

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		AMN	[REDACTED]			
TYPE		PERSONAL APPEARANCE		X RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	NO					
	X					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD		
A92.21		A67.90		1	ORDER APPOINTING THE BOARD	
				2	APPLICATION FOR REVIEW OF DISCHARGE	
				3	LETTER OF NOTIFICATION	
HEARING DATE		CASE NUMBER		4	BRIEF OF PERSONNEL FILE	
16 JUL 03		FD2003-00118			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			
[REDACTED]			[REDACTED]			
INDORSEMENT				DATE: 16 JUL 03		
TO:			FROM:			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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

FD2003-00118

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains the 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 the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issue 1 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well with his college studies. However, no inequity or impropriety in his discharge was found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

Issue 4. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366) that he understood he must receive an Honorable discharge to receive future educational entitlements. In addition, the applicant would have had to complete three continuous years of active duty service to take advantage of the G.I. Bill. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant 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, 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 10 Sep 99 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 5 Jul 79. Enlmt Age: 17 8/12. Disch Age: 20 2/12. Educ: HS DIPL. AFQT: N/A. A-82, E-43, G-36, M-35. PAFSC: 3E131 - Heating, Vent, A/C, & Refrigeration. DAS: 1 Jun 98.

b. Prior Sv: (1) AFRes 3 Apr 97 - 23 Sep 97 (5 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Sep 97 for 4 yrs. Svd: 1 Yrs 11 Mo 18 Das, all AMS.

b. Grade Status: AMN - 29 Jun 99 (Article 15, 29 Jun 99)
A1C - 24 Jan 99
AMN - 24 Mar 98

c. Time Lost: None.

d. Art 15's: (1) 29 Jun 99, Cannon AFB, NM - Article 91. You were, on or about 18 Jun 99, disrespectful in deportment and language toward [REDACTED] a superior noncommissioned officer, then known to you to be a superior noncommissioned officer, who was then in the execution of his office, by continually interrupting him and saying to him "get out of my face," or words to that effect. Article 92. You, having knowledge of a lawful order issued by [REDACTED] to replace 2 condenser coil covers on 2 environmental control units, an order which it was your duty to obey, did, on or about 18 Jun 99, fail to obey the same. Reduction to Airman (E-2), and 30 days restriction.

e. Additional: LOR, 27 AUG 99 - Financial irresponsibility.
LOR, 26 AUG 99 - Failed dorm room inspection.
LOR, 10 MAY 99 - Late for work.
LOR, 31 MAR 99 - Wearing earring in uniform.
RIC, 30 MAR 99 - Late for work.

f. CM: None.

g. Record of SV: 24 Sep 97 - 23 May 99 Cannon AFB 4 (Initial)

(Discharged from Cannon AFB)

h. Awards & Decs: AFTR, SWASM.

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (8) Das
TAMS: (1) Yrs (11) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Mar 03.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BREIF.

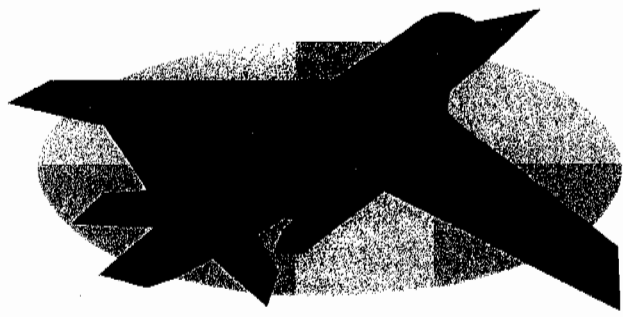
ATCH

1. Applicant's Issues.
2. Four Letters of Support.

25APR03/ia

Support
ATTN:
9700 Pa
St. Louis
FOR

FD 2003-00178



25 January 2003

To Whom It May Concern:

Naturally, whenever the word *military* surfaces in my world I immediately associate this odyssey with my experience in Saudi Arabia; where I learned perception from the local craftsmen, nurtured my life with the climate and viewed customs beyond my norms with foreign troops. Yes, I can honestly say that the *USAF* is the main contributing factor behind my ability to pay attention to small details when serving others. I also employ and value honesty as a foundation of my service.

