

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
[REDACTED]	A1C	[REDACTED]

TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	<input type="checkbox"/> RECORD REVIEW
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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 A93.11, A93.07, A94.05	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 RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

**REMARKS**  
 Case heard at Washington, D.C.

**\*Change reason authority to Secretarial Authority**

The AFDRB determined the applicant's reenlistment (RE) Code will not be changed. The applicant can still apply for a waiver from the branch of service that he wishes.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 03 06 13
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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, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00027

**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 June 12, 2003. The applicant was accompanied by his friend, [REDACTED], who also testified at the hearing. The following additional exhibits were submitted at the hearing:

Exhibit 6: Statement of Applicant, June 5, 2003

Exhibit 7: New York City Record Review Request (for criminal history), June 10, 2003

Exhibit 8: Money order receipt for criminal history request

Exhibit 9: Character letter from Anna Giza, May 15, 2003

Exhibit 10: Character letter from Tommy Barbot, May 23, 2003

Exhibit 11: Character letter from Julie Matos, May 21, 2003

Exhibit 12: Applicant's resume, May 23, 2003

Exhibit 13: New York Criminal Report, June 13, 2003

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 **DENIED**.

**Issues:** The applicant contends that his general discharge was inequitable because it was too "harsh and cruel." The applicant also contends that under the circumstances, the allegations of spousal abuse, alleged financial irresponsibility, and failures to adhere to Air Force standards were improperly applied in his case. He finally contends that he was not afforded an adequate opportunity at rehabilitation prior to discharge. The records indicate that the applicant was discharged for minor disciplinary infractions after receiving four letters of counseling, four letters of reprimand, a letter of admonishment, and an Article 15 within a 23 month period before his discharge. The Board notes however, that the applicant's duty performance was satisfactory and that the bulk (7 of 10) of his minor disciplinary transgressions occurred in the six months immediately before his discharge; a period during which the applicant was undergoing severe marital discord. After a thorough and complete consideration of the information submitted by the applicant, 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 however, concluded that the circumstances of the applicant's personal life have not sufficiently resolved to support the change of his 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.

In view of the foregoing findings however, 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 Secretarial Authority under the provisions of Title 10 U.S.C, Section 1553.

Attachment:

Examiner's Brief

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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 26 Jun 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 30 Jul 73. Enlmt Age: 19 1/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-68, E-57, G-59, M-36. PAFSC: 3S031 - Personnel Apprentice. DAS: 12 Jan 93.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Sep 92 for 4 yrs. Svd: 2 Yrs 9 Mo 16 Das, all AMS.

b. Grade Status: A1C - 11 Jan 94.  
AMN - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 26 May 94, McClellan AFB, CA - Article 92. You, having knowledge of a lawful order issued by TSgt ----- not to use official telephones for unofficial calls, an order which it was your duty to obey, did on divers occasions, between on or about 11 Jan 94 and on or about 18 May 94, fail to obey the same by wrongfully making unofficial telephone calls on official telephones. Seven days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 16 MAY 95 - Assaulting spouse.  
LOR, 02 MAY 95 - Late for work.  
LOA, 01 MAY 95 - Failure to go.  
LOR, 28 APR 95 - Violation of Article 134 by violating a trust.  
LOC, 21 APR 95 - Parking violation.  
LOR, 01 MAR 95 - Late for duty.  
LOC, 30 JAN 95 - Late for duty.  
LOC, 22 OCT 93 - Failure to go.  
LOC, 11 JUN 93 - Failure to go.

f. CM: None.

g. Record of SV: 11 Sep 92 - 10 May 94 McClellan AFB 3 (Initial)

(Discharged from McClellan AFB)

h. Awards & Decs: AFAM, AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (16) Das

TAMS: (2) Yrs (9) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Dec 02.  
(Change Discharge to Honorable, Change RE Code, Reason and Authority)

Issue 1: There are several issues I would like the Board to review. Those issues are but not limited to: Letters of Reprimand, Letters of Counseling and Article 15.

Although punishable, I feel it was harsh and cruel. I know then as I know now that without a doubt I would have redeemed myself.

Attached to this form there are two letters written by myself giving explanations and my feelings concerning my discharge. I hope they are helpful in making your decision. Thank you.

