

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]						
TYPE GEN	X PERSONAL APPEARANCE		RECORD REVIEW						
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL							
YES	NO	NAME OF COUNSEL AND OR ORGANIZATION [REDACTED] THE AMERICAN LEGION		1608 K STREET NORTHWEST WASHINGTON, D.C. 20006					
X									
MEMBERS SITTING			VOTE OF THE BOARD						
			HON	GEN	UOTHC	OTHER	DENY		
[REDACTED]				X*+					
				X*+					
				X*+					
				X*					
									X
ISSUES A94.06, A92.22		INDEX NUMBER A67.50		EXHIBITS SUBMITTED TO THE BOARD					
HEARING DATE 02-12-06		CASE NUMBER FD2002-0149		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									
<p>* Change reason and authority to Secretarial Authority. (SPD:JFF)</p> <p>+ Change RE Code to 3K.</p> <p>Case heard at Washington, D.C.</p> <p>Advise applicant of the decision of the Board.</p>									
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]						
ENDORSEMENT			DATE: 02-12-09						
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						

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0149

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

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB, MD, on December 6, 2002. The following witness also testified on the applicant's behalf: Mrs. [REDACTED], applicant's spouse.

The following additional exhibits were submitted at the hearing:

Exhibit 6: Character Letter from TSgt [REDACTED], dated 27 November 2002

Exhibit 7: Character Letter from SSgt [REDACTED], dated 5 October 2002

Exhibit 8: Character Letter from SSgt [REDACTED], dated 20 August 2002

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

FINDINGS: The Board grants the requested relief.

The Board finds that neither the evidence of record or that provided by the applicant substantiates an impropriety that would justify a change of discharge. However, based on applicant's testimony, the Board finds that the applicant's character of discharge and reason for discharge should be changed.

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

Issues. Applicant contends his discharge should be changed because since his departure from the military, he has been rehabilitated, so his discharge should not continue to be an obstacle to him. He has a strong desire to return to Air Force service. The records indicate applicant received an Article 15, and several letters of reprimand and counseling, for various offenses, including failure to go, underage drinking, absence from duty without authority, failure to pay his Deferred Payment Program account, and misuse of his government credit card. Applicant attributes his misconduct to youth, immaturity, and a lapse in judgment. While the Board concluded the misconduct was a significant departure from conduct expected of all military members, and the gravity of some of his offenses outweighed his otherwise satisfactory service at the time, they also noted applicant was not involved in serious criminal misconduct, and there were extenuating circumstances that predicated many of the incidents. But for these offenses, applicant was a good airman and citizen, and has continued to be a good citizen since his discharge. The Board found sufficient mitigation at this time to render the characterization of the discharge received by the applicant too harsh. The Board found the testimony offered by applicant sufficient to warrant an Honorable discharge, to change the reason and authority for the discharge, and to change the reenlistment code.

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.

However, in view of the foregoing findings the board further concludes the overall quality of applicant's service is more accurately reflected by an Honorable discharge, and the reason for discharge is more accurately described as Secretarial Authority. The applicant's characterization and reason for discharge should be changed to Honorable and Secretarial Authority under provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/01/26 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct). Appeals for Honorable Discharge and to Change the RE Code. Disch.

2. **BACKGROUND:**

a. DOB: 78/12/05. Enlmt Age: 18 10/12. Disch Age: 22 1/12. Educ:HS DIPL. AFQT: N/A. A-45, E-54, G-52, M-64. PAFSC: 2A656 - Aircraft Electronic & Environmental Systems Apprentice. DAS: (EPR Indicates): 98/01/07-99/09/06.

b. Prior Sv: (1) AFRes 97/10/07 - 98/01/06 (3 months)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 98/01/07 for 4 yrs. Svd: 03 Yrs 00 Mo 20 Das, all AMS.

b. Grade Status: AMN - 01/01/10 (Article 15, 01/01/10)
 A1C - 99/05/07
 AMN - 98/07/07

c. Time Lost: none.

d. Art 15's: (1) 01/01/10, Whiteman AFB, MO - Article 92. You, who knew of your duties at or near New Farmington, Missouri, on or about 01 Oct 00, were derelict in the performance of those duties in that you willfully failed to refrain from using your ----- government credit card for personal use, as it was your duty to do. You, who knew of your duties, at or near Whiteman AFB, MO, on or about 03 Oct 00, were derelict in the performance of those duties in that you willfully failed to refrain from using your ----- government credit card for personal use as it was your duty to do. Reduction to Amn, and 20 days extra duty. (No appeal) (No mitigation)

e. Additional: 11 OCT 00 - Delinquent debt account.
 01 OCT 00 & 03 OCT 00 - Misuse of government credit card.
 15 SEP 00 - Absent from place of duty without authorization.
 12 SEP 00 - Failure to maintain on base residence.
 13 JAN 00 - Failure to go.
 06 MAR 99 - Consuming alcohol under age.
 17 NOV 98 - Failure to go.
 01 SEP 98 - Failure to report for dental appointment.

