

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	<input checked="" type="checkbox"/>	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]	X*				
[REDACTED]	X*				
[REDACTED]	X*				
[REDACTED]					X

ISSUES A93.02, A93.08, A93.10	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 Washington, D.C.
 * Change reason to Secretary Authority
 The AFDRB determined the applicant's reenlistment (RE) Code should be changed to 3K.
 Advise applicant of the decision of the Board.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 03 07 15
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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, 1E WING, 3 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0523

GENERAL: The applicant appeals for upgrade of his discharge from General to Honorable, to change the reason for the discharge, and to change his reenlistment code. The applicant appeared without counsel and testified before the Board at Andrews AFB, MD, on July 14, 2003. The applicant submitted no additional exhibits or witnesses.

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

FINDINGS: The applicant's discharge is upgraded to **Honorable** and the reason for the discharge is changed to **Secretarial Authority**. A change of the applicant's reenlistment code is also **Approved**.

The Board finds that neither the evidence of record nor that provided by the applicant reveal any impropriety that would justify the approval of the applicant's request. However, the Board does find that the applicant's character and reason for discharge (and consequent reenlistment code) are inequitable.

Issues: The applicant contends that his general discharge was inequitable because his ability to serve was impaired by his youth and immaturity as well as marital problems. The Board notes that prior to and after the applicant's first Article 15, his duty performance remained excellent. The applicant's testimony also indicates that his second Article 15 was the direct result of a period of severe marital discord. The applicant testified that it was during this time that he requested that his commander discharge him and that his request was made without a full appreciation of how his discharge would be characterized or how it might affect his ability to reenter the military later. The Board consequently concluded that absent the then existing marital discord and his subsequent request for discharge, the applicant would not likely have been discharged. After a thorough and complete consideration of the applicant's forthright personal testimony and the information contained in the record, the Board concluded that there was sufficient mitigation and extenuation in the applicant's circumstances at the time to substantiate upgrading the applicant's discharge and to change the reason for the discharge. The Board also concluded that the applicant's reenlistment code should also be changed.

CONCLUSIONS: The Discharge Review Board concludes that the applicant's discharge was consistent with the procedural and substantive requirements of the discharge instruction, was within the discretion of the discharge authority, and that the applicant was provided full administrative due process.

Nonetheless, in view of the foregoing findings, the Board further concludes that the overall quality of the applicant's service is more accurately reflected by an honorable discharge and that 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 Secretary Authority under the provisions of Title 10 U.S.C, Section 1553. The applicant's reenlistment code should also be changed.

Attachment:
Examiner's Brief

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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 31 Jul 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change RE Code, and Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 1 Mar 76. Enlmt Age: 19 3/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-99, E-82, G-78, M-68. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 3 Dec 95.

b. Prior Sv: (1) AFRes 23 Jun 95 - 4 Jul 95 (12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 5 Jul 95 for 4 yrs. Svd: 3 Yrs 0 Mo 26 Das, all AMS.

b. Grade Status: AB - 14 Jul 98 (Article 15, 14 Jul 98)
AMN - 29 Mar 97 (Article 15, 20 Mar 97)

c. Time Lost: None.

d. Art 15's: (1) 14 Jul 98, Hurlburt Field, FL - Article 128. You did, on or about 15 Jun 98, unlawfully strike -----, on the face and neck. Reduction to AB, and 45 days extra duty. (No appeal) (No mitigation)

(2) 29 May 97, Hurlburt Field, FL - Article 121. You did, at Eglin AFB, Florida, on or about 15 May 97, steal a wallet, of a value of about \$10.00, the property of the ----- . Reduction to Amn, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 05 Jul 95 - 15 Jan 97 Hurlburt Field 5 (HAF Dir)
16 Jan 97 - 10 Jun 97 Hurlburt Field 2 (Cmdr Dir) REF
11 Jun 97 - 31 Mar 98 Hurlburt Field 4 (CRO)

(Discharged from Hurlburt Field)

h. Awards & Decs: AFAM, AFTR, NDSM, NATOM, AFOUA, AFGCM.

TAMS: (3) Yrs (0) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Dec 02.
(Change Discharge to Honorable, Change the RE Code, and Reason and Authority for Discharge.)

Issue 1: I personally requested to be discharged due to marital problems affecting my military career. I don't feel that I should be discharged for misconduct and not be allowed to reenter based on my marital situation at the time. Since then, I have grown and learned from the past and would like to be allowed to reenter the military. Thank you.

I would also like my discharge to be changed to honorable.

ATCH
None.

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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 16th SPECIAL OPERATIONS WING (AFSOC)

MEMORANDUM FOR [REDACTED]

22 Jul 98

FROM: 16 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, more specifically, for Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, section H, paragraph 5.49. If my recommendation for discharge is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are based on the following:

a. You did, on or about 15 May 97, steal a wallet from the Eglin Base Exchange, for which you received an Article 15, dated 2 Jun 97, and the establishment of an Unfavorable Information File (UIF).

b. You did on or about 15 Jun 98, unlawfully strike [REDACTED] on the face and neck, for which you received an Article 15, dated 15 Jul 98.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. 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, Hurlburt Field, FL, Bldg 90042, 884-5216/5217, on 22 Jul 98 at 1530 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 work days unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.

7. You are scheduled for a medical examination and you should report to the Hurlburt Clinic at 1530 hrs on 23 Jul 98 for the examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use at the unit orderly room.

 USAF
Commander

Attachments:

Documents Supporting Basis for Discharge

1. AF Form 3070 w/atchs, dtd 2 Jun 97 (6 pgs)
2. AF Form 3070 w/atchs, dtd 15 Jul 98 (5 pgs)
3. Airman's receipt of notification memorandum