

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AIC</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">COUNSEL</td> <td style="padding: 2px;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td style="padding: 2px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;">X</td> </tr> </table> </td> <td style="padding: 2px;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> </table>	COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;">X</td> </tr> </table>	YES	NO		X	ADDRESS AND OR ORGANIZATION OF COUNSEL	
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YES	NO								
	X								

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>					X
<b>[REDACTED]</b>					X
<b>[REDACTED]</b>					X
<b>[REDACTED]</b>					X
<b>[REDACTED]</b>					X

ISSUES <b>A93.09</b>	INDEX NUMBER <b>A67.50</b>	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
HEARING DATE <b>8 AUG 03</b>	CASE NUMBER <b>FD2003-0226</b>		

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 <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>8 AUG 03</b>
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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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD03-0226

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

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 is denied.

The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

**ISSUES:** Applicant contends that his discharge was too harsh because he thinks it is an injustice for him to continue to suffer the adverse consequences of a bad discharge. Specifically, he is not able to collect on his GI Bill in order to be able to attend college and establish a career. This issue is without merit. The applicant did not receive a "bad discharge". He received a General Discharge under Honorable conditions. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade. The applicant then states that his Article 15s indicate only isolated or minor offenses and that his youth and immaturity impaired his ability to serve. This issue is also without merit. The applicant received one Article 15 and it was for wrongfully having a loaded pistol and 31 rounds of ammunition in his dormitory room. This is not a minor incident. The DRB recognized the applicant was 21 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct. Finally, the applicant states that the use of alcohol and his psychiatric problems further impaired his ability to serve. There is no mention in the record about a psychiatric problem. The record does reveal that the member was treated for an alcohol problem. Also, in addition to the Article 15, the applicant received a Letter of Reprimand for lying to his supervisor and four Letters of Counseling for reporting to work unshaven, failure to go, failure to pass his dormitory room inspections and for being late for work numerous times. The applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other information contained in the records. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade 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.

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.

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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 2 Mar 95 UP AFI 36-3208, para 5.50 (Misconduct - A Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 24 Jul 73. Enlmt Age: 18 7/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-48, E-72, G-53, M-88. PAFSC: 2A631B - Aerospace Propulsion Apprentice. DAS: 27 May 94.

b. Prior Sv: (1) AFRes 17 Mar 92 - 15 Jun 92 (2 Months 29 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 16 Jun 92 for 4 yrs. Svd: 2 Yrs 8 Mos 15 Das, all AMS.

b. Grade Status: A1C - 16 Oct 93  
AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) 22 Jun 94, Ramstein AB, GE - Art 92. You, did, on or about 9 Jun 94, fail to obey a lawful general regulation, to wit: AFR 125-37, dated 23 Oct 87, by wrongfully having in your dormitory room a Raven Arms P-25 pistol, and 31 rounds of .25 cal ammunition. Suspended reduction to AMN, and forfeiture of 7 days pay. (No appeal) (No mitigation)

e. Additional: LOR, 24 JAN 95 - Lying to supervisor.  
LOC, 28 DEC 94 - Late for work (4<sup>th</sup> time).  
LOC, 22 DEC 94 - Failure to pass dormitory room inspection.  
LOC, 21 NOV 94 - Failure to go.  
LOC, 23 AUG 94 - Reported for work unshaven.

f. CM: None.

g. Record of SV: 16 Jun 92 - 15 Feb 94 Dyess AFB 4 (Initial)

(Discharged from Hanscom AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (11) Mos (14) Das  
TAMS: (2) Yrs (8) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Apr 03.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

**ATCH**

1. Applicant's Issues.

16Jun03/cr

April 23, 2003

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dear DRB:

The following issues are the reasons I believe my discharge should be upgraded to Honorable. If you disagree, please explain in detail why you disagree. The presumption of regularity that might normally permit you to assume that the service acted correctly in characterizing my services as less than honorable does not apply to my case because of the evidence I am submitting.

Clemency is warranted because it is an injustice for me to continue to suffer the adverse consequences of a bad discharge. Specifically, I am not able to collect on my GI Bill in order to be able to attend college and establish a career which will allow me to be a productive member of society.

My average conduct and efficiency ratings/behavior and proficiency marks were good, prior to the end of my time in South West Asia. This is best exemplified by the fact that I received decoration for the time I served in Saudi Arabia.

My record of Article 15s indicates only isolated or minor offenses, all occurring after my time in Saudi Arabia. My youth and immaturity impaired my ability to serve, in spite of my desire to serve to the end of my tour. The use of alcohol and psychiatric problems, after my assignment in South West Asia, further impaired my ability to serve until the end of my tour.

Ultimately, three-fourths of my tour was one of good standing and conduct, and only after my time in South West Asia, did issues arise which impaired my ability to serve and complete my tour. I feel that the time I was honored for in Saudi Arabia are the underlying factors which led to my current discharge status, which is unfair, since I received decoration for this same service.

For the above listed issues, I request my current discharge status be upgraded to honorable.

DEPARTMENT OF THE AIR FORCE  
86TH AIRLIFT WING (USAF)

MEMORANDUM FOR AIC [REDACTED] 37 AS

31 JAN 95

FROM: 37 AS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this discharge action are as follows:

a. On 23 Jan 95, you lied to your supervisor. For this act of misconduct you received a Letter of Reprimand, dated 24 Jan 95 and this discharge action was initiated.

b. On 27 Dec 94, you failed to report to work on time for the fourth time in one month. For this act of misconduct you received a Letter of Counseling, dated 28 Dec 94

c. On 13 Dec 94, you failed a quarterly room inspection. On 14 Dec 94, you failed the re-inspection. For this act of misconduct you received a Letter of Counseling dated 22 Dec 94.

d. On 10 Nov 94, you failed to go to a Track IV Alcohol Rehabilitation Aftercare group meeting as it was your duty to do. For this act of misconduct you received a Letter of Counseling, dated 21 Nov 94.

e. On 23 Aug 94, you were in violation of AFR 35-10, by reporting to work unshaven. For this act of misconduct you received a Letter of Counseling, dated 23 Aug 94.

f. On 9 Jun 94, you failed to obey a lawful regulation, by wrongfully having in your dormitory room a Raven Arms P-25 pistol and 31 rounds of .25 caliber ammunition. For this act of misconduct you received an Article 15, dated 22 Jun 94.

Note: Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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

3. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult with counsel at Bldg 2111 on 2 Feb 95 at 0900 hours. You may consult civilian counsel at your own expense.

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 NLT (3 duty days) 3 FEB 95 at 1200 hours 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 to 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 will report in uniform with your escort to the USAF Ramstein Clinic (Physical Exams), at 0800 hours on 1 Feb 94 for the examination. If you wear glasses, you must bring them with you; if you wear contacts, you must be able to remove them. If you have a family history of diabetes, you must fast for 12 hours prior to your appointment.
7. 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.
8. Execute the attached acknowledgment and return it to me immediately.

  
Commander

Attachment:

Supporting Documents for the Reason  
for Discharge

1. LOR, dtd 24 Jan 95
2. LOC, dtd 28 Dec 94
3. LOC, dtd 22 Dec 94
4. LOC, dtd 21 Nov 94
5. LOC, dtd 23 Aug 94
6. Article 15, dtd 22 Jun 94