 you failed to attend a Flight Training Appointment for which you were given a Letter of Counseling.

Readiness is our Profession

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 the defense counsel on Monday, ⁰⁹ July 1990, at 0900 at the Area Defense Counsel's office, Bldg P-47. 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 no later than three duty days from the date you received this notice, 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 scheduled for a medical examination on 5 July 1990 at 0630 at the USAF Hospital Nellis AFB.

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 at the unit orderly room.

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

 Major, USAF
Commander

3 Atch
1. Supporting documents
for the reasons for
discharge
2. Documents containing
derogatory information
which are not listed in
Notification Letter
3. Airman's
Acknowledgment