







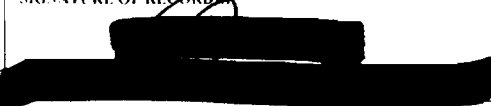
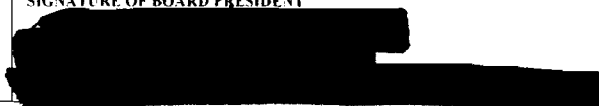


AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE AIC	AFSN/SSAN 			
TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE		RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES NO						
<input checked="" type="checkbox"/> <input type="checkbox"/>						
		ADDRESS AND OR ORGANIZATION OF COUNSEL				
		VOTE OF THE BOARD				
MEMBERS SITTING		HON	GEN	ETHIC	OTHER	DENY
		X+				
		X+*				
		X+*				
		X+*				
		X+				
ISSUES A94.06, A94.12, 92.02		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 4 SEP 03		CASE NUMBER FD2003-00141(A)		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 Andrews AFB, MD + Change reason and authority; * Change reenlistment code Advise applicant of the decision of the Board.						
SIGNATURE OF RECORDER 			SIGNATURE OF BOARD PRESIDENT 			
INDORSEMENT				DATE: 4 SEP 03		
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

FD2003-00141(A)

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change of reason for discharge, and change of reenlistment eligibility code.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB, MD on September 4, 2003.

The following additional exhibits were submitted at the hearing:

Exhibit 6: Flight school transcript and letter

Exhibit 7: FAA pilot license

FINDINGS: The discharge is upgraded to Honorable, and the reason for discharge is changed to Secretarial Authority. Change of reenlistment code is granted.

The Board finds that evidence of record and that provided by the applicant substantiates an injustice that justifies upgrade of the discharge.

ISSUES: The applicant's issues are listed in the attached brief. The applicant contends that his discharge was too harsh, that the positive aspects of his career outweighed the negative aspects, that mitigating family circumstances were not taken into consideration by his commander and he was not given proper supervisory guidance. The applicant was discharged for misconduct, minor disciplinary infractions. He had seven Letters of Reprimand, two Records of Individual Counseling, two Armed Forces Traffic Tickets, a missed appointment and a delinquent DPP account. His misconduct included multiple instances of disobeying the lawful order of a superior non-commissioned officer, disrespect to superior non-commissioned officers, being late to work, missing a mandatory fitness test, use of indecent language, and a quarters violation. In the member's reply to the discharge action he requested retention and contended there were personality problems between himself and his chain of command. The applicant contends that he was not provided the proper mentoring while on active duty and that the death of his father and his mother's associated requirement for emotional and financial support contributed to his attitude towards his supervisors that led to his discharge. On detailed review of the record and evidence provided during testimony the Board noted that the substance of the actual misconduct was of an extremely minor nature or in some circumstances of questionable significance to have warranted formal documented discipline. The Board also noted that the applicant's duty performance was exemplary for his first year of service after which he was transferred to the squadron from which he was discharged. After some initial minor difficulties, the applicant again served in an exemplary manner for a sustained period of time receiving the squadron's Top Performer of the Quarter Award. It was immediately following the death of his father that the applicant received a series of Letters of Reprimand in a short period of time for being disrespectful towards his superiors. Absent from the record is evidence of involvement of senior supervisors or the Squadron's First Sergeant, evidence of consideration of the impact the recent family death had on his work attitude, or evidence of proper counseling regarding the consequences of his behavior and the normal escalation of disciplinary actions for repeat offenses. Although the poor attitude the applicant displayed towards his superiors following the death of his father was unacceptable, the DRB concluded the extenuating circumstances combined with his previously demonstrated exemplary performance made him a good candidate for Probation and Rehabilitation.

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. However evidence of the record and testimony finds inequitable disciplinary action and service deserving of characterization as honorable. In view of the foregoing findings the Board further concludes that there exists an equitable basis for upgrade of discharge, thus the applicant's discharge should be changed to Honorable, the reason to Secretarial Authority and the reenlistment code upgraded.

