

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE SRA	AFSN/SSAN
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW								
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MEMBERS SITTING	VOTE OF THE BOARD				
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ISSUES A94.05	INDEX NUMBER A 67.90	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; text-align: center;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;">2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;">3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	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
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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 Dobbins ARB GA

Advise the 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: 120502
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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

FD2001-0442

GENERAL: The applicant appeals for upgrade of his general discharge to honorable. The applicant was offered a personal appearance before the Discharge Review Board but failed to appear.

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

FINDINGS: The applicant's request to upgrade his general discharge to honorable is denied.

Issue: The applicant contends that his discharge was too harsh because it was based on two incidents that were the result of his marital problems. Review of the file indicates the applicant has a long and troubling history of domestic violence involving his wife and his son. In July 1991, while the applicant was enrolled in NCO Leadership School, he returned to his residence late one night and discovered his wife was not at home. The applicant then ransacked his own residence and when questioned later by base authorities denied his involvement. In February 1992, the applicant and his wife got into a fight. In March 1992, the respondent struck his 6 year-old son in the eye causing it to swell. When questioned, the applicant lied and stated his son accidentally bumped his head against the steering wheel of his car. He also convinced his son to repeat the same story. Only after his son finally revealed the truth did the respondent admit that he had struck the boy. For this, he received nonjudicial punishment. On September 3, 1992, the respondent returned home late after a night of heavy drinking. When he returned, he and his wife got into an argument and she locked him out of the house. He pounded on the door with such force that the sliding bolt on the door bent. Based upon these repeated offenses and the applicant's inability to make a meaningful change in his behavior, his commander recommended him for discharge. The applicant was afforded the right to consult with an attorney and elected to present his case to a discharge board. The discharge board recommended he be separated and his service characterized as general. Based on the foregoing, the DRB could find neither an injustice nor an impropriety that would warrant granting the relief requested.

The Board also reviewed and considered the applicant's entire service record before making a decision.

CONCLUSIONS: The Discharge Review Board concludes 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 the full administrative due process.

In view of the foregoing findings the board further concludes there exists no legal or equitable basis for upgrade/change of reason for discharge. 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]
(Former SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 92/12/15 UP AFR 39-10, para 5-47b (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge and a Change in Reason and Authority for Discharge

2. **BACKGROUND:**

a. DOB: 64/06/06. Enlmt Age: 17 2/12 . Disch Age: 28 6/12. Educ:HS DIPL. AFQT: N/A. A-63, E-65, G-57, M-78. PAFSC: 45254B - Tactical Aircraft Maintenance Specialist. DAS: (EPR Indicates): 90/09/02-91/09/01.

b. Prior Sv: (1) AFRes 81/08/19 - 82/04/06 (7 months 18 days)(Inactive).

(2) Enlisted as AB 82/04/07 for 4 yrs. Extended 85/09/06 for 23 months. Reenlisted as SrA 86/04/01 for 6 yrs. Svd: 09 yrs 09 months 08 days, all AMS. AMN - 82/10/07. AlC-(APR Indicates): 83/04/07-83/11/10. SrA - 85/04/07. Sgt-(APR Indicates): 85/09/02-86/09/01. SSGT - 90/03/01. APRs: 8,8,8,9,9,9,9. EPRs: 4,4.

3. **SERVICE UNDER REVIEW:**

a. Renlisted as SSGT 92/01/15 for 6 yrs. Svd: 00 Yrs 11 Mo 00 Das, all AMS.

b. Grade Status: SrA - 92/05/28 (Article 15, Vacation, 92/09/18)

c. Time Lost: none.

