

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		A1C	[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			VOTE OF THE BOARD			
			HON	GEN	UOHC	OTHER
						X
						X
						X
			X			
						X
ISSUES A01.43, A92.35, A92.21		INDEX NUMBER A67.90		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	
HEARING DATE 03-03-19		CASE NUMBER FD2002-0419		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 a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT			
INDORSEMENT					DATE: 03-03-19	
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 FD2002-0419
GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for his discharge, and to change his reenlistment code.	
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: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are denied.	
The Board finds that neither the evidence of record nor that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.	
<p>Issues. Applicant was discharged for misconduct, conduct prejudicial to good order and discipline. He had an Article 15 for failure to go to his appointed place of duty. Although all documents pertaining to applicant's discharge proceeding are missing and unavailable for review, applicant also referenced receiving a letter of counseling for being late to work, a letter of reprimand for not shining his shoes, and a letter of reprimand for not registering his vehicle. Member notes these were minor infractions and states he wasn't ready for the military at that time. Additionally, member's medical record disclosed some mental health appointments and evaluation associated with difficulties on the job and his relationship with his supervisor, and his "getting into trouble." No diagnosis of a mental health or learning disorder was rendered however. Since the discharge documents are not available, and lacking any evidence from the applicant to the contrary, the Board must rely on the presumption of regularity and finds the discharge proper. The Board noted that when his misconduct occurred, member was the same age as other airmen who had adhered to the standards and he knew right from wrong, so he was held accountable for his actions. The Board surmised member's misconduct was apparently a serious departure from the standards expected of airmen as evidenced by the fact the reason for his discharge was "conduct prejudicial to good order and discipline." The Board could find no wrongful action by the Air Force.</p>	
Applicant notes he has been serving successfully in the Naval reserve in recent years, as well as in his civilian employment. He submits a strong character letter from his Naval reserve commanding officer. While the Board recognizes applicant may have matured and his conduct has improved, this alone is insufficient grounds to overcome the factors that were the basis for discharge. The Board commends applicant on his post-service accomplishments, Naval reserve service, and good citizenship, but these are not relevant to the period of service under review and therefore do not provide a basis for upgrade.	
If the applicant can provide additional documented information to substantiate an issue, he should consider exercising his right to a personal appearance hearing. Should he choose to exercise that right, he should be prepared to provide the Board with additional evidence of any exemplary post-service accomplishments and contributions to the community.	
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

MISSING DOCUMENTS

[REDACTED]
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 20 Dec 93 UP AFR 39-10, para 5-47 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 21 Oct 69. Enlmt Age: 23 4/12. Disch Age: 24 1/12. Educ: HS DIPL. AFQT: N/A. A-45, E-60, G-39, M-83. PAFSC: 2S031 - Inventory Management Apprentice. DAS: 10 Jul 93.

b. Prior Sv: (1) AFRes 22 Feb 93 - 28 Feb 93 (7 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 1 Mar 93 for 4 yrs. Svd: 0 Yrs 9 Mos 20 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 5 Nov 93, Torrejon AB, Spain - Article 86. In that you did on or about 20 Oct 93, without authority, fail to go at the time prescribed to your appointed place of duty. Forfeiture of \$100.00 pay for one month, and 30 days extra duty. (Appeal withdrawn) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: None.

(Discharged from McGuire AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (0) Yrs (9) Mos (27) Das
TAMS: (0) Yrs (9) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Oct 02.

(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

EX-24

ISSUES ATTACHED TO BRIEF

ATCH

1. Applicant's Issues.
2. Letters of Recommendation.
3. Commendation Certificates.
4. Training Certificates.
5. Documents from Navy Reserves.

2Jan03/cr

Dear Discharge Review Board,

The following are the reasons I believe my discharge should be upgraded to Honorable. Firstly my ability to serve was impaired by my youth and immaturity. Secondly my record of NJPs/ Article 15s indicates only isolated or minor offenses. Thirdly I have been a good citizen since my discharge. I am not perfect. I apologize for failing my contract with the United States Air Force. I will always be on Americas side. I joined the United States Navy a few years after I was discharged from the United States Air Force. I was given a second chance by the United States Navy. I was, and still am eager to defend America. I have proven my allegiance and loyalty to my country, serving 5 years in the United States Navy and 10 months in the United States Air Force. I would like to go active duty to support the Pacific Fleet.

It has been 9 years since I was discharged from the United States Air Force. I remember a lot of things but forget the minor things from 9 years ago, I especially remember the good times when I was in the United States Air Force. I loved going to San Antonio Texas for the first time, I was very excited because I had never been there before. I made lots of friends with many boys and girls from Texas. I enclosed some pictures. I loved the GI party, the marching, the flag ceremonies, and the friendships I made. They came from [REDACTED] El Paso, Houston, Dallas, Corpus Christi, San Antonio, Fort Worth, and Brownsville. I remember their personalities, their character and their heart. I got to see the River Walk and the Alamo while I was there. I love Lackland and Kelly Air Force Bases. I felt I was serving my country. My parents watched me graduate and I was very happy to follow in my Dads footsteps.