My enlistment enabled me to revive the art of music that lay mentally dormant inside me for the previous seven years. After my discharge I went through a divorce, which separated me from my daughter and left me homeless. This was a time that made me feel lost and helpless, but I kept recording music and was able to enroll in classes at Clovis Community College. A compelling feeling charged me to become involved with the clubs that prove themselves to be hands on within the students' environment. At the College, Student Government hosts a weekly concert series where different bands perform each week. I've, been privileged to perform my recordings at least twice each semester and spread different vibes around the community. Everyone that I've recorded with has been an acquaintance through the military. These acquaintances are now all over the globe.

Obstacles arise each semester, it seems, with the attempt to prevent me from seeing it through. I have a year left to complete my Associate of Science in Computer Information Systems. Getting my discharge upgraded to honorable will open more doors and opportunity. This would enable me to receive financial assistance with the Montgomery GI Bill, allowing me to pursue a Bachelors degree in CIS and would qualify me for a VA loan. This would be beneficial in the sense that it would aide me with distributing my music efficiently and effectively. I would be extremely grateful for this unique chance and will take advantage of this prolific opportunity.

I was discharged in 1999, but I'm now requesting an upgrade. I previously felt as if I didn't accomplish enough to request an upgrade. The feeling of aimlessness covered my every motion. It became real to me that the situations I would get involved in apparently

lack the initial substance needed to stifle the internal emptiness in my accomplishments. I met [REDACTED] and had our picture in printed publication. [REDACTED], a renowned poet, posed while I photographed her signing autographs after one of her poetry readings. Grammy artist [REDACTED] also posed while I photographed him after his concert, and I even had my picture taken with some other members from his band. These events have given me some inexplicable satisfaction that completes my self-attainment. The accomplishment that I'm extremely proud of is the fact that I've been given a supreme chance to uplift others by sharing myself through my craft. Each time I perform is a moment that I try to immortalize because of the amazing sight seeing multicultural people united by one sequential rhythm.

Since [REDACTED]

[REDACTED]



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 27th FIGHTER WING (ACC)
CANNON AIR FORCE BASE NEW MEXICO

2 SEP 1999

MEMORANDUM FOR AMN [REDACTED]

FROM: 27 CE/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 19 Aug 99, you failed to pay a just debt to your Deferred Payment Plan in the amount of \$30.00, as evidenced by a Letter of Reprimand, dated 27 Aug 99, (Atch 1a).

b. On or about 4 Aug 99, you failed to keep your dormitory room within minimum inspection standards, as evidenced by a Letter of Reprimand, dated 26 Aug 99, (Atch 1b).

c. On 18 Jun 99, you were disrespectful in deportment and language to a superior noncommissioned officer. On or about 18 Jun 99, you failed to obey a lawful order given to you by your supervisor to replace two condensed coil covers on two environmental control units. This misconduct is evidenced by an Article 15 action, dated 29 Jun 99, and an Unfavorable Information File, dated 6 Jul 99, (Atch 1c).

d. On or about 10 May 99, you failed to go to your appointed place of duty at the prescribed time, as evidenced by a Letter of Reprimand, dated 10 May 99, (Atch 1d).

e. On or about 31 Mar 99, you violated Air Force Instruction 36-2903, Dress and Appearance, by wearing hearing posts in your left ear while in uniform and at your duty section, as evidenced by a Letter of Reprimand, dated 31 Mar 99, (Atch 1e).

f. Between on or about 25 Mar 99 and 29 Mar 99, you failed to go to your appointed place of duty at the prescribed time on three separate occasions, as evidenced by a Record of Individual Counseling, dated 30 Mar 99, (Atch 1f).

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 and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible

for reenlistment in the Air Force. Special pay, bonuses, or education assistance funds may be subject to recoupment.

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 [redacted] at building 327, ext. 2915, on 2 Sep 99 at 0900 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 from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination at the 27th Medical Group on 7 Sep 99 at 0730.

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 your unit orderly room.

[redacted signature]

Commander, 27 CE

Attachments:

- 1a. Letter of Reprimand, dated 27 Aug 99
- 1b. Letter of Reprimand, dated 26 Aug 99
- 1c. Article 15, dated 29 Jun 99; Unfavorable Information File, dated 6 Jul 99
- 1d. Letter of Reprimand, dated 10 May 99
- 1e. Letter of Reprimand, dated 31 Mar 99
- 1f. Record of Individual Counseling, dated 30 Mar 99