

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD						
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>				GRADE A1C		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>
TYPE		PERSONAL APPEARANCE			X RECORD REVIEW	
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL	
X						
MEMBER SITTING				VOTE OF THE BOARD		
				HON	GEN	UOTHC
						OTHER
						DENY
<div style="background-color: black; width: 100%; height: 15px;"></div>						X
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ISSUES A94.05		INDEX NUMBER A67.30		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		
HEARING DATE 21 Aug 2003		CASE NUMBER FD-2003-00269		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
				TAPE RECORDING OF PERSONAL APPEARANCE		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 <div style="background-color: black; width: 100%; height: 15px;"></div>				SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 15px;"></div>		
INDORSEMENT				DATE: 08/21/2003		
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		

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00269

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change the Reason and Authority for the discharge, and change the Reenlistment Code.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

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

FINDINGS: Upgrade of Discharge, change of reason and authority and change of reenlistment code are denied.

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

ISSUES One and Two will be addressed together: Issues one & two are without merit. Applicant states that he was subjected to abuse by his wife and that he was offered no help from the first sergeant. The records indicate that the applicant went to Family Advocacy almost 50 times and that his spouse was the victim of minor physical abuse.

ISSUE Three: Applicant states that the reason for his discharge was based on the fact that he assaulted his wife by grabbing her by the neck. This is a true statement. The military does not condone assault. The records indicated the applicant received an Article 15 for violating a no contact order and for wrongfully communicating a threat to injure his wife. He also received a Letter of Reprimand for three nonmoving vehicle violations in one year, and a Record of Individual Counseling for leaving a toolbox unlocked overnight.

ISSUE Four: Applicant states that his commanding officer told him he should have fought the discharge. This issue is without merit. If the commander told the individual that he could have fought the discharge, he would not have initiated the discharge in the first place. The record indicates no such conversation took place.

ISSUE Five: Applicant states that he would like to continue serving his country. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

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.

Attachment:
Examiner's Brief

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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 12 Apr 02 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 28 Mar 75. Enlmt Age: 21 4/12. Disch Age: 27 0/12. Educ: HS DIPL. AFQT: N/A. A-84, E-79, G-78, M-68. PAFSC: 2T331 - Special Purpose Vehicle and Equipment Maintenance Apprentice. DAS: 5 Oct 97.

b. Prior Sv: (1) AFRes 27 Aug 96 - 18 Mar 97 (6 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 19 Mar 97 for 4 yrs. Ext: 26 Jan 01 for 6 months. Ext: 17 Sep 01 for 6 months. Svd: 5 Yrs 0 Mo 25 Das, all AMS.

b. Grade Status: A1C - 08 Mar 02 (Article 15, 08 Mar 02)
SRA - 19 MAR 00
A1C - 19 JAN 98

c. Time Lost: None.

d. Art 15's: (1) 08 Mar 02, Minot AFB, ND - Article 92. You, having knowledge of a lawful order issued by MSgt [REDACTED] to have no contact at all with your wife, [REDACTED] an order which it was your duty to obey, did, on or about 12 Feb 02, fail to obey the same by wrongfully contacting [REDACTED] by calling her on