

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 GEN	PERSONAL APPEARANCE	X RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">COUNSEL</th> <th style="width: 90%;">NAME OF COUNSEL AND OR ORGANIZATION</th> </tr> <tr> <td style="padding: 2px;">YES</td> <td></td> </tr> <tr> <td style="padding: 2px;">NO</td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES		NO	X	ADDRESS AND OR ORGANIZATION OF COUNSEL
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION							
YES								
NO	X							

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A01.13, A92.35, 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	
HEARING DATE 03-05-21	CASE NUMBER FD2003-00092	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.

Advise applicant of the decision of the Board, 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
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INDORSEMENT		DATE: 03-05-22
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

FD2003-00092

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the 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 the applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for minor disciplinary infractions. He had two Articles 15; one for failure to go, the other for sleeping on post while deployed. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf requesting retention or in the alternative an honorable discharge. He noted he had a previous honorable discharge from the Army National Guard, and active off-duty volunteerism. He felt a general discharge was too harsh. Applicant now contends his second Article 15 was unjustified because he wasn't notified of a recall formation that he missed. However, the record review disclosed that member admitted his wrongdoing in his reply to the Article 15; he stated he decided to skip the recall after being told he needed to report to work, and that he knew it was wrong and accepted full responsibility for his actions. The Board agreed that member was responsible for his actions and was therefore held accountable for them. The board did not find sufficient mitigation to warrant an upgrade, and no inequity or impropriety was found in this discharge in the course of the records review.

The applicant noted he served in the Army National Guard after leaving the Air Force and was honorably discharged. He also cited his desire to return to service in the Air Force. While the Board commends applicant on this desire, and is sympathetic to the impact a General discharge has on his reenlistment code, 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 16 Sep 91 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 9 Jan 69. Enlmt Age: 18 2/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-46, E-50, G-48, M-88. PAFSC: 81152 - Law Enforcement Specialist. DAS: (EPR Indicates): 25 Jan 89-18 May 90.

b. Prior Sv: (1) Enlisted as Pvt (E-2) ARNG 11 Mar 87 for 4 yrs. Svd: 1 yr 10 months 13 days, of which AMS is 2 months 2 days. - No Performance Reports.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 25 Jan 89 for 4 yrs. Extended 23 Mar 90 for 9 months. Svd: 2 Yrs 7 Mo 22 Das, all AMS.

b. Grade Status: AB - 19 Jul 91 (Article 15, 19 Jul 91)

c. Time Lost: None.

d. Art 15's: (1) 19 Jul 91, Sembach AB, Germany - Article 86. You did, on or about 11 Jul 91, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB. (No appeal) (No mitigation)

(2) 21 Feb 91, Sembach AB, Germany - Article 113. You, on or about 13 Feb 91, at Incirlik Air Base, Turkey, being on post as a sentinal at the Defensive Fighting Position (DFP) India-19, were found sleeping upon your post. Suspended reduction to Airman, forfeiture of \$175.00 pay. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 25 Jan 89 - 18 May 90 Kelly AFB 3 (Initial)
 19 May 90 - 15 Sep 90 Kelly AFB 3 (CRO)

(Discharged from Charleston AFB)

h. Awards & Decs: AFOUA, NDSM, AFTR, SWASR W/1 DEV, SAEMR, ASR, SMB, M-16EMB.

i. Stmt of Sv: TMS: (4) Yrs (6) Mos (6) Das
TAMS: (2) Yrs (9) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Feb 03.

(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: Was discharged for receiving two Article 15's (sic) within a six-month time frame. I feel the circumstances taken into consideration regarding upgrade.

Issue 2: Please see attached detailed summary describing said Article 15s (see item labeled summary).

Issue 3: 1st Article 15 is due to illness/working conditions.

Issue 4: 2nd Article 15 due to my not being notified of recall formation.

ATCH

1. Applicant's Summary, 15 Feb 03.
2. Details Surrounding General Discharge, 15 Feb 03.
3. Six Letters of Support.
4. NGB Form 22.
5. DD Form 214.

7APR03/ia

SUMMARY FD 2003-00092

February 15, 2003

[REDACTED]

RE: DETAILS SURROUNDING GENERAL DISCHARGE FROM USAF

Dear Discharge Review Board:

I am writing to request an upgrade in my current discharge (General – Under Honorable Conditions) to an Honorable Discharge. I was discharged for having received two Article 15's within a six-month time frame, and would like to inform you of both the reasons for disciplinary action and of the circumstances involved in those infractions.

FIRST ARTICLE 15

As a Security Policeman stationed at Incirlik Air Base in Turkey during the Persian Gulf War, the date was February 1991, and my unit was working 12 hours shifts six days a week (6 pm to 6 am) in defensive fighting positions. The defensive fighting positions were sand bags piled up around railroad ties with a crude roof. The weather in Turkey at that time was very cold and rainy. During this time, I came down with a very bad cold and I was taking what was supposed to be "non-drowsy" cold medicine to help keep it under control and continue on with my regular duties. After about eight hours into my shift on the 4th or 5th day, I fell asleep on post and our Lieutenant came around checking the posts and I was disciplined for it. I got an Article 15 with a suspended reduction in rank for six months.

