

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> AB	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE</b> GEN	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>NO</b>	
	X	

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

<b>ISSUES</b> A92.21, A92.35, A93.01	<b>INDEX NUMBER</b> 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> 4 JUN 03	<b>CASE NUMBER</b> FD2003-00109	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 DECISION/RATIONALE ARE DISCUSSED ON THE FOLLOWING 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.

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>ENDORSEMENT</b>	<b>DATE: 4 JUN 03</b>
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<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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

FD2003-00109

**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 the applicant substantiates an inequity or impropriety that would justify a change of discharge.

**Issues.** Applicant was discharged for minor disciplinary infractions. Member received an Article 15, two Letters of Reprimand, and a Letter of Admonishment. His misconduct included financial irresponsibility, disclosing classified information, violating female dormitory visitation rules, and assaulting a female military member. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf requesting retention, or in the alternative, an opportunity for probation and rehabilitation. Member's commander weighed heavily member's request but had "little confidence" member would be able to "maintain overall military standards for an extended period of time." After each instance in which member assured his commander no further incidents would occur, the misconduct continued. Consequently, his commander felt he had not shown the "desire to modify his behavior" when given the chance. The Board noted member was age 20 - 21 when his misconduct occurred, essentially the same age as other airmen who complete their enlistments without disciplinary infractions, and there was no evidence he did not know right from wrong. His misconduct was disruptive, and its seriousness outweighed his otherwise satisfactory service. 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. Therefore, the Board found the record supports the characterization of service received.

The applicant noted he is now serving in the Army National Guard and cited his desire to return to service in the Navy. 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 26 Oct 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 18 May 78. Enlmt Age: 18 3/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-65, E-67, G-66, M-53. PAFSC: 3E131 - Heating, Air Conditioning, Ventilation and Refrigeration Apprentice. DAS: 10 Jul 97.

b. Prior Sv: (1) AFRes 27 Aug 96 - 26 Dec 96 (4 Months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 26 Dec 96 for 4 yrs. Svd: 2 Yrs 10 Mos 1 Das, all AMS.

b. Grade Status: AB - 10 Sep 99 (Article 15, 10 Sep 99)  
A1C - 26 Apr 98  
AMN - 26 Jun 97

c. Time Lost: None.

d. Art 15's: (1) 10 Sep 99, Hurlburt Field, FL - Article 128. You did, on or about 12 Aug 99, unlawfully; grab the face of [REDACTED], head butt her and push her against the wall; punch her in the ribs, push and hold her on the bed against her will, twist her wrists and crush her fingers and hit and spit in her face. Reduction to AB. (No appeal) (No mitigation)

e. Additional: LOR, 23 JUN 99 - Entered into female's dorm room without permission.  
LOA, UNDATED - Failure to obey a lawful order by disclosing classified information.  
LOR, 06 NOV 98 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 26 Dec 96 - 7 Oct 98 Hurlburt Field 4 (Initial)  
08 Oct 98 - 7 Oct 99 Hurlburt Field 2 (Annual) REF

(Discharged from Hurlburt Field)

h. Awards & Decs: AFTR, AFEM.

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (0) Das  
TAMS: (2) Yrs (10) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Mar 03.  
(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

Issues: While I was in the U.S. Air Force, I made some mistakes that I think were minor in nature, but they added up. I was young and ignorant and made unwise decisions. I am a little older now and realize more clearly why the military doesn't need soldiers like that. I have cleaned up my "act". I am remarried with a two-month old daughter. For the past 21 months I have been serving proudly in the Army National Guard, serving the state of CA and TX. I am requesting an upgrade in discharge so I can enter the US Navy active duty. I have always wanted to serve my country, and I would love the opportunity to serve full-time again. If the discharge is upgraded, the nation will not be disappointed. I thank you for your time and please consider an upgrade. Thank you.

**ATCH**

1. DD Form 214.

17Apr03/cr



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

SEP 30 1999

MEMORANDUM FOR [REDACTED] 16 CES

FROM: 16 CES/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 AFPD 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. On or about 8 Nov 98, you failed to make payments on several outstanding bills and you uttered a series of worthless checks, for which you received a Letter of Reprimand (LOR), dated 6 Nov 98 and the establishment of an Unfavorable Information File (UIF).

b. On 6 Dec 98, while on a Joint Readiness Exercise, you disclosed classified information during a telephone conversation with your girlfriend, for which you received a Letter of Admonishment (LOA), which was filed in your Unfavorable Information File (UIF).

c. On 12 Jun 99, you entered a female's dormitory room on two occasions without her permission, for which you received a Letter of Reprimand (LOR), dated 23 Jun 99.

d. On 12 Aug 99, you unlawfully assaulted and battered a female military member, for which you received an Article 15, dated 13 Sep 99, which was filed in your Unfavorable Information File (UIF).

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 30 Sept 99 at 1300 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 workdays 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 0830 hrs on 1 Oct 99 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.

 Lt Col, USAF

Commander

Attachments:

Documents Supporting Basis for Discharge

- 1. LOR, dtd 6 Nov 98
- 2. AF Form 1137
- 3. LOA, not dtd
- 4. AF Form 1058, dtd 4 Jan 99
- 5. LOR, dtd 23 Jun 99
- 6. AF Form 3070, dtd 13 Sep 99
- 7. Airman's receipt of notification memorandum