

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE Gen	X	PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	[REDACTED]	Texas Veterans Commission
X			

MEMBER 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	
		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 DATE 08 Dec 2003	CASE NUMBER FD-2003-00179	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Randolph AFB, TX.

* Secretarial Authority

Advise applicant of the decision of the Board.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT **DATE: 12/8/2003**

TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00179-A

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

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, [REDACTED] of the Texas Veterans Commission at Randolph AFB on December 8, 2003. The following additional exhibits were submitted at the hearing:

Exhibit 6: Design of VIP table, undated

Exhibit 7: Airframe and Powerplant License, dated 22 Sep 2001

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

FINDINGS: The Board grants the requested relief.
The discharge is upgraded to Honorable.
Reason is changed to Secretarial Authority.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify upgrade of the discharge. However, based on the record and the testimony of the applicant, the Board finds that the applicant's character of discharge is inequitable.

ISSUE: Applicant contends discharge was inequitable because "it was too harsh". The information provided by the applicant and contained in his records was carefully reviewed by the DRB. The records indicated the applicant received one Article 15 and four Records of Individual Counseling. The misconduct included failure to go, dereliction of duty, failing to follow established procedures, and failing to demonstrate the qualities expected of a noncommissioned officer. After a thorough and complete consideration of the information submitted by the applicant and contained in the records, the Board concluded there was sufficient mitigation to substantiate upgrade of the discharge.

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, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and change of reason for discharge to Secretarial Authority, under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

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

FD2003-00179-A

[REDACTED]
[REDACTED] (Former A1C) (HGH SGT) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a Gen Discharge fr USAF 14 Nov 89 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for an Honorable Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 13 Sep 96.

b. The AFDRB reviewed case on 25 Sep 96 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 8 Apr 03. (Change Discharge to Honorable)

ISSUE 1: I do have an Honorable discharge from The Usafr (sic).

ISSUE 2: I do have an honorable discharge prior to the last enlistment.

ISSUE 3: The primary reason for discharge was work related performance. Post discharge performance has been outstanding or excellent. Please consider Upgrading (sic) based on post discharge job performance and accomplishment.

STATEMENT ATTACHED TO BRIEF.

Atch

1. Applicant statement to the Air Force Discharge Review Board.
2. Employment Evaluation.
3. Nomination, Employee Of The Month.
4. Five Character References.
5. Certificate of Appreciation.
6. Performance Appraisal.
7. College Transcript.

21MAY03/ai

[REDACTED]
P.O. Box [REDACTED]
[REDACTED]
3/13/03

Dear Sirs,

The reasons for my discharge stated that I was not doing my job as stated by my supervisors and the USAF and was reflected in my last Two APR's, and .One article 15. I have shown as evidenced by copies of civilian APR's and letters of reference from those employers that I have done excellent or outstanding work post discharge. I come highly recommended by my employers for most jobs. Post discharge I have not had a problem with keeping a job once I was able to get the job. There in lies the problem. The characterization of the discharge has made it difficult to get a decent paying job. Therein lies the reason that I want an upgrade of discharge. I can get all of the low paying jobs that I want; but these jobs carry no responsibility at all.

I understand that I had many problems and will try to bring light to them in this upgrade. The first and most problematic was the fact that I was still immature and essentially a young teenager. I have been through much post discharge. At present I believe that I have grown into full maturity. There are still areas of my life that require work as most of us do have these areas in our lives.

The second problem was that I did not know how to live life on life's terms. I was able to manipulate the world in order to get my way .I was very selfish and self-centered. . I was the center of my universe. This was a very lonely place to be.

The third problem involved my use of alcohol in order to deal with life. This has not been a problem since getting into AA. . I have not had a drink in nearly Sixteen years. I did not start drinking on a regular basis until I joined the military. Alcohol allowed me to run away from life, though it saved my life at the time. It was my God.