Attachment
Examiner's Brief

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

FD2003-00141(A)

 (Former A1C) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a Gen Dish fr USAF 7 Apr 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 29 Nov 00.

b. The AFDRB reviewed case on 4 Jan 01 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 16 Mar 03. (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

Atch

1. Applicant's Issues.
2. Letter of Support.
3. Notarized Copy of Driver's License and Social Security Card.

7 MAY03/ai

16 Mar 2003
Document #1

To Whom It May Concern:

This is a supporting document attachment for AF Form 293. I [REDACTED] was discharged from the United States Air Force on April 7, 2000 for Misconduct with a general discharge under Honorable conditions.

After I completed tech school I was stationed at Travis AFB in California. I was assigned to the 60 Th Aircraft Generation Squadron as a Flightline Crewchief for the C-5 Galaxy. While I was assigned to 60 Th AGS, my Air Force career was going in the right direction. I had great trainers, and supervisors who provided me with guidance, direction, and mentoring. I was a highly motivated professional troop who enjoyed my jobs.

Starting from the beginning, after being assigned to 60 Th AGS for a couple of months, I was sent to MQTP for further training. I did very well in all aspects of the course. My instructor SSgt [REDACTED] wrote on my AF Form 623, "Amn [REDACTED] has accomplished all tasks in an outstanding manner. His technical, and practical evals have been flawless," 29 April 1998.

After completing my MQTP training, I went back to the flight line as a 3 level Aircraft Maintenance Technician. As a 3 level I learned something new everyday. What I learned helped me assist the U.S. Air Force with its mission. Some of the tasks I did to help the Air Force keep C-5's flying was discovering broken roll tab on number 2 main landing gear bogie assembly during preflight inspection, ensuring NASA space shuttle support equipment reached destination on time, identifying hydraulic leak in aft ramp area on Operation Phoenix Banner Presidential support mission, while troubleshooting found aft down check valve and hydraulic line leaking out of limits, assisted in troubleshooting and repair of defective permanent magnetic generator on aircraft supporting an Operation Phoenix Banner Presidential support mission guaranteeing on time departure, and all this was done as a 3 level.

On my first EPR, my rater wrote aspiring young crew chief; professionalism / work ethic / emerging skills are of extremely high caliber, and exceeds all standards of personal dress / appearance set forth by Air Force regulations, ready for promotion. I received a 4 on my first EPR. With the information I have just provided, as a young Airmen I adjusted to the Military environment and my unit of assignment very well.

In March of 1999 I was assigned to 60 Th EMS were my Air Force career started going down hill. My initial impression of 60 Th EMS was a good one. My supervisors looked like they cared about the goals, and well being of the Airmen who worked for them. I shortly found out that was not the case. All they cared about was work, and making the supervisors looking good to the higher command. The main reason why I joined the Air Force was to go to college, and become an Air Force aviator. It has been by dream to fly for the U.S. Air Force since I was 4 years old. The work environment at 60 Th EMS did not allow me to follow my dream. Due to working overtime on a continuous bases, I was not able to go to college and pursue my dream. Every time I signed up for college, I was forced to withdraw from college due to the overtime hours

that were required to meet the Air Force mission. This immediately started to affect the way I thought about by section.

They did not care about me furthering my education, which was the main reason why I joined the Air Force. My Air Force recruiter told me that the Air Force was big on pursuing a college education, and I felt like I was lied to. After a while I thought things would get better, but it didn't. My supervisors noticed that my attitude started to become negative. It wasn't only because of not being able to go to college, but also the comments that were made to all the Airmen.

One morning during a morning briefing, an Airmen got yelled at in front of the whole section. He felt disrespected and answered back the supervisors. The supervisor then stated, if you Airmen keep on with these poor attitudes you will not get paid. And then he said, I sign all of your paychecks. When he said that, I lost total respect for all the supervisors. Another comment made by the same supervisor was during the end of a hard day at work after working 3 hours of overtime. An Airmen asked if he could leave early because he had to attend school that night. The supervisor answered by saying, if any of you bring up school one more time, I will take everyone out of school so I don't have to hear that crap again. That is the nice version of what was said by the supervisor.