f. CM: none.

g. Record of SV: 98/01/07 - 99/09/06 Whiteman AFB 4 (Initial)
99/09/07 - 00/09/06 Whiteman AFB 4 (Annual)

(Discharged from Whiteman AFB)

h. Awards & Decs: AFTR, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (03) Yrs (03) Mos (20) Das
TAMS: (03) Yrs (00) Mos (20) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/03/25.
(Change Discharge to Honorable and Change the RE Code)

Issue 1: I am applying for an RE-Code change for possible reenlistment. I have been out of the service for almost two years, and I have had a lot of time to realize how selfish and immature I had been during my first enlistment. I am hoping for a chance to prove that I belong in the armed services. All that I am hoping for is a chance to redeem myself for the mistakes I made while serving in the Air Force. My stay in the Air Force wasn't a total loss, because I earned a good conduct medal and a Kosovo medal. My lack of maturity and life experience was a big part of my failure, and I know if you grant me one more chance to serve, I am confident that I will be a soldier who can and will make a difference. I have a lot to prove to myself and my family, because of the mistakes I made. I am willing to dedicate my life to the Army. I have struggled with what happened to me, and how it was handled. To this day, I think deserved better than what I received, but I took what was given with no question. Thank you.

ATCH

1. Applicant's Issues.

02/07/12/ia

FD 7002-0149



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 509th BOMB WING (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

22 JAN 2001

MEMORANDUM FOR 509 BW/CC

FROM: 509 BW/JA

SUBJECT: Final Legal Review, AFI 36-3208, Administrative Discharge
[REDACTED]

1. **BASIS OF ACTION:** The respondent's squadron commander initiated discharge action under AFDPD 36-32 and AFI 36-3208, paragraph 5.50.2, for a pattern of misconduct. He recommends an under honorable conditions (general) discharge without probation and rehabilitation.

2. **EVIDENCE FOR THE GOVERNMENT:** The record contains sufficient evidence to substantiate discharge under paragraph 5.50.2. Specific instances of the respondent's pattern of misconduct include:

- a. On 11 Oct 00, he was delinquent on his AAFES DPP account.
- b. On 1 Oct 00 and 3 Oct 00, he failed to refrain from using his Bank of America government credit card for personal use.
- c. On 15 Sep 00, he was absent from his place of duty, without authority.
- d. On 12 Sep 00, he failed to properly maintain his on-base residence.
- e. On 13 Jan 00, he failed to report back to work after a 0900 appointment.
- f. On 6 Mar 99, he failed to refrain from consuming alcohol while under the age of 21.
- g. On 17 Nov 98, he failed to show up for mandatory Security Forces augmentee duty.
- h. On 1 Sept 98, he failed to report to his dental appointment at 0730.

3. **EVIDENCE FOR THE RESPONDENT:** [REDACTED] is 22 years old. He has consulted counsel and elected not to submit matters in his behalf. [REDACTED] entered the Air Force on 7 Jan 98. He is entitled to wear the Air Force Training Ribbon.

4. **DISCUSSION:** [REDACTED] on-duty conduct has been marginal. However, his off-duty conduct has displayed a consistent pattern of misconduct. He has also displayed a poor attitude toward his superiors by failing to obey the orders given to him by his supervisors. [REDACTED]

has been given many opportunities to correct his behavior. However, past rehabilitative efforts have failed. His conduct warrants a discharge for cause. Retaining [redacted] on active duty in a probationary status is not consistent with good order and discipline.

5. **DISPOSITION ALTERNATIVES:** You, as the special court-martial convening authority, are the separation authority for this action. You may:

- (a) retain the respondent in the Air Force;
- (b) direct that the respondent be separated with an under honorable conditions (general) discharge, with or without probation and rehabilitation;
- (c) recommend the respondent be separated with an honorable discharge, with or without probation and rehabilitation, and forward this case to the general court-martial convening authority (8th AF/CC) for action;
- (d) direct that this case be reinitiated pursuant to the board hearing procedures of AFI 36-3208, Chapter 6, Section C, if you feel a discharge under other than honorable conditions (UOTHC) is warranted; or
- (e) direct that the case be reinitiated under another paragraph of AFI 36-3208, if you deem it more appropriate.

7. **RECOMMENDATION:** I recommend you discharge the respondent, characterizing his service as under honorable conditions (general), without probation and rehabilitation. If you agree, please sign the attached correspondence and return this file to JA for further processing.

[redacted signature]
[redacted], Capt, USAF
Chief, Adverse Actions

Attachment:
Discharge Package/[redacted]