

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE A1C	AFSN/SSAN [REDACTED]				
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	X						
MEMBERS SITTING			POLE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
[REDACTED]			X*				
			X*				
			X*				
			X*				
			X*				
ISSUES A94.06, A94.12		INDEX NUMBER A67.30		EXHIBITS SUBMITTED TO THE BOARD			
HEARING DATE 2 JUL 03		CASE NUMBER FD2002-00536		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 ISSUES AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
REMARKS							
<p>* Change Reason for Discharge to: Secretarial Authority SPD:JFF</p> <p>Case heard at Washington, D.C.</p> <p>Advise applicant of the decision of the Board.</p>							
SIGNATURE OF RECORD			SIGNATURE OF BOARD PRESIDENT				
[REDACTED]			[REDACTED]				
INDORSEMENT				DATE: 02 JUL 03			
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

FD2002-00536

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

The attached brief contains 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 nor that provided by applicant substantiates an impropriety that would justify upgrade of the discharge. However, based on the record, the Board finds that the applicant's character of discharge is inequitable.

Issue. Applicant received an under honorable conditions (general) discharge for commission of a serious offense. He had received an Article 15 for negligently failing to report the presence of foreign object damage which caused over \$123,000.00 damage to a B1-B aircraft engine, failing to follow general regulations and technical orders, and making a false statement about the incident. At the time of the discharge member consulted counsel, submitted statements in his own behalf, and requested an opportunity for probation and rehabilitation. Among the matters submitted were 18 character references of co-workers and supervisors ranging in rank from Staff Sergeant to Master Sergeant with between 6 and 20 years of active duty service. These statements uniformly indicated that member was a quality airman and outstanding aircraft crew chief who would be worth retaining in the Air Force in spite of his "mistake." In the absence of any further derogatory information in the record, and after a thorough and complete consideration of the information submitted by applicant and contained in the records, the Board concluded there was sufficient mitigation to substantiate upgrade of the discharge. Specifically, the Board found the characterization too harsh. However, they did not condone applicant's 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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the 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 the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

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

MISSING MEDICAL RECORDS

[REDACTED]
 [REDACTED]
 (Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 30 Aug 00 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 14 Apr 75. Enlmt Age: 20 10/12. Disch Age: 25 4/12. Educ: HS DIPL. AFQT: N/A. A-63, E-39, G-37, M-68. PAFSC: 2A551K - Aerospace Maintenance. DAS: 7 Aug 96.

b. Prior Sv: (1) AFRes 20 Feb 96 - 19 Mar 96 (29 Days) (Inactive).

(2) Enld as AMN 20 Mar 96 for 4 yrs. Svd: 3 Yrs 9 Mos 15 Das, all AMS. A1C - 20 JAN 97. SRA - 20 MAR 99. EPRs: 4,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 4 Jan 00 for 4 yrs. Svd: 0 Yrs 7 Mos 27 Das, all AMS.

b. Grade Status: A1C - 11 Aug 00 (Article 15, 11 Aug 00)

c. Time Lost: None.

d. Art 15's: (1) 11 Aug 00, Dyess AFB, TX - Article 108. You, did, on or about 9 Mar 00, without proper authority, through neglect, suffer engine #470334 of aircraft #3066, of a value of about \$123,106.72, military property of the United States, to be damaged by failing to report and/or document foreign object damage. Article 107. You, did, with intent to deceive, make to SMSgt ----- official written statements, to wit: you did not know where the remains of the engine plug for aircraft #3066 were and you did not see anyone remove the remains of the engine plug for aircraft #3066, which statements were totally false, and was then known by you to be so false. Article 92. You, who knew or should have known of your duties were derelict in the performance of those duties, on or about 8 Mar 00, in that you negligently failed to obey lawful general regulations, to wit: paragraph 23.32.1, 23.32.5, 23.35.1, and 23.35.5 of Air Combat Command Instruction 21-101, section 231, paragraph 3-11.1 and 3-11.3.9.4 of Technical Order 00-20 5. Reduction to A1C, and 30 days extra duty. (No appeal)

(No mitigation)

