

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		[REDACTED]	[REDACTED]			
TYPE	X PERSONAL APPEARANCE		RECORD REVIEW			
COUNSEL		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*+				
ISSUES A94.06		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 14 OCTOBER 03		CASE NUMBER FD2003-00156		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 Andrews AFB, Maryland. * Change Reason to Secretarial Authority + Change in RE Code. Advise applicant of the decision of the Board.						
SIGNATURE		[REDACTED]				
[REDACTED]		[REDACTED]				
INDORSEMENT				DATE: 24 NOV 2003		
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 RATIONALECASE NUMBER
FD2003-00156

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change in Reason for Discharge, and change in RE Code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, Maryland.

The applicant has submitted the following additional evidence:

Exhibit #5: Monroe Community College character letter, dated 18 November 2002

Exhibit #6 Character letter from [REDACTED], dated 27 July 2003

Exhibit #7 Character letter from [REDACTED], dated 21 July 2003

Exhibit #8 Character letter from [REDACTED], dated 21 December 2002

Exhibit #9 Applicant's statement of facts

Exhibit #10 Applicant's recorded history

Exhibit #11 Applicant's Summary of Attachments to DD Form 293

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The discharge is upgraded to Honorable. The change in Reason for Discharge to Secretarial Authority and a change in RE Code are approved.

The Board finds evidence of record and that provided by the applicant, which substantiates an inequity that justifies an upgrade of the discharge and a change in the reason for discharge.

ISSUES: The applicant was discharged with a General Discharge for Misconduct – a Pattern of Misconduct. The applicant's principal issue is he feels his discharge was unjust. The applicant accepted responsibility for his infractions, but brought attention to the fact that the majority of his letters of reprimand (motor oil in room, use of stereo, outside of room during room check, failed room inspection) were issued over a short period of time (3 days) and issued by the same enlisted individual. The applicant also testified that, while he committed safety violations (motoring engines without checking rear of aircraft, improper disconnection of tow-bar, improper wheel chock installation sequence) others of similar rank and training status also committed violations, but did not receive disciplinary actions. The Board also noted the series of administrative actions leading to the applicant's discharge were issued without timely involvement of either the applicant's first sergeant or his commander. Subsequently, the Board directed attention to the Notification Memorandum from the applicant's commander listing his reasons for discharging the applicant. While the commander does list the dates of the administrative actions taken against applicant, there is no written description either of the 5 listed reasons for discharge, but instead each is substituted with the phrase, "See attached LOR (or Article 15) for complete details." However, no such "attachments" accompanied the Notification Memorandum to the applicant in his personnel file, possibly depriving the applicant of a timely review and appropriate response to the actions taken against him. Addressing the applicant's character, the Board noted prior to entering military service, the applicant earned the distinction of Eagle Scout, qualifying him to receive accelerated rank. The Board also noted since the applicant's discharge he has successfully assimilated into the civilian community, earning performance distinction from his college program director and for his service as an Assistant Scoutmaster. Therefore, the Board found the circumstances leading to the series of administrative actions taken against the applicant, over such a short period of time, were in some cases too harsh and, consequently, were not an accurate reflection of the applicant's character and that his military service should be characterized as Honorable.

CONCLUSIONS: The Discharge Review Board concludes that, while the discharge was consistent with the procedural requirements of the discharge regulation, there is sufficient evidence of an inequity in the

processing of the applicant's discharge. The characterization of the applicant's discharge should be changed to Honorable under the provisions of Title 10, USC 1553, and the reason for separation changed to Secretarial Authority. The RE code should also be changed to allow the applicant the opportunity for reentry to military service.

Attachment:
Examiner's Brief

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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 19 Dec 01 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 27 Nov 81. Enlmt Age: 18 5/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-84, E-91, G-84, M-81. PAFSC: 2A532 - Helicopter Maintenance. DAS: 9 Oct 00.

b. Prior Sv: (1) AFRes 20 May 00 - 22 Aug 00 (3 months 3 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 23 Aug 00 for 4 yrs. Svd: 1 Yrs 3 Mo 27 Das, all AMS.

b. Grade Status: AB - 9 Nov 01 (Article 15, 9 Nov 01)
A1C - 23 Jun 01

c. Time Lost: None.

