

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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|--|--|----------------------|--------------------------------------|
| <b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b><br>████████████████████ |  | <b>GRADE</b><br>SSGT | <b>AFSN/SSAN</b><br>████████████████ |
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|--|----------------------------|--|--|--|------------|-----------|--|--|---|--|---|
| <b>TYPE GEN</b>  | <b>PERSONAL APPEARANCE</b> | <b>X RECORD REVIEW</b>                     |  |  |            |           |  |  |   |  |   |
| <table border="1"> <tr> <td colspan="2"><b>COUNSEL</b></td> <td><b>NAME OF COUNSEL AND OR ORGANIZATION</b></td> </tr> <tr> <td><b>YES</b></td> <td><b>NO</b></td> <td></td> </tr> <tr> <td></td> <td>X</td> <td></td> </tr> </table> |                            | <b>COUNSEL</b>                             |  | <b>NAME OF COUNSEL AND OR ORGANIZATION</b> | <b>YES</b> | <b>NO</b> |  |  | X |  | <b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b> |
| <b>COUNSEL</b>   |                            | <b>NAME OF COUNSEL AND OR ORGANIZATION</b> |  |  |            |           |  |  |   |  |   |
| <b>YES</b>   | <b>NO</b>                  |  |  |  |            |           |  |  |   |  |   |
|  | X                          |  |  |  |            |           |  |  |   |  |   |

| <b>MEMBERS SITTING</b> | <b>VOICE OF THE BOARD</b> |            |              |              |             |
|------------------------|---------------------------|------------|--------------|--------------|-------------|
|                        | <b>HON</b>                | <b>GEN</b> | <b>UOTHC</b> | <b>OTHER</b> | <b>DENY</b> |
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| <b>ISSUES</b><br>A93.07, A92.37, a93.11 | <b>INDEX NUMBER</b><br>A67.10     | <b>EXHIBITS SUBMITTED TO THE BOARD</b> |  |
|   |                                   | 1                                      | ORDER APPOINTING THE BOARD                                   |
|   |                                   | 2                                      | APPLICATION FOR REVIEW OF DISCHARGE                          |
|   |                                   | 3                                      | LETTER OF NOTIFICATION                                       |
| <b>HEARING DATE</b><br>8 JULY 03        | <b>CASE NUMBER</b><br>FD2002-0545 | 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 REASON AND THE BOARD'S DECISIONAL RATIONALE WILL BE 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.

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| <b>SIGNATURE OF RECORDER</b><br>████████████████████ | <b>SIGNATURE OF BOARD PRESIDENT</b><br>████████████████████ |
|--|---|

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|--|---|
| <b>TO:</b><br>SAF/MIBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742 | <b>FROM:</b><br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR<br>ANDREWS AFB, MD 20762-7002 |
|--|---|

**DATE: 8 JULY 03**

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0545

**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:** Upgrade of discharge is 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.

Issues. Applicant was discharged for minor disciplinary infractions, and received a general (under honorable conditions) characterization of service. During the enlistment under review, member received two Articles 15 within 8 months for communicating threats to kill his wife on two separate occasions between 17 September 1994 and 25 May 1995. During the same enlistment, member also had two Letters of Reprimand, one for financial irresponsibility and the other for dereliction of duty. At the time of the discharge member consulted counsel and exercised his right to have his case heard by an administrative discharge board and submit statements in his own behalf. The discharge board found that member committed the offenses and they were sufficient to warrant a general discharge. The record reflects that member's marital strife and other misconduct were apparent during previous enlistments also; he had received two Articles 15, one in 1986 for disobeying a lawful order not to drive on or off base, the other in 1992 for assaulting his wife. Furthermore, there was a detailed history of Family Advocacy Program involvement from March 1993 to May 1995. However, member failed to show how his marital and personal problems were unique or different from those of other similarly situated airmen. And although given many opportunities spanning multiple enlistments, to conform his behavior to that expected of an airman or noncommissioned officer such as himself, he was unwilling or unable to do so. In view of all the available information, the Board found the record supports the characterization of service received.

Applicant cited his difficulties with post-service employment and resultant financial hardships as justification for an upgrade. While the Board was sympathetic to the impact of the general discharge on applicant, this is not a matter of equity or propriety that warrants an upgrade.

**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

(Former SSGT) (HGH SSGT)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 20 Dec 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

**2. BACKGROUND:**

a. DOB: 17 Jul 63. Enlmt Age: 21 4/12. Disch Age: 32 5/12. Educ: HS DIPL. AFQT: N/A. A-29, E-86, G-86, M-55. PAFSC: 3C071 - Communications-Computer Systems Operator. DAS: 15 Oct 88.

b. Prior Sv: (1) AFRes 21 Nov 84 - 11 Apr 85 (4 months 22 days) (Inactive).