I whole-heartedly agree that the discipline was fair, due to the importance of our mission, and I realize now that I shouldn't have taken the chance of working with such a bad cold, but I thought I was doing the right thing by driving on and trying to keep up with my schedule. I could have possibly avoided this Article 15 by informing my supervisor of my condition or perhaps going on sick call. But, unfortunately, at the time I felt well enough with the help of the alleged non-drowsy cold medicine to perform my duties.

Most importantly, I need you to realize that this was an isolated event, and was never any kind of routine pattern before or since the incident. I always took a lot of pride in my service as a Security Policeman, and would never have intentionally put my military career in jeopardy.

SECOND ARTICLE 15

I was stationed at Sembach Air Base in Germany in July 1991. I was working third shift on base patrol. After my shift was over at 6 am, I went and ate breakfast and then went back to my dorm room to change my clothes because I had plans that morning to go to a local junk yard to find some parts to work on my car. I left my room between 7:15 and 7:30 and drove a friend's car I had borrowed to get my parts from the junk yard (that opened at 8 am). I got my parts, returned to my dorm room at 9:30 am and went to bed. At approximately 1:30 pm, that same day, an investigator from my S.P. unit came to my room and informed me that I needed to report back to my unit. I returned to my unit to discover that I was being charged for missing a unit recall formation.

The investigator said that two Security Policemen went around the dormitory at approximately 7:15 - 7:30 informing everyone of the recall. He also said that the two security policemen claimed they saw me driving out of the parking lot and that they yelled at me to try to stop me. I did not hear or see them yelling and if they did see me leaving the parking lot, then to this day I do not understand why the security policemen did not use one of their issued radios to call the gate guard. There was only ONE gate on and off base, so it would have been very simple to have the gate guard stop me and inform me of the recall. At this point, I received a second Article 15, a reduction in rank to E-1, and a general discharge from the USAF.

I feel that the second Article 15 was not justified because if I had had knowledge of the recall I would have gone. I was still on probation from my first Article 15 and would never have taken the risk of getting in trouble of second time.

I was very disappointed when I was discharged. I had two years and six months of service and was looking forward to either a career in the military or a career in civilian law enforcement. Since entrance into the law enforcement field is very competitive, I have been hurt very much (career-wise) by the general discharge. In spite of my general discharge, I was able to enter the Army National Guard, and was a member IN GOOD STANDING until April 2002, when my most recent enlistment term ended. The Army N.G. was rewarding, and I was honorably discharged, but I still feel disappointed by the general discharge from the active USAF. I am considering re-entering a reserve component (USAF Reserve in Dayton, OH), and I have found that the USAF general discharge will be a barrier to that military career move.

Since the general discharge, I've gotten a lot of satisfaction out of my Army National Guard service. In fact, I served six months of active duty from October 2001 to April 2002 in support of "Operation Noble Eagle". I served and led other soldiers as I held the rank of Staff Sergeant (E-6). I feel proud that in spite of the general discharge, I've been able to find a way to serve my country. I do well in my civilian career, and I have a wife and two little girls who are proud of me and

the things I do. I would very much like to be able to take my Air Force records out and show them off to my children someday, instead of hiding them in the back of my filing cabinet.

At this point, I would like all of you to consider the circumstances surrounding the disciplinary action taken toward me, and consider upgrading my discharge to honorable. Thank you so much for your time and consideration. If you have any questions, please feel free to contact me at home during the day before 4 pm at [REDACTED] Thank you!

Sincerely,

[REDACTED]
[REDACTED]



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 66TH COMBAT SUPPORT GROUP (USAFE)
APO NEW YORK 09136-5000



REPLY TO
ATTN OF: SP

SUBJECT: Notification Letter

13 Aug 91

TO: [REDACTED]

1. I am recommending your discharge from the United States Air force for conduct prejudicial to good order and discipline. The authority for this action is AFR 39-10, under the provisions of paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action and the paragraphs they support are:

a. On 13 Feb 91, while serving at the Defense Flighting Position (DEP) you were found sleeping on post, for which you received an Article 15, dated 18 Feb 91.

b. On 11 Jul 91, at Sembach AB, Federal Republic of Germany, you failed to go to your appointed place of duty, for which you received an Article 15 dated 16 Jul 91.

c. 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. 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 [REDACTED] Btlg 211 Ranslow on 1400 at 1000. 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 16 Aug 91 unless you request and receive an extension for good cause. 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. You must report to Sembach Clinic at 19 Aug 91 on 10:00 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the unit orderly room.

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



USAF
Commander
66th Security Police Squadron

2 Atch

1. ART 15 dtd - 13 Feb 91
2. ART 15 dtd - 19 Jul 91