

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE [REDACTED]	AFSN/SSAN [REDACTED]																												
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW																													
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HEARING DATE 23 Sep 2003		CASE NUMBER FD-2003-00224																													
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE																															
<p>Case heard at Washington, D.C.</p> <p>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</p>																															
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]																												
INDORSEMENT																															
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																												

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE	CASE NUMBER FD-2003-00224
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>The Board finds that neither the evidence of record nor that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.</p> <p>Issues. Applicant received an Under Other Than Honorable Conditions (UOTHC) discharge for commission of a serious offense. During the period of enlistment from which he was administratively discharged, he had three Letters of Reprimand for unacceptable behavior which included misuse of a government vehicle after obtaining it by deceit, twice misrepresenting himself as a commissioned officer, falsifying official documents, and downloading pornographic material on a government computer. The record review disclosed thorough documentation concerning each offense. At the time of the discharge proceeding, applicant was notified by certified mail of his right to an administrative discharge board, but failed to respond within the allotted time, and thus effectively waived his right to a board. Applicant now contends he was made an example of, and infers racial prejudice played a part in the chain of command decision to separate him with a UOTHC. This contention could not be verified through a review of the records or matters submitted by applicant. In view of applicant's serious misconduct over a 9-month period, the seriousness of the criminal offenses for which he was discharged, and the fact that he received all of his full due process rights, the Board could find no inequity or impropriety that warrants an upgrade or change of discharge.</p> <p>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.</p> <p>In view of the foregoing findings the board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.</p> <p>Attachment: Examiner's Brief</p>	

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

[REDACTED]
[REDACTED] (Former SSGT) (HGH SSGT)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAFR 12 Aug 01 UP AFI 36-3209, Chapter 3, para 3.21.2 & 3.21.3 (Pattern of Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 9 May 70. Enlmt Age: 17 10/12. Disch Age: 31 3/12. Educ: HS DIPL. AFQT: N/A. A-82, E-69, G-64, M-58. PAFSC: 1A251 - Loadmaster Journeyman. DAS: 8 Dec 98.

b. Prior Sv: (1) AFRes 22 Mar 88. Svd: 7 yrs 4 months 21 days, of which AMS is 1 yr 6 months 3 days. Amn - Unknown. A1C - 1 Nov 89. SrA - 1 Jul 90. SSgt - 1 Mar 92. EPRs: Unknown.

3. **SERVICE UNDER REVIEW:**

a. Enlisted ANG as SSgt 13 Aug 95 for 6 yrs. Svd: 5 Yrs 11 Mo 30 Das, of which AMS is 11 Months 22 Days.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 14 OCT 00 - Downloading pornographic material on a government computer and misrepresenting himself as a commissioned officer.
LOR, 10 DEC 99 - Falsifying official documents, lying, and misrepresenting himself as a commissioned officer.
LOR, 10 DEC 99 - Deceitfully obtaining a government vehicle for personal use, failing to return the vehicle, and leaving a Turnpike ticket in the vehicle while under his control.

f. CM: None.

g. Record of SV: 8 Dec 98 - 7 Dec 00 McGuire AFB 2 (Biennial)

(Discharged from McGuire AFB)

h. Awards & Decs: ARFMSM W/2 DEV, SWASM, AFOUA, KLM.

i. Stmt of Sv: TMS: (13) Yrs (4) Mos (22) Das
TAMS: (2) Yrs (5) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Apr 03.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 149.

17JUL03/ia

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 also will 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.