(2) Enlisted as A1C 12 Apr 85 for 4 yrs. Extended 8 Sep 87 for 5 months. Reenld as Sgt 3 Apr 89 for 4 yrs. Extended 24 Mar 93 for 3 months. Extended 1 Jul 93 for 6 months. Svd: 8 yrs 8 months 7 days, all AMS. SRA - 12 Aug 87. Sgt-(APR Indicates): 1 Aug 88-5 Aug 89. SSgt - 1 Oct 91. APRs: 9,9,9,9,9. EPRs: 5,5,5,5.

ART 15s: (1) 25 Nov 92, Scott AFB, IL - Article 128. You did, on or about 31 Oct 92, unlawfully grab ----- by her arm, hold her against the bed with your body, spit in her face and strike her in the face with an open hand. Suspended reduction to SRA, forfeiture of \$100.00 pay per month for two months, and a reprimand. (Appeal/Denied) (No mitigation)

(2) 3 Nov 86, RAF Mildenhall, UK - Article 92. You, having knowledge of a lawful order issued by Col -----, 48 CSG/CC, to wit: not to drive any vehicle on or off base, an order which it was your duty to obey, on or about 26 Oct 86, fail to obey the same by driving your privately owned vehicle, on public roads at or near RAF Mildenhall, Suffolk, England. Suspended forfeiture of \$100.00 per month for two months, and 30 days correctional custody. (No appeal) (No mitigation).

**3. SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt 20 Dec 93 for 6 yrs. Svd: 2 Yrs 0 Mo 0 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 22 Jun 95, Scott AFB, IL - Article 134. In that you,

were, on or about 25 May 95, disorderly. You did, on or  
**FD2002-0545**

about 25 May 95, wrongfully communicate to -----, a threat to wit: "Bitch, I'll kill you if you don't tell me who it is" or words to that effect. Suspended reduction to SRA, forfeiture of \$300.00 pay (in excess of \$200.00 pay suspended), 10 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 7 Oct 94, Scott AFB, IL - Article 134. You did, on or about 17 Sep 94, wrongfully communicate to ----- a threat to kill her. Suspended reduction to SRA. (Appeal/Denied) (No mitigation)

e. Additional: LOC, 28 JUL 95 - Dereliction of duty.  
LOR, 14 JAN 94 - Financial irresponsibility.  
LOR, 26 JUL 93 - Financial irresponsibility.  
LOR, 24 MAY 93 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 03 Apr 93 - 02 Apr 94 Scott AFB 4 (Annual)REF  
03 Apr 94 - 02 Apr 95 Scott AFB 5 (Annual)  
03 Apr 95 - 26 Apr 95 Scott AFB 3 (CRO)

(Discharged from Scott AFB)

h. Awards & Decs: AFCM, AFLSAR(1OLC), AFTR, AFOSLTR, NDSM, NCOPMER(1 OLC), AFOUA, NMUA, AFGCM(2 OLCS), SWASM.

i. Stmt of Sv: TMS: (11) Yrs (0) Mos (0) Das  
TAMS: (10) Yrs (8) Mos (9) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Dec 02.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**  
None.

6MAR03/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

X WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.  
ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

- a. DOCUMENT 1:
b. DOCUMENT 2:
c. DOCUMENT 3:

8. ISSUES
The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I am submitting this request for a discharge upgrade so that I might obtain employment. Since my discharge from service, I have been haunted by my actions while on active duty. While on active duty I won many awards but I am ashamed that my military service will be considered a failure due to my type of discharge. I have taken steps to prevent any such actions from taking place in the future including completing an angry management class while I was on active duty. My actions, while by no means justified were due to problems between me and my ex-wife who was cheating on me with another airman. This was magnified due to that fact that the airman was a friend who had been to my house, ate my food and even borrow my truck to haul something to his apartment. But since my divorce, me and my ex-wife have developed a better relationship. She has moved back to Georgia, at my expense and re-married and we have become better friends than we were a couple. Since my discharge I had been working and paying my child support on time and carrying my two dependents on my medical plan. But in June I was laid off by IBM as part of the corporate wide reduction and I have been looking for employment since. The problem with my discharge first came to a head when I applied for a positions with the post office for seasonal work and was told I could not be accepted due to the fact that my discharge was not an honorable discharge. I was told that even though I am a disable veteran receiving 30% disability compensation, my discharge, which in a general under honorable conditions was against their policy. Although I am told be the VA that I can apply and be awarded federal employment with my current discharge type, I have been turned down for numerous jobs that I was rated well qualified and even best qualified. I personal feel that this is a result of my discharge type. Because of this I am starting to endure hardships with my finances and I am not able to provide proper health care for my dependents. Since it has been over seven years since my discharge, I am putting my request at the mercy of the board and asking you to upgrade my discharge so that I may close this ugly chapter in my past and get on with life and provide for my two children as well as myself.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.
I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.
THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION
I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD) 2002 DEC 20
b. SIGNATURE [Redacted]

UPON COMPLETION OF THIS APPLICATION TO APPLICABLE ADDRESS BELOW

Table with 4 columns: ARMY, NAVY & MARINE CORPS, AIR FORCE, COAST GUARD. Each column contains the respective agency's address and contact information.