The question that many of you would have is this how has this man changed post discharge? I have grown up and done most adult things. I am buying a home and take care of it by myself, as I am still single. I either had the money to date, or the time but neither at the same time. I have not had the opportunity to develop this type of relationship due to a lack of time or money. The other point that needs to be made is that it would be irresponsible for me to go start a family and not be able to provide for them emotionally due to many hours at work, or to not provide for their physical needs due to a lack of money.

The other changes in my life include many friends and colleagues. This was brought about by the fact that I was able to become humble and be a part of society, not apart from. The other change that took place is that I do have some self-esteem and I do like myself. When one likes him or her it becomes much easier to get along with others.

The one thing that makes life easier to deal with is my relationship with God. I did not have a relationship with God until I was delivered into the hands of AA. Then it was tough to have this relationship, as I was Unfamiliar with it. I joined a church seven years after joining AA. I did not join the church at that time due to want, but out of desperation; as I needed other spiritual Help. It worked and helped me to finish growing up.

As stated earlier I have worked hard to rebuild my life. I have educated myself and I and hold both FAA Air Frame and Power Plant repair certifications. My GPA is 3.19. The last two semesters that I attended School I was on the Deans List. Other recent changes include the fact that I was made the treasurer for our district in A.A. The above things would not have happened if I had remained the same person that I was when Drinking.

The unfortunate truth of the matter is that it takes many years to change after many years of running away from life. I believe that I have made those changes yet I find that two bad years out of my life have continued to follow me for a decade or more. That is why I am asking for this upgrade of discharge.

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
WASHINGTON, D.C.

(Former A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 89/11/14 UP AFR 39-10, Para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for HON Disch, Change of Reason for Disch & Change of RE Code.

2. **BACKGROUND:**

a. DOB: 62/05/29. Enlmt Age: 24 3/12. Disch Age: 27 5/12. Educ: (RIP reflects) 15-29 S/H. AFQT: Unk. AQE: M-78, A-53, G-71, E-68. PAESC: 45750C - Strategic Acft Maintenance Spec. DAS: 86/12/21.

b. Prior Sv: 6 Yrs, 1 Mo, 19 Das of which AMS is 4 Yrs 7 Mos 26 Das.

(1) (Stmt of Sv reflects) AFRes 81/07/06 - 83/04/03 (1 Yr 8 Mos 28 Das). 6 Mos 23 Das (Inactive) & 1 Yr 2 Mos 5 Das (Active).

(2) Enld as Amn 83/04/04 for 4 Yrs. Svd: 3 Yrs, 4 Mos, 21 Das, all AMS. SrA, 85/10/04. APRs: 8, 9, 9. Disch'd for immed reenlmt 86/11/24.

3. **SERVICE UNDER REVIEW:**

a. Enld as SrA 86/08/25 for 6 Yrs. Svd: 3 Yrs 2 Mos 20 Das, all AMS.

b. Grade Status: SrA - 85/10/04
Sgt - Unk
A1C - 89/08/09 (Art 15 dtd 89/08/23)

c. Time Lost: None.

d. Art 15's: (1) 89/08/23, K.I. Sawyer AFB - In viol of Art 86, 92, UCMJ, you did, o/a 89/07/15, FTG at the time — prescribed to your apptd place of dy, to wit: Bldg 627, the LOX sv plant. In that you, who knew of your dys at K. I. Sawyer AFB, o/a 89/07/15, were derelict in the perf of those dys in that you negligently failed to service the lax carts, as it was your dy to do. (Oral/written mitigation). Rdn to A1C. (Appealed; denied).

e. CM: None.

f. Record of Sv: 86/02/17 86/10/13 Mather AFB 9 (CRO)
86/10/14 87/10/13 KI Sawyer AFB 8 (Annual)
87/10/14 88/03/08 KI Sawyer AFB 7 (CRO)
88/03/09 89/04/20 KI Sawyer AFB 6 (Annual)
(Disch'd fr K. I. Sawyer AFB)

Atch
(8x 4)

g. Awards & Decs: AFGCM, AFTR, AFLSAR, AFOUA.

h. Stmt of Sv: TMS: 8 Yrs 4 Mos 9 Das
TAMS: 7 Yrs 9 Mos 16 Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 95/08/11

(Change Discharge to Honorable)

(Change Reason for Disch to): Convenience of the Govt

(Change RE code to): 1A

ISSUE 1: I am requesting the removal of the incidents dated 27 May, 1987. See Issue #1, paragraphs A through D.