The same was true when I went to Lowry Air Force Base. My 2nd cousin [REDACTED] and my other cousin [REDACTED] both ex Marines came to the base to visit me. They live in Denver Colorado. I was happy that my family saw me in uniform. They said I looked sharp. I was trained as a computer information management specialist, at Lowry Air Force Base. We all took care of each other like American brothers and American sisters. We were a close bunch of airmen. We shared lots of fun times.

I started to have trouble from the beginning at my first duty station at Torrejon Air Force Base. I was working for 600 Air Base Group, Torrejon, Spain. I was in the supply squadron, working in demand processing. I worked for [REDACTED] and [REDACTED]. From the beginning [REDACTED] mistreated me. He would pick on me everyday in the beginning. He would call me into his office and cuss and curse me out. The two words are interchangeable. I told the legal officer at the Los Angeles Air Force base the same thing. There was a lack of good communication between us. That is how I got into most of my trouble. I feel that I was inexperienced, and sensitive to what was said to me. I was given letters of counseling and letters of reprimand. I was given a letter of counseling for showing up for work a few minutes late. I was given a letter of reprimand for not having my shoes shined properly, and I was given a letter of reprimand because my car needed to be registered.

I felt that these were very minor offenses. These few offenses that I received, earned me an article 15. I received a punishment of 30 days extra duty cleaning the lawn, and cleaning the dorms. I would pick leaves every morning and mowed the lawns every week. In the afternoons I would vacuum the dorm room hallways, and polish the

furniture. I worked for [REDACTED] who was very kind to me. He was a gentleman that I liked. I grew very lonely and discouraged doing extra duty for 30 days. My ability to serve was impaired by my youth and immaturity. I wanted to talk to somebody about my trouble but, I could not ask for any legal advice because there was no legal office.

Torrejon Air Force Base was closing and being turned over to the Spanish.

I would call my Dad everyday to ask him for his advice. He would tell me to spit and polish my boots and crease my uniforms everyday. After my article 15, I was told that I was up for a General Discharge, I guess I had a lot of letters of counseling and reprimand. I was called into [REDACTED] office, where he asked me what I should do, and I told him I was lonely and wanted to go back home to Los Angeles. He allowed me to quit my position at 600 Air Base Group, Torrejon, Spain. During that time I was not ready for the military. I feel if circumstances were different, I probably would have honored my four year United States Air Force contract. I was bitter the day after I signed my discharge papers, but soon let it go, and let bygones be bygones.

The day I left the Torrejon Air Force Base, I scratched an x on the door of my buddy who worked with me in Supply. His room was on the other side of the hallway closer to the lounge. My room was on the second floor next to the outside door. I wanted my airman buddies to know I was going back home. I saw the hallway floor as the ocean and the x as my home. I also thought the x in Texas was a sign of my love to where I was trained. Deep in the heart of Texas, San Antonio Lackland Air Force Base Second to None. I wanted my best friend [REDACTED] from North Dakota to know that I had lots of love for him.

My best friend on base was [REDACTED], he worked in the fire department. Him and I were like bosom buddies. I was the short guy and he was the tall guy. We would hang out everyday together, we would talk to girls, go bowling on base and go swimming at the base pool. We would wrestle together at the fire station, and in the dorm room hallways. We would run 2 or 3 miles a week around the base. Our bond was very strong, I love him like my brother. He wanted [REDACTED] to let me off the hook and keep me working.

[REDACTED] had problems with me from the start, but after a couple of months he cooled down. I got into most of my trouble in the first couple of months. It did not take a lot of reprimands to get an article 15 [REDACTED] started to teach me how to expedite items, and call other bases for spare parts when we needed them. He would make me the cook on Fridays, and I would cook hot links and chicken on the barbeque outback. The Supply guys would share food with the Transportation guys. We were all cool with each other. I played soccer on the base team with a couple of guys from Transportation and [REDACTED] who was our goalie. I scored a couple of goals for the base team. I really liked the way [REDACTED] treated me before I was discharged. He would borrow my VCR to make copies of movies for his other buddies on base to enjoy. He rewarded me by letting me off early for the day. We would laugh together and hang out together while we were working.

A few years after I was discharged in 1993, I went alone to a club in downtown Ensenada. I got there about 9 oclock and I waited in line for about an hour. Once I got in, I started to drink Corona beer. I started dancing with girls, and I found a girl that I liked. We stopped dancing and went upstairs to make out. We stayed there about an hour

before she said she had to leave to meet her other friends. I bought a five dollar rose and gave it to her. I kissed her goodbye and she took off. I went back to the bar and drank for about an hour. I drank about a dozen Coronas. I was very intoxicated, I went up to this pretty girl and asked her to dance. She said yes and we started dancing. I was holding onto her while we were dancing. I was feeling great when I suddenly started to reminisce about [REDACTED]. I was about to cry. I was too old to cry in front of this pretty girl that I dancing with, so I yelled instead. I was very intoxicated by then and I thought it was all right to yell while dancing with this girl in front of all these people. I was thinking about how much I wanted to be in [REDACTED] office talking to him about Air Force business. I also started to think about how much I missed the Air Force and how much I love my country. I am sure the girl had know idea what I was thinking. She probably thought I was this loud mouth drunk, who wanted the attention. The crowd probably thought I was nuts. I was embarrassed for acting so foolish. It was closing time and I said goodbye to the girl, and she left with her girlfriends. I did not ask her name or her number. I feel that any man, who loves his country, loves the Air Force, loves [REDACTED] and drank, as many Coronas as I did that night would have acted the same way. It took some time to cool down from that night. I would love to see [REDACTED] today, I would greet him with open arms and hug him and tell him how much I love him.