d. Art 15's: (1) 92/09/21, Vacation, MacDill AFB, FL - Article 108 & 134. You did, on or about 4 Sep 92, without proper authority, willfully damage by kicking and hitting, military property of the United States, the amount of said damage being in the sum of about \$55.84. You, were, on or about 4 Sep 92, drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces. Reduction to SrA and forfeiture of \$600.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 92/05/28, MacDill AFB, FL - Article 128. You, did, on or about 11 Mar 92, unlawfully strike -----, a child under the age of 16 years, in the face with your hand. Reduction to SrA (suspended until 26 Nov 92), forfeiture of \$600.00 pay per month for 2 months (suspended until 26 Nov 92, in excess of \$100.00 pay

per month for 2 months remitted on 23 Sep 92).
 (No appeal) (No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: 91/09/02 - 92/06/01 MacDill AFB 3 (CRO)REF

(Discharged from MacDill AFB)

h. Awards & Decs: AFTR, NDSM, AFAM, AFGCM W/1 OLC, NCOPMER.

i. Stmt of Sv: TMS: (11) Yrs (03) Mos (27) Das
 TAMS: (10) Yrs (08) Mos (09) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/10/08.
 (Change Discharge to Honorable and Change Reason and Authority for Discharge)

Issue 1: My discharge was inequitable because it was based on two incidents out of 128 months of active duty service with no other adverse actions. I feel I was singled out by my First Sergeant. The incidents were a result of marital problems that were occurring between my wife and myself since coming back from a remote assignment. Since being involuntarily discharged I have continued working in the aviation field and am currently employed with ----- Aviation Services where I am currently a project supervisor in charge of twelve airframe and powerplant technicians. Some of my fellow co-workers are with the Reserve Unit in Homestead AB FL that would be willing to give statements in my behalf as to my character and dedication to duty. I dearly regret my discharge from the Air Force and to this day I still long for the chance to serve my country once again. I have the necessary training needed in the area of F-16 Aircraft Maintenance. I served with pride for over ten years and am asking for a hearing before a traveling panel closest to Ft. Lauderdale FL. The reason for my request is to see if I will be able to change my discharge to Honorable and to change my discharge status so that it may be possible to enter the Reserves where all of my years of training will still be of use to our nation. Thank you.

ATCH
 none.

02/03/20/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 56TH FIGHTER WING (ACC)
MACDILL AIR FORCE BASE, FLORIDA

FROM: 56 FW/JA

10 Dec 92

SUBJ: Legal Review of AFR 39-10, Administrative Discharge Board Proceedings of [REDACTED]

TO: CC

1. This action was initiated under AFR 39-10, Chapter 5, Section H, paragraph 5-47b. Respondent received notice of this action on 15 Oct 1992. On 21 Oct 1992, respondent requested that his case be heard by an administrative discharge board. Pursuant to Special Order [REDACTED], Headquarters 56 Fighter Wing, dated 18 Nov 92, a board was convened on 19 Nov 1992. The 62nd Fighter Squadron Commander recommended that the respondent be separated from the Air Force with an under other than honorable conditions discharge and that probation and rehabilitation should not be offered. The statutory basis for this action is 10 U.S.C. § 1169 and a legal review is required by AFR 39-10, para 6-19a.

2. The recommendation for discharge is based upon the information contained in paragraph 2 of the letter of notification. The administrative board found, by a preponderance of the evidence, that the respondent:

(1) Did on or about 4 Sept 92, on MacDill AFB, FL without proper authority, willfully damage, by kicking and hitting, military property of the United States, the amount of said damage being in the sum of \$55.84. He was also drunk and disorderly, as evidenced by a Vacation of Suspended Nonjudicial Punishment dated 21 Sep 92.

(2) Did on or about 11 Mar 92, at Tampa, FL, unlawfully strike [REDACTED] a child under the age of 16 years, in the face with his hand, as evidenced by a Record of Nonjudicial Punishment Proceeding dated 28 May 92.

(3) Did on 27 May 92, missed a scheduled immediately prior to launch training (Arming and Disarming of Aircraft Missile). He failed to make this appointment, as evidenced by a Record of Individual Counseling dated 1 Jun 92.

THE BOARD FURTHER RECOMMENDED:

a. Recommend the Respondent be discharged with a General Discharge.