MY RECORD or DD214(to which I have never recieved even though I requested it from AFRPC) SUPPOSEDELY HAS UNDER OTHER THAN HONORABLE AS A DISCHARGE. I BELIEVE THIS WAS DONE TO PUNISH AND MAKE AN EXAMPLE OF ME TO OTHERS WHO SUBMIT REPORTS TO THE INSPECTOR GENERAL. IT IS NO SECRET THAT McGUIRE AFB 514 AMW HAS A RETENTION PROBLEM. I CAME TO THE 732nd AS A LOADMASTER. UPON COMING TO THE UNIT I WAS SET INTO MEETINGS WITH THE CHIEF LOADMASTER AND COMMANDER AT THE TIME TO WHY I WAS THERE AND SELECTED. MY BASIC KNOWLEDGE OF PANAMA AND THE CARRABEAN REGION WAS A PLUS. I WAS SPECIFICALLY TOLD WHAT MY ROLE IN THIS UNIT WOULD BE. I DID NOT AGREE WITH THAT ROLE AND WAS INSULTED AT THE FACT THAT BEING AFRICAN AMERICAN AND HAVING RELATIVES WHO HAVE BEEN ON THE WRONG SIDE OF THE LAW I WOULD "NATURALLY" FALL INTO LINE WITH "THIS GROUP" OF AVIATORS WITHIN THE UNIT. I REPORTED THIS FACT TO THE I.G.. NO RESPONSE. IN SEVERAL FOLLOW UP MEETINGS WITH THE CHIEF LOADMASTER I WAS TOLD THAT I WAS NOT GONNA BE RELEASED FROM THIS UNIT UNLESS MY MILITARY TIME EXPIRED. I WAS TOLD, "YOU KNOW HOW IT IS. NO ONE IS GONNA BELIEVE YOU FOR THE MERE FACT THAT YOUR BLACK. THIS IS NEW JERSEY, NOT CALIFORNIA!" I REQUESTED TO BE PUT INTO THE IRR (INACTIVE RESERVES) AND FINISH MY TIME THERE TO GET OUT OF THE UNIT. NOTHING WAS DONE. THE MERE FACT THAT I WITNESSED AIRCREW MEMBERS TRAFFICKING "THINGS" TO AND FROM PANAMA BACK TO NEW JERSEY IS NO COINCIDENCE THAT [REDACTED] WAS ARRESTED FOR RUNNING A SMALL NARCOTICS RING. [REDACTED] IS THE SPOUSE OF [REDACTED], HEAD OF THE U.S. ANTI DRUG OPERATIONS IN COLUMBIA. THERE IS A DIRECT CONNECTION TO HOW SHE WAS SHIPPING NARCOTICS AND MEMBERS OF THE 703rd and 832nd AIRLIFT SQUADRON. I HAVE NO IDEA WHY I WAS SINGLED OUT IN THIS SITUATION? I DO KNOW THAT I WANTED NO PART IN THE GOINGS ON. "THE GOOD OLE BOY SYSTEM" IS STRONG @ McGUIRE AFB. I KNOW THIS, AND DECIDED TO ENTER THE IRR. I LATER MARRIED AN ARMY RESERVE OFFICER AND MOVED WITH MY JOB BACK TO CALIFORNIA. TO FIND THAT MY DD214 IS NOT HONORABLE IS A SHOCK. IN THE LIGHT OF JUSTICE THIS NEEDS TO BE UPGRADED.

☒ 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)

17 APR 2003

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	Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 901 M Street, S.E. Washington, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (WPM-60) U.S. Coast Guard Headquarters Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE

AIR FORCE RESERVE

15 October 1999

MEMORANDUM FOR 514 MSS/DPMSA

FROM: 514 AMW/JA

SUBJECT: Legal Review of Administrative Discharge Action
[REDACTED]

1. I have reviewed the attached administrative discharge action and find it to be legally sufficient.
2. The Commander recommended the respondent be discharged from the USAFR in accordance with AFI 36-3209, Chapter 3, paragraph 3.21.2, Pattern of Misconduct, paragraph 3.21.3, Commission of a Serious Offense, and paragraph 3.21.3.4, Serious Offense and Misrepresentation.
3. CONCLUSION: There is sufficient evidence in the file to conclude that the respondent is subject to discharge. The evidence in the file reveals a lengthy history of misconduct, misrepresenting himself as an officer, impersonating an officer, misuse of government property, and making false official statements. [REDACTED] misrepresented his rank and impersonated an officer by wearing a flight jacket with officer rank on it and signing in at the Family Support Center at Maxwell AFB, Alabama as [REDACTED]. Further, there is ample evidence of misuse of a government vehicle in January and February 1999 and accessing pornographic sites on a government computer in September 2000. Given the egregious nature of these offenses, there is ample basis for administrative discharge with Under Other than Honorable characterization. I note no procedural errors or irregularities which would affect the substantial rights of the respondent.
4. RECOMMENDATION: I recommend the discharge file be forwarded to the discharge authority with a recommendation that [REDACTED] be discharged from the USAFR Under Other Than Honorable Conditions. Note that the time for [REDACTED] to respond to the most recent LOR has not expired. We will forward those materials upon the expiration of the required response time.
5. If you have any questions concerning this determination, please call the legal office at 4-2778 during duty hours.