FD2002-00536

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Dyess AFB)

h. Awards & Decs: AFLSA, AFTR, AFEM, NATOM, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (6) Mos (11) Das
TAMS: (4) Yrs (5) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Dec 02.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

ATCH

1. Applicant's Issues.
2. Character Statements (18)
3. DD Form 214.

5 Mar 03/cr

From: [REDACTED]

Subject: Discharge Upgrade

I was a SRA in the USAF and my title was assistant crew chief on a B1-B bomber. On the 9th day of March in the year 2000 at night, I was the lowest ranking individual assigned to aircraft 83066 to help perform an engine run. My job on the engine run was break operator. I was with a SSGT and jets personnel on this run. Before doing an engine run one of their duties is to look down the engines to make sure that nothing is there. Well, that night this job was not performed. The jet sucked in a plug. The jets person, that was with us on the run, and personnel from his truck looked at the engine to make sure it was good. They did this task and said that the engine was good.

The jet was scheduled for a sortie in the morning. When it went to take off the engine caught on fire. The foam from the inlet plug had melted inside the engine and caused it not to cool off properly causing a fire.

I was charged with article 108 of the UCMJ. For failing to report and/or document foreign object damage. We had reported it to Jets personnel and their truck that had stopped by to see. However they denied it all. We should have reported it to a different truck, which was hawk seven. I did not know this at the time. I was also charged with UCMJ 107 for false official statements. They had put the people that had been on the engine run in a room and asked for statements on what had happened. I had written down that I did not know and signed it. This I did so that I could talk to the SSGT. So that him and I could come forward together. We did this no more than two hours later. I did not want to be known as a Nark, I had been more afraid of what others would of thought of me. I was also charged with UCMJ article 92, failure to obey lawful general regulations. I never once looked at the technical order, which says to look down the tube for foreign objects. I was upstairs getting ready, what I needed to get ready for the engine run. I had trusted the work of those I was working with. Since, my part of the job required no inspections.

In the end the Air Force dropped the charges against me and discharged me with a general discharge and loss of stripe. For fear that I would get a greater sentence of the SSGT. The SSGT got to finish his time in the Air Force. No one else was charged.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH BOMB WING (ACC)
DYESS AIR FORCE BASE TEXAS

MEMORANDUM FOR AIC [REDACTED]

FROM: 28 BS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense - Other Serious Offenses. The authority for this action is AFI 36-3208, dated 14 Oct 94, paragraph 5.52.3. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General (Under Honorable Conditions).

2. My reasons for this action are:

a. You did, on 9 Mar 00, without proper authority, through neglect, suffer engine #470334 of aircraft #3066, a value of about \$123,106.72, military property of the United States to be damaged by failing to report and/or document foreign object damage, for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 11 Aug 00.

b. You did, on 9 Mar 00, with the intent to deceive, make a false official written statement stating you did not know where the remains of the engine plug for aircraft #0366 were and you did not see anyone remove the remains of the engine plug, for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 11 Aug 00.

c. You were, on 8 Mar 00, derelict in the performance of your duties in that you failed to obey lawful general regulations, for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 11 Aug 00.

d. You did, on 19 Jul 00, make a false official written statement on a document in that you completed AF Form 988(Leave Request/Authorization) stating you would be at 333 3rd Ave, Binnicker Hall, Dyess AFB, TX, from 20 Jul 00 until 21 Jul 00 when in fact you did, on or about 20 Jul 00 until on or about 21 Jul 00, leave the country, for which you were reprimanded, as evidenced by LOR, dated 25 Jul 00.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction or 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 the Area Defense Counsel on 18 Aug 00 at 1330 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 24 Aug 00 hours, 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 on 21 Aug 00 at 1300 hours, at the 7th Medical Group Hospital, Physical Exams Section.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208, dated 14 Oct 94. A copy of AFI 36-3208 is available for your use in the orderly room.

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


Lt Col, USAF
Commander, 28 BS

Attachments:

1. Airman's Receipt of Letter of Notification
2. AF Form 3070, dated 11 Aug 00
3. LOR, dated 25 Jul 00