ISSUE 2: I am requesting the removal of the APR dated 8 March, 1988. See issue #2, paragraphs A through G.

ISSUE 3: I am requesting the removal of the APR dated 20 April, 1989. See issue #3, paragraphs A through D.

ISSUE 4: I am requesting the removal of the article 15, dated 9 August, 1989. See issue #4, paragraphs A through F.

ISSUE 5 & 6: See attached.

ATCHS

Appl's add'l issues (cy atchd to Examiner's Brief)

Briefs to issues 1 through 5 (cy atchd to Examiner's Brief).

Cy of 1-pg ltr, dtd 88/01/25.

1-pg doc of sample 83B.

Add'l docs (see list atchd to Examiner's Brief)

96/09/13/cay



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 410TH BOMBARDMENT WING (SAC)
K I SAWYER AIR FORCE BASE, MICHIGAN 49843-5000



25 AUG 1989

REPLY TO: 410 OMS/CC
ATTN. OF:

SUBJECT: Notification Letter - Board Hearing

TO: A1C [REDACTED], 410 OMS

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions according to AFR 39-10, under the provisions of paragraph 5-46. 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. You did, on or about 15 July 1989, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 627, as evidenced by AF Form 3070 dated 9 August 1989.

b. You failed to accomplish assigned tasks on 21 March 1989, 23 March 1989, and 24 March 1989, after you were specifically tasked to perform those duties, as evidenced by LOC dated 27 March 1989.

c. You failed to follow established procedures before loading aircraft equipment onto a KC-135 aircraft on or about 3 March 1989, as evidenced by LOC dated 8 March 1989.

d. You failed to demonstrate the skills associated with your position as an NCO on or about 4 August 1988, by not communicating effectively with your subordinates, as evidenced by LOC dated 8 August 1988.

e. You failed to follow established procedures on or about 27 May 1987 when you drained hydraulic fluid while air pressure was still on the fluid, creating a potentially dangerous situation, as evidenced by request for mental health evaluation (undated).

3. This action could result in your separation with a general discharge. I am recommending that you receive a general discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

a. Consult legal counsel.

b. Present your case to an administrative discharge board.

- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to the 410th Strategic Hospital, K. I. Sawyer AFB, Michigan, at 07:30 hours on 29 AUG 1989.

6. Military legal counsel Capt Drew, Bldg 708, room 323, ext 2330 has been obtained to assist you. An appointment has been scheduled for you to consult Capt [REDACTED] at the Area Defense Council on 29 Aug 1989 at 09:15 hours. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. 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 at the OMS Orderly Room.

9. Execute the attached acknowledgement and return it to me immediately.

[REDACTED]
[REDACTED] Capt, USAF
Squadron Section Commander

1. Supporting Documents
 - a. AF Fm 3070 dtd 9 Aug 89 w/atchs
 - b. SAC Fm 845 dtd 27 Mar 89 w/atc
 - c. AF Fm 174 dtd 8 Mar 89
 - d. SAC Fm 845 dtd 8 Aug 88
 - e. KIS Fm 1 dtd 27 May 87
2. Documents Containing Derogatory Information:
 - a. AF Fm 1058 dtd 24 Apr 89
 - b. Mental Health Eval dtd 21 Dec 88
 - c. SART File
 - d. Reenlistment Ineligibility RIP dtd 30 Jun 87
 - e. Denial of AFGCM dtd 1 Feb 84
3. Amn's Acknowledgement