[REDACTED]

Assistant Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE

AIR FORCE RESERVE COMMAND

MAY 04 2001

MAY 04 2001

MEMORANDUM FOR [REDACTED]

500 B Street Unit 22444
Keesler AFB MS 39534-2263

FROM: HQ AFRC/DPM
155 Richard Ray Blvd
Robins AFB GA 31098-1635

SUBJECT: Notification of Initiation of Separation Action under AFI 36-3209

1. By this memorandum separation action is being initiated to separate you for misconduct, commission of a serious offense, other serious offense. The authority for this separation action is AFI 36-3209, Chapter 3, paragraph 3.21.3.4. Information regarding your entitlement to submit statements about your case, the lawful usage of such statements and their disclosure is provided in the attached Privacy Act Statement (Atch 1). A description of the reasons for this separation action is set forth in the attached Statement of Reasons (Atch 2) along with supporting documents. AFI 36-3209 is available for your review at your servicing Military Personnel Flight. The types of separation authorized are Honorable, General (Under Honorable Conditions) and Under Other Than Honorable Conditions. The type of separation recommended in your case is an Under Other Than Honorable Conditions Discharge.

2. Within 24 hours after you receive this memorandum, you must complete and return the attached acknowledgment of receipt (Atch 3) of this memorandum and the attachments thereto.

3. The following is a summary of your rights:

a. You are entitled to consult with a military legal counsel who is qualified under Article 27(B)(1), Uniform Code of Military Justice (UCMJ), at no cost to you. You may also consult with civilian legal counsel of your choice, but at your own expense. [REDACTED] a judge advocate who is qualified under Article 27 (B)(1), has been designated to represent you in connection with this separation action. His mailing address is HQ AFRC/JAS, 155 [REDACTED] Blvd, Robins AFB GA 31098-1635. His phone numbers are DSN 497-1588, toll free 1-800-458-5391, commercial (478) 327-1588, or fax commercial (478) 327-0032, fax DSN 497-0032.

Richard Ray

b. You have the right to submit pertinent statements and/or documents in your behalf which you desire to be considered in the disposition of your case. If you elect to exercise your right to submit statements, and you return the attached form (Atch 4) within 15 days of receipt, you may submit statements or documents at any time during the administrative discharge process. Your decision on requesting or waiving the board hearing does not affect your right to submit statements or documents during the administrative discharge process. The form must be signed either by you or your legal counsel and returned to HQ AFRC/DPM, 155 Richard Ray Blvd, Robins AFB GA 31098-1635.


c. If you need additional time to respond to this separation action, either you or your legal counsel may submit a written request to HQ AFRC/DPM, 155 Richard Ray Blvd, Robins AFB GA 31098-1635, for an extension of time, stating why you need the extra time and how much you'll need. The request must be submitted in sufficient time to reach this office within 15 days after receipt of this memorandum.

4. You are eligible for an administrative discharge board. Within 15 days after you receive this memorandum, you may request to have your case heard by an administrative discharge board at this headquarters by completing and returning the attached form (Atch 5) requesting a board hearing. If you desire a board hearing, you must mail the completed form in sufficient time to reach this headquarters within 15 days after your receipt of this memorandum. Otherwise, your right to have your case heard by an administrative discharge board will be considered waived. Within 15 days after you receive this memorandum, you may waive your right to have your case heard by an administrative discharge board by completing and returning the attached form (Atch 6), evidencing your waiver. Information regarding an administrative discharge board is provided at Attachment 7.

5. You are not eligible to apply for transfer to the Retired Reserve.

6. You should note that failure to respond on the selection of one of these options, or failure to request a delay within 15 days after you receive this memorandum, will constitute waiver of all your rights. This includes the right to have your case heard by an administrative discharge board, and will result in your case being processed on the basis of all the evidence then available.

7. Return envelopes are attached (Atch 8) for your convenience.



Chief, Military Personnel Operations
Military Personnel Division

Attachments:

1. Privacy Act Statement
2. Statement of Reasons w/
Supporting Documentation
3. Acknowledgment of Receipt
4. Selection of Rights
5. Request for Board Hearing
6. Waiver of Board Hearing
7. Discharge Board Info
8. Envelopes (2)

cc:

HQ AFRC/JAS

514 MSS/DPMSA(Relocation) wo Attachments