When the supervisors started to notice my negative attitude, they started to reprimand me for every little thing I did. They then gave me a U.I F. , and put me on a control roster as time went along. The only people who offered me positive mentoring was the first-shirt, and the OIC of the section. The supervisors at hand did not offer positive mentoring, but told me the Air Force comes first, and that is the Air Force. The supervisor finished off by saying, you must deal with it. By that time I lost total respect for my supervisors. But I still tried to do the right thing.

While having problems at work with my sections, I then started to have personal problems of my own. My father who suffers from Multiple Scleriosis was suddenly unable to work to support his family due to the advancement of his Multiple Scleriosis illness. While waiting for his benefits to start, I was forced to help my father support himself, stepmother, and six-year-old brother. This put me in a financial burden, which added more stress to the stress I was dealing with at work.

Then in January of 2000, my stepfather who I have known since I was six years old suddenly died of a Brain Aneurysm. His death was devastating to me and my mother which caused my mother to become suicidal. While my mother was suicidal, she constantly called me at all hours of the night stressing me out wondering if she was going to kill herself. This was a burden because my mother was raising my 7 year old sister at the time. Then while helping my father financially, I was then forced to help my mother and younger sister financially as well.

My problems at work and personal life were effecting me mentally, physically, and emotionally, which landed me in an Air Force psychiatrist office. I was no longer able to be the Airmen that I was when I first got to Travis AFB because of personal problems, and work problems I was dealing with. No one at work was there to help me get threw my personal and work problems, which eventually got me discharged from the U.S. Air Force.

If my supervisors would have helped me pursue my dreams, had better mentoring techniques instead of writing me up for every little incident that occurred, and helped me

with my personal problems, I might not have had such a negative attitude which led to me being discharged from the Air Force

Since being discharged from the Air Force, I have gotten married to my great wife named [REDACTED], attended college and received 65 semester hours, attend Air Force R.O.T.C Detachment 88 at Sacramento State University, and I am currently enrolled in a Commercial Airline Flight School called Tab Express International in De Land Florida. At this flight school I will receive my private, multiengine, instrument, and commercial rating, and a guaranteed job interview with several regional airlines. These ratings will also give me 40 more college semester hours which total 105 semester hours since being discharged from the U.S. Air Force. I am sill pursuing my dream of being a pilot, but still hunger to be a military aviator.

I am not condemning my command. But I feel I was not given a fair chance because my supervisors just didn't want to take the time to mentor me and see that I was also being affected by my personal life. I ask the Discharge Review Board to view what I have written and take this document into consideration.

Sincerely,

[REDACTED]

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

(Former A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/04/07 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 78/01/20. Enlmt Age: 19 2/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-54, E-35, G-37, M-58: PAFSC: 2A551J - Aerospace Maintenance Journeyman. DAS: 98/02/06.

b. Prior Sv: AFRes 97/03/27 - 97/07/29 (4 months 3 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as 97/07/30 for 4 yrs. Svd: 2 Yrs 8 Mo 8 Das, all AMS.

b. Grade Status: A1C - 98/11/30
AMN - 98/01/30

c. Time Lost: none.

d. Art 15's: none.

e. Additional: DD FORM 1408, 19 DEC 99 - Traffic ticket.
RIC, 25 JAN 99 - Disrespect to an NCO.
LOR, 12 MAR 99 - Disobeying a direct order.
LOR, 31 MAR 99 - Violating quarters authorization.
LOR, 16 NOV 99 - Indecent language.
RIC, 21 DEC 99 - Late for work.
LOR, 07 JAN 00 - Disobeying orders.
LOR, 07 JAN 00 - Disrespect & inappropriate behavior.
LOR, 14 FEB 00 - Disrespect & inappropriate behavior.
LOR, 15 FEB 00 - Minimum standards of conduct.

f. CM: none.

g. Record of SV: 97/07/30 99/03/29 Travis AFB 4 (Initial)
99/03/30 00/03/15 Travis AFB 2 (Cmdr Dir)
(Discharged from Travis AFB)

h. Awards & Decs: AFTR, AFOUA W/1 DEV.