10 JUL 1995

MEMORANDUM FOR SSGT [REDACTED]

FROM: 375 CPSS/CC

SUBJECT: Notification Letter - Board Hearing

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions, according to AFI 36-3208, under the provisions of paragraph 5.49. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action are:

a. On or about 17 Sep 94, you wrongfully communicated to [REDACTED] a threat to kill her. For this offense you received an Article 15 dated 3 Oct 94, with an Unfavorable Information File (UIF) entry. (Atch 1)

b. On or about 25 May 95, you were disorderly. In addition, on or about 25 May 95, you wrongfully communicated to Sheila Barnett a threat to wit: "Bitch, I'll kill you if you don't tell me who it is" or words to that effect. For this offense you received an Article 15, dated 15 Jun 95, with a UIF entry. (Atch 2)

3. This action could result in your separation with an Honorable, General (Under Honorable Conditions), or Under Other Than Honorable Conditions Discharge. I am recommending that you receive a General (Under Honorable Conditions) Discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

a. Consult legal counsel.

b. Present your case to an administrative discharge board.

c. Be represented by legal counsel at a board hearing.

d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.

e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to 375th Medical Group, Physical Examinations Section, at N/A on \_\_\_\_\_ for the examination.

6. You will report immediately to Pass and Identification (Bldg 350) to surrender your Military Identification Card (ID) and the ID Cards of any dependents. You will be issued a temporary ID pending the 375 AW/CC decision on your discharge.

7. You will report before close of business tomorrow (or the next duty day) to the Transportation Management Office (TMO), Outbound Assignments, to complete a Scott Air Force Base Form 241/Personal Property Appointment Sheet. That worksheet must be completed and returned to TMO within 5 days.

8. Military legal counsel, CAPT [REDACTED], has been obtained to assist you. An appointment has been scheduled for you to consult him on 19 JULY 1995, at 1330 hrs. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

9. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to do so.

10. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the squadron orderly room or base legal office.

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

[REDACTED SIGNATURE]

Commander USAF

Attachment:

- 1. Article 15, dated 3 Oct 94
- 2. Article 15, dated 15 Jun 95

MEMORANDUM FOR SSGT [REDACTED]

27 SEP 1995

FROM: 375 CPSS/CC

SUBJECT: Addendum to Notification Letter - Board Hearing

1. On 12 Jul 95, I notified you of my recommendation for discharge from the United States Air Force under AFI 36-3208, para 5.49, for minor disciplinary infractions. I am now including additional information to be considered by the separation authority. Specifically, I am including:

a. ADDITIONAL INFORMATION SUPPLEMENTING BASIS FOR DISCHARGE:

(1) Between on or about 1 Jan 94 to on or about 14 Jan 94, you did, at or near Belleville, Illinois, being indebted to Tish's Auto, in the sum of \$100.00 for payment of an outstanding debt, which amount became due and payable on 1 Jan 94, dishonorably failed to pay said debt. For this offense you received a Letter of Reprimand (LOR), dated 14 Jan 94 with an Unfavorable Information File (UIF) entry. (Atch 1)

(2) On or about 27 Jul 95, you were derelict in the performance of your duties, to wit: you failed to return to building P-61 to perform a furniture moving detail, as it was your duty to do. For this offense you received a Letter of Counseling (LOC), dated 28 Jul 95 with a UIF entry. (Atch 2)

b. ADDITIONAL DEROGATORY DATA:

(1) Between on or about 5 Mar 93 to on or about 7 Apr 93, you did, at Scott Air Force Base, Illinois, make and utter to the Enlisted Club, Youth Center, and Bowling Center, certain checks, in payment of debts, and did thereafter dishonorably fail to maintain sufficient funds for the payment of such checks in full upon its presentment for payment. For these offenses you received a LOR, dated 24 May 93 with a UIF entry. (Atch 3)

(2) On or about 9 Jul 93, you did, at Scott Air Force Base, Illinois, make and utter Army and Air Force Exchange Service a certain check, for the purpose of procuring lawful currency and/or a thing(s) of value, and did thereafter dishonorably fail to maintain sufficient funds for the payment of such checks in full upon its presentment for payment. For this offense you received a LOR, dated 26 Jul 93, with a UIF entry. (Atch 4)

c. ENLISTED PERFORMANCE REPORT: 26 Aug 95 - 3. (Atch 5)

2. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in



the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to do so.

3. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the squadron orderly room or base legal office.

4. Execute the attached acknowledgment and return it to [redacted] immediately.

[Redacted Signature]  
[Redacted Name] Lt Col, USAF  
Commander

Attachment:

- 1. LOR, 14 Jan 94
- 2. LOC, 28 Jul 95
- 3. LOR, 24 May 93
- 4. LOR, 26 Jul 93
- 5. EPR, 26 Aug 95