d. Art 15's: (1) 9 Nov 01, Kirtland AFB, NM - Article 92. You did, on or about 17 Sep 01, fail to obey a lawful general instruction, to wit: para 9.2, KAFBI 36-6001, dated 13 Jun 97, by wrongfully storing motor oil in your dormitory room. You, who knew of your duties, on or about 18 Sep 01, were derelict in the performance of those duties in that you willfully failed to obey the provisions of Phase I by failing to be in your dormitory room by 2200 hours, as it was your duty to do. You, who knew of your duties, on or about 19 Sep 01, were derelict in the performance of those duties in that you negligently failed to ensure the area was clear prior to allowing the crew to motor the engine as it was your duty to do. You, who knew of your duties, on or about 1 Oct 01, were derelict in the performance of those duties in that you negligently failed to install wheel chocks without first installing the safety pin, as it was your duty to do. You, who knew of your duties, on or about 1 Oct 01, were derelict in the performance of those duties in that you negligently failed to properly disconnect the tow bar from the tug prior to disconnecting it from the helicopter, as it was your duty to do. Reduction to Airman Basic. (No appeal) (No mitigation)

(2) 3 Jul 01, Kirtland AFB, NM - Article 92. You, having knowledge of a lawful order issued by Captain [REDACTED], to wit: DOI 11-4, para 4, dated 3 Jan 01, an order which it was your duty to obey, did, at or near Fort Eustis, Virginia, on or about 15 Jun 01, fail to obey the same by wrongfully introducing alcoholic beverages into the dormitory. Suspended reduction to Airman Basic, and forfeiture of \$243.00 pay. (No appeal) (No mitigation)

- e. Additional: RIC, 02 NOV 01 - Safety violation.
 LOR, 04 OCT 01 - Failure to follow safety instructions.
 LOR, 19 SEP 01 - Failure to obey a direct order from an NCO and violation of Phase I.
 LOR, 19 SEP 01 - Failure to obey a direct order and failing dorm room inspection.

f. CM: None.

g. Record of SV: None.

(Discharged from Kirtland AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (7) Mos (0) Das
 TAMS: (1) Yrs (3) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Feb 03.

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Military Certificates.
3. Degrees/Accomplishments.
4. Recommendations & Character Statements.
5. Government Contacts.
6. Attorney Documentation.
7. Military Personnel Records.
8. Infractions & Rebuttals.
9. Memos For Record.
10. Separations Packet & DD Form 214.

12MAY03/ia

To: AFDRB

Re: Military Discharge Review, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]


I believe a grave injustice has been done. I was discharged from the United States Air Force on December 20, 2001 with a General Discharge under Honorable Conditions, leaving the service two and one half years prematurely for extremely unjust reasons. I want my good name cleared of the "Patterns of Misconduct" for which I am said to have committed. I want my re-entry code, separation code, the narrative reason for my separation and my eligibility for the G.I. Bill (which I paid in full) changed. I want an honest review of the circumstances that surrounded my separation instead of the "head hunting" tactics used under my last squadron.

I joined the Air force with great intensions and the utmost honor. I have a number of character statements from people who are willing to a-test to my character and the unjust actions used against me, including Area Defense Council [REDACTED] and [REDACTED] among others.

I appreciate your careful and in-depth consideration on the grave injustice that has been plaguing me since my discharge.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]



In dealing with the issues of my discharge from the United States Air Force on December 20, 2001, I have found numerous errors that substantiate wrongful discharge from the Air Force.

I have found no illegal action taken against me, although I have found the actions taken to be unwarranted. The errors are listed below:

1. Wrongful placing of file material in my military records. I have found no record of a second Article 15 written against me. I have found numerous copies of the same infractions and 'memos to note' which leads to unsubstantiated false hoods about my character.
2. All of the infractions were drawn up by one instructor. All of the negative 'memos for record were drawn up by the same individual.
3. Times and dates on both infraction documentation and memos are misconstrued and don't coincide with the allegations drawn by my technical trainer.
4. I had written a rebuttal for vacation proceedings regarding my rank, and I have yet to see any documentation in my military personnel records regarding this incident.



DEPARTMENT OF THE AIR FORCE

58th LOGISTICS SUPPORT SQUADRON (AETC)

KIRTLAND AIR FORCE BASE NEW MEXICO

MEMORANDUM FOR [REDACTED]

30 NOV 2001

FROM: 58 LSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, a pattern of misconduct. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

- a. On 16 Nov 01, you received an Article 15. See attached Article 15 for complete details. (Atch 1)
- b. On 5 Jul 01, you received an Article 15. See attached Article 15 for complete details. (Atch 1)
- c. On 2 Nov 01, you received a Record of Individual Counseling. See attached RIC for complete details. (Atch 1)
- d. On 19 Sep 01, you received a Letter of Reprimand. See attached LOR for complete details. (Atch 1)
- e. On 19 Sep 01, you received a Letter of Reprimand. See attached LOR for complete details. (Atch 1)

3. 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 20200, ext. 6-5554, on 6 Dec 01 at 1500 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 377th Medical Group on _____ at _____.

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.

A large, dark, rectangular redacted area, likely covering a signature or name.

Attachments:

1. Supporting Documentation
2. Other Derogatory Information