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (11) Das
TAMS: (2) Yrs (8) Mos (8) Das

FD00-00391

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 00/10/13.
(Change Discharge to Honorable)

Issue 1: The main reason why my performance as an airmen changed was because of the death of my father on Jan. 15, 2000. My mother was suicidal, and I just wasn't in the right state of mind. Please take this into consideration (sic) when ruleing (sic) on my discharge. My main goal is still to be a Pilot.

ATCH

1. DD Form 214.

00/11/29/ia



DEPARTMENT OF THE AIR FORCE
60TH EQUIPMENT MAINTENANCE SQUADRON (AMC)

21 MAR 2000

MEMORANDUM FOR A1C [REDACTED]

FROM: 60 EMS/CC
350 Ragsdale Street
Travis AFB CA 94535-2719

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, Minor Disciplinary Infractions. The authority for this action is AFI 36-3208, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 19 Dec 98, you were illegally parked and unduly interfered with free movement of traffic, as evidenced by DD Form 1408, Armed Forces Traffic Ticket, resulting in a verbal counseling (Atch 1, Tab 1).

b. On or about 22 Jan 99, you were released from duty after you assured your Shift Chief, TSgt [REDACTED] that you turned in all of your tools and equipment. Later, it was discovered you still have a tool you borrowed from another airman, in your pocket. TSgt [REDACTED] tried to contact you in your dorm room but the phone had been disconnected. Later, you showed up with the tool in your hand. TSgt [REDACTED] counseled you on the importance of tool accountability, but your response was, "I brought it back didn't I?" When told that you needed to be more responsible next time, you stormed out of the office, saying "whatever." For being disrespectful, you received a record of individual counseling (RIC) on 25 Jan 99 (Atch 2, Tab 1).

c. On or about 11 Mar 99, you asked SSgt [REDACTED] if you could go to the post office to pick up a package. MSgt [REDACTED] told you to do it during your lunch hour. You stated the post office just called you, but MSgt [REDACTED] told you to pick it up the next day during lunch. It was found out later that you gave A1C [REDACTED] a ride to pick up his car. Thereafter, you proceeded to stop by the post office to pick up your package. For disobeying a direct order, you received a letter of reprimand (LOR) on 12 Mar 99; with establishment of an unfavorable information file (UIF) on 13 Apr 99 (Atch 3, Tab 1).

d. On or about 26 Mar 99, you were put on 24-hours quarters for a cold and congestion. Section IV of your quarters authorization allows you to leave your dorm room for on base dining only or for medical/dental appointments. Earlier in the day, you were asked if you could check on one of your co-workers in another dormitory who has been having some problems, which you said you attempted to do. Later, SMSgt [REDACTED] attempted to contact you at your room, without success. On 29 Mar 99, you were asked of your whereabouts. You stated you went to see your girlfriend so she could take care of your illness. For violating 24-hours quarters authorization, you received a LOR on 31 Mar 99, which was placed in your existing UIF on 13 Apr 99 (Atch 4, Tab 1).

e. On or about 1 Nov 99, the tower informed job control that Aircraft 86-0016 had broadcast indecent language over the ground frequency. You were serving as an APU operator for the morning pressure crew. TSgt ██████ went to the flight deck and found you and SrA ██████ sitting by the radio. You both denied any knowledge of it. TSgt ██████ took you and SrA ██████ to the tower chief's office to listen to recorded tape and determine who broadcast the indecent language. It took three times of hearing your own voice before you admitted to TSgt ██████ and the tower chief that you did it. For your actions, you received a LOR on 16 Nov 99 (Atch 5, Tab 1).

f. On or about 21 Dec 99, you came to work late, resulting in a RIC on 21 Dec 99 (Atch 6, Tab 1).

g. On or about 3 Jan 00, you were issued an individual clothing equipment authorization letter to purchase certain items from the clothing issue element in Bldg. 549. Upon your return, SSgt ██████ noticed unauthorized items were on the receipt. All sections were instructed not to get any items that were not on the authorization sheet. For disobeying orders, you received a LOR on 7 Jan 00 (Atch 7, Tab 1).

h. On or about 5 Jan 00, TSgt ██████ discussed with you the unauthorized procurement of items through the clothing issue element. He instructed you to return the items and the receipt to SSgt ██████ and to expect disciplinary action for failing to obey orders. Afterwards, you stomped out of TSgt ██████ office without being dismissed. He had to summon you repeatedly before you returned to his office. For disrespect and inappropriate behavior, you received a LOR on 7 Jan 00 (Atch 8, Tab 1).

i. On or about 1 Feb 00, TSgt ██████ informed SSgt ██████ that you were chewing tobacco products, which is in violation of AFI 40-102, paragraph 2.2. He told you that you were not allowed to use tobacco products in the work area and you kindly submitted. About one hour later, he noticed you were going to place tobacco in your mouth. You said you did not care and what did it matter if you chewed or not. SSgt ██████ again told you not to use tobacco products. After numerous indecent words and much disrespect, you grudgingly submitted to his orders. You proceeded to disrupt the work area by telling your co-workers your version of what had happened. SSgt ██████ insisted that you tell them the whole truth. TSgt ██████ heard the discussion and advised that the matter be taken into the main office. You continued to be disrespectful and argumentative by saying, "I do not give a shit about you or anyone else in this room." For disrespect and insubordination, you received a LOR on 14 Feb 00 (Atch 9, Tab 1).

j. On or about 15 Feb 00, you have failed to meet the minimum standards of conduct since you arrived in the unit in March 1999. You have continually acted in an unacceptable manner, which resulted in written counseling and reprimands. For your repeated misconduct, you received a LOR on 15 Feb 00, which was placed in a UIF on 6 Mar 00 (Atch 10, Tab 1).


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 and any special pay, bonus, 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 Captain ██████ Area Defense Counsel, 540 Airlift Drive, Bldg. 381, Suite D-100, Travis AFB, California, 94535-2479, DSN 837-4569; commercial,

(707) 424-4569, on 23 MAR 2000 at 1530. You may consult civilian counsel at your own expense.


5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me by (three workdays from service of this letter) 24 Mar 00, no later than 0830 hours unless you request and receive an extension for good cause. I will send any documents you submit to the separation authority.

6. If you fail to consult counsel or to submit statements on your behalf, your failure will constitute a waiver of your right to do so.


7. You have been scheduled for a separation physical examination at David Grant Medical Center, Physical Exams Section on 22 MAR 2000 at 0900. You also have an appointment with the Primary Care Clinic on 22 MAR 2000 at 1116 to consult with a physician. (CPA )

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 orderly room.

9. Execute the attached acknowledgment and return it to immediately.


Lt Col, USAF
Commander

Attachments:

1. DD Form 1408, 19 Dec 98
60 AGS/CC Memorandum, 13 Jan 99
Undated MFR
2. RIC, 25 Jan 99
3. LOR, 12 Mar 99; AF Form 1058, 13 Apr 99
4. LOR, 31 Mar 99; AF Form 1058, 13 Apr 99
5. LOR, 16 Nov 99 w/1 Atch
6. RIC, 21 Dec 99
7. LOR, 7 Jan 00
8. LOR, 7 Jan 00
9. LOR, 14 Feb 00
10. LOR, 15 Feb 00; AF Form 1058, 6 Mar 00
11. Other Derogatory Information:
 - a. 60 AGS/CCF Memorandum, 6 Jul 98
 - b. 60 AMDS/SGPZ Memorandum, 3 Aug 98
 - c. 60 SPTG/CC Memorandum, 6 Nov 98 w/1 Atch
 - d. AF Form 1408 w/1 Atch
 - e. Memorandum of SSgt  2 Mar 00