In my military career, I have made stupid mistakes. To everybody who has been offended or misunderstood or misinterpreted what I said or done. I apologize sincerely and honestly. Please forgive me, I am human and made mistakes. Generals and Gentlemen I beg for your forgiveness. Please let me off the hook. I am very apologetic for what dumb and stupid mistakes I made. I am harmless. [REDACTED]

has forgiven my past and has given me the strongest possible recommendation for my performance as a sailor. I have a superb reputation with [REDACTED] and he has actively sought to have me assigned to the units he has subsequently commanded. Captain [REDACTED] respects me for taking responsibility for my past, and applauds me for my performance

Today, I am older and more humble. I am thankful to the United States Navy for giving me the opportunity to serve this country I love. I have been trained by many experienced service men and women. I was trained by the best in the United States Air Force and the best in the United States Navy. I currently support the Aircraft Carriers in the Southwest Region. I belong to CVSW 0294, Navaires, San Diego, California. My job is a structural mechanic, and I am a Third Class Petty Officer. I enjoy what I do, I feel I have purpose on a ship or in a squadron. I have worked at the Navy & Marine Corps Reserve Center, in Long Beach Ca, at Seal Beach EOT Det 2. I was fixing drones while I was working there. I have worked at 4th LAAD Marine Corps, Pasadena. I was working in the medical department while I was there. I have worked at NR FLTSUPTRA 2719, Navy & Marine Corps Reserve Center, where I was assisting the medical department. I worked at NR ACU-5 Camp Pendleton. I worked in the bag shop, fixing the Hover Crafts for the Marine Corps while I was there. I am currently working for CVSW 0294, where I have been recently assigned as an assistant Career Counselor.

I have earned the respect of many servicemen and women. I have over a hundred friends serving in the Navy, Marines, Air Force, and Army. I have met them everywhere that I have worked. I care for them, and they care for me. I keep in touch with many of my friends by postcard or in person. My goals are to continue with my Naval Career,

work hard and support the Pacific Fleet. I am like every service member who joins the military. I want to retire after 20 years and live a quiet life. My uncle, [REDACTED] is a role model that I admire, he retired from the United States Navy after 28 years as a Senior Chief, attached to the Seabees. Now he lives a quiet life with my aunt.

Captain [REDACTED] is a father figure to me. He has always been supportive of everything that I have done. I respect him and care for him and his family. He respects me and cares for me and my family. I would love to work for Captain [REDACTED] again, he treats his sailors with respect and care. I love the United States Navy because of men like [REDACTED]. He works as a District Attorney for San Diego.

My Grandfather served in the United States Army, my Dad, in the Marines, and I have been fortunate to serve both in the United States Air Force and the United States Navy. I plan on reenlisting for 6 years in the United States Navy. I am trying to pass my promotion tests on the first try. I am also trying to earn an Air Warfare Pin and a Sea Warfare Pin. I would also like to earn some more ribbons as well. Someday I would like to make Chief in the United States Navy. My friends know me as a friendly guy who works hard and does his best. I have earned their respect by my wiliness to take orders. I enjoy the friendships with my Navy buddies. I like spending time with the crewmembers from the USS Constellation, USS Stennis, and the USS Nimitz at North Island. I have many shipmates who are my good buddies. We hang out at the base bowling alley, base recreational center, or base gym.

I have family values. I was raised to respect your family and be kind to others. I go to school at California State University Long Beach. I am a Business Management

major. I am a good student at the University. I plan on taking part time courses instead of full time courses to concentrate on my Naval Career. I would like to volunteer for a recall to support the Pacific Fleet. I have a new girlfriend who is a school police officer, and we go out when she has time. I go to church at St. Philomena Church in Carson, California. My family has been going to St. Philomena Church since the early 1950s. I have been saving my money to buy a new car. I enjoy living with my Dad, he is family oriented and takes care of my Grandma. I am a good American citizen. I am a good shipmate and a good friend.

America is the greatest country on earth. I will always be patriotic, I will always salute the flag and most importantly I will always be on Americas side. I live by the Petty Officers Creed, and uphold Navy Core Values everyday. I pledge my allegiance to the flag I love. I am a proud American serving the finest Navy in the world. I have attached my letters of recommendation, my certificates of training, my service medal letters, my certificates of appreciation, my letters of commendation, my performance information memorandums, certificate of achievements, completion of petty officer indoctrination, and evaluation report & counseling records. I included a list of a few close friends and family that are serving or served America. Please respond by mail as soon as possible, AM3 Antonio Rivera 20613 Budlong Ave. Torrance California 90502. Thank you very much.

Sincerely,

