

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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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	UOTBC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A93.01	INDEX NUMBER A67.90	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; text-align: center;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;">2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;">3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	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
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HEARING DATE 25 Jul 03	CASE NUMBER FD2003-00147																	

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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 25 JUL 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

FD2003-00147

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

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 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.

Issues. Applicant was discharged for conduct prejudicial to good order and discipline. He had four Letters of Reprimand, one Article 15, a civilian traffic ticket, and an arrest by civilian authorities. His misconduct included failure to report, late for an appointment, failure to complete his Career Development Course in a timely manner, financial irresponsibility, arrest by civilian authorities for failure to appear in court and disorderly conduct. At the time of the discharge, member consulted counsel and waived his right to submit statements in his own behalf. The applicant contends that he should not be penalized indefinitely for a mistake he made when young. The Board recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. They noted that the applicant was the same age as airmen who had adhered to the standards when his misconduct occurred. The applicant also stated that the Board should take into account his post-service activities. The Board was pleased to see that the applicant was doing well in the civilian community. 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.

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

(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 21 Apr 88 UP AFR 39-10, para 5-47b (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 16 Aug 68. Enlmt Age: 17 11/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-31, E-90, G-84, M-66. PAFSC: 81130 - Apprentice Security Specialist. DAS: 15 May 87.

b. Prior Sv: (1) AFRes 29 Aug 86 - 27 Jan 87 (5 Months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 28 Jan 87 for 4 yrs. Svd: 1 Yr 2 Mos 25 Das, all AMS.

b. Grade Status: AMN - 28 Jul 87

c. Time Lost: None.

d. Art 15's: (1) 4 Nov 87, Seymour Johnson AFB, NC - Article 134. In that you, were, on or about 13 Oct 87, disorderly. Suspended reduction to AB, and 30 days correctional custody (Remitted on 24 Nov 87). (No appeal) (No mitigation)

e. Additional: LOR, 11 JUN 88 - Financial irresponsibility.
CT DOCS, 14 Mar 88 - Arrested by civil authorities for failure to appear in court on charges of improper registration, and no valid license sticker.

Examiner's Note: Commander's Letter of Notification indicates lying to supervisor about paying the registration fee and NCO Club Bill.

TRAFFIC TICKET, 9 MAR 88 - Speeding.

LOR, 5 OCT 87 - Financial irresponsibility.

LOR, 8 SEP 87 - Late for an appointment and failure to complete CDC on time.

LOR, 3 SEP 87 - Failure to report for duty.

f. CM: None.

g. Record of SV: 28 Jan 87 - 27 Jan 88 Seymour Johnson AFB 7 (Annual)

(Discharged from Seymour Johnson AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (7) Mos (24) Das
TAMS: (1) Yr (2) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 Mar 03.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

7 May 03/cr

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

Please accept my Application for the Review of Discharge for your consideration.

In 1988 I was a a very young and very stupid young man. I did not conduct myself with honor or character while in the military. I did not recognize nor take advantage of the opportunities the Air Force afforded me and therefore was rightly discharged. This is something I am not proud of, however it is the truth. Now almost 15 years later and our country at war, I am married, with a beautiful wife, 2 great kids which I must now teach honor and character. I have been unemployed by no fault of my own through the Telecom layoffs in the Research Triangle Park area of NC. But other than that and a 3 Month Stretch in 1999, I have held Gainful employment, I have paid my taxes and I have not engaged in any criminal activity. My Driving record is spotless for the last 8 years and I attend church with my family. I someday would like to be considered for federal employment or maybe even joining the reserves.

I am humbly requesting an upgrade to my discharge, for the following reasons:

1. I am not the Airman I was discharged as almost 15 years ago.
2. I would like to seek employment with a federal agency and would like to be able to list an "Honorable Discharge."
3. As a Father I would like my son and daughter to have the pride in me, that I lacked in 1988.
4. And Lastly, for my own piece of mind.

I hope this request can be granted, and look forward to your response.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date)
AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

20030325

b. SIGNATURE

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE

FD 2003-00147

4TH SECURITY POLICE SQUADRON (TAC)
SEYMOUR JOHNSON AIR FORCE BASE NC 27531-5000

13 APR 1988

REPLY TO
ATTN OF: CC

SUBJECT: Letter of Notification

TO: Amn [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, paragraph 5-47b. If my recommendation is approved, your service will be characterized as General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On 12 Apr 88, AFOSI conducted a search of your barracks room and found a copy of a speeding ticket, dated 9 Mar 88, where you were cited by the Trenton, NC, Police Department for speeding (70 m.p.h. in a 55 m.p.h. zone).

b. On 14 Mar 88, you were arrested by civil authorities for your failure to appear in court on civilian charges of improper registration and no valid license sticker. You also lied to your supervisors about paying the registration fee and your most recent NCO Club bill (\$131.30).

b. On 11 Jan 88, you received a Letter of Reprimand for your delinquent NCO Club bill and several dishonored checks.

c. On 4 Nov 87, you received an Article 15 for disorderly conduct.

d. On 5 Oct 87, you received a Letter of Reprimand for a dishonored check written to the Nellis AFB Exchange.

e. On 8 Sep 87, you received a Letter of Reprimand for failure to report for a scheduled training appointment.

f. On 7 Sep 87, you received a Letter of Reprimand for failure to report for duty.

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, 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 Capt [REDACTED] at Area Defense Counsel, Bldg 3639, on 13 Apr 88 at 0830 hours. You may consult civilian counsel at your own expense.

Readiness is our Profession

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 18 Apr 88 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult counsel or 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 Seymour Johnson Base Hospital at 0700 hours on 14 Apr 88 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.


Lt Col, USAF
Commander

3 Atchs
Supporting documents