**ATCH**

1. Request for Examination of Military Records.
2. Personnel Statement.
3. Three Letters of Recommendation.

18MAR03/ia



FD 2003-00027

**DEPARTMENT OF THE AIR FORCE**

HEADQUARTERS SACRAMENTO AIR LOGISTICS CENTER (AFMC)  
McCLELLAN AIR FORCE BASE, CALIFORNIA

5 JUN 1995

MEMORANDUM FOR A1C [REDACTED]

FROM: 77 MSS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions and Commission of a Serious Offense. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.49. If my recommendation is approved, your discharge will be characterized as General. I am recommending that your service be characterized as General (Under Honorable Contions).

2. My reasons for this action are:

a. On or about 11 Jun 93, you failed to attend a Director of Personnel Call despite the fact that it was a mandatory formation. For this incident you received a Letter of Counseling, dated 11 Jun 93.

b. On or about 22 Oct 93, you failed to attend a morning workout session that was mandatory for all members assigned to your workcenter. For this infraction you received a Letter of Counseling, dated 22 Oct 93.

c. Between on or about 11 Jan 94 and on or about 18 May 94, you having a knowledge of a lawful order issued by TSgt [REDACTED] not to use official telephones for unofficial calls, an order which it was your duty to obey, did on divers occasions, at or near McClellan AFB, California, fail to obey the same by wrongfully making unofficial telephone calls on official telephones. For this breach discipline you were punished under Article 15 of the Uniform Code of Military Justice on 26 May 94.

d. On 27 Jan 95, you were 15 minutes late for work after being briefed previously on the necessity of arriving at work on-time. For this incident you received a letter of counseling, dated 30 Jan 95.

e. On 24 Feb 95, you failed to report for duty at building 10, Military Personnel Flight, Relocations Section at the required time of 0730hrs. You reported for duty at 0740hrs; no one in a position of authority gave you permission to report for duty late. For this infraction you received a letter of reprimand dated, 1 Mar 95.

f. On 20 and 21 Apr 95, at building 10, (Military Personnel Office) you parked in a parking stall designated specifically for customer parking only. You had been told several times not to park in areas designated for customer parking. For this breach of discipline you received a letter counseling dated 21 Apr 95.

g. On or about 27 Apr 95, you violated the trust that was given to you by your supervisor by informing AB [REDACTED] that she would be discharged on 12 May 95 in violation of Article 134 of the UCMJ. For this incident you received a letter of reprimand dated, 28 Apr 95.

h. On 17 Apr 95, you were scheduled to attend a mandatory Personal Financial Management Program appointment. Moreover, you were issued a form letter by the First Sergeant for which you acknowledged receipt that listed specific items that you were required to bring to this appointment, nevertheless, you failed to bring those items. For this you received a letter of admonishment dated, 1 May 95.

i. On 1 May 95, you failed to report to your appointed place of duty, building 10, Military Personnel Flight, Relocations Section, on-time at 0730hrs. Instead, you reported at 0745, 15 minutes late, despite the fact that you had been previously counseled about being late to work. For this infraction you received a letter of reprimand, dated 2 May 95.

j. On 28 Apr 95, you initiated a physical altercation between yourself and your wife. Additionally, on 30 Apr 95, you were involved in a mutual assault between yourself and your wife. On 11 May 95, the aforementioned claims were substantiated by Capt [REDACTED] the Family Advocacy Officer here at McClellan AFB. For this you received a letter of reprimand dated, 16 May 95.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Marital jurisdiction or a 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.

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 Capt [REDACTED] Area Defense Counsel, McClellan AFB, Bldg 3, ext. 5153, on 6 Jun 95 at 0900 hrs. You may consult civilian counsel at your own expense.

5. You have been scheduled for a medical examination. You must report to the 77th Medical Group's Clinic here at McClellan AFB on 7 Jun 95 at 0715hrs.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 8 Jun 95 - NLT 1630hrs, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. If you failed to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, is available for your use in the 77th Mission Support Squadron's Orderly Room.



, 2Lt, USAF

Commander

Headquarters Squadron Section

Attachments:

1. Letter of Counseling - 11 Jun 93
2. Letter of Counseling - 22 Oct 93
3. AF Form 3070, 26 May 94, w/9 atchs
4. Letter of Counseling - 30 Jan 95
5. Letter of Reprimand - 1 Mar 95
6. Letter of Counseling - 21 Apr 95
7. Letter of Reprimand, 28 Apr 95, w/3 atchs
8. Letter of Admonishment - 1 May 95
9. Letter of Reprimand - 2 May 95
10. Letter of Reprimand - 16 May 95
11. ~~Airman's Acknowledgment~~ 5 Jun 95 SEE Recommendation LTR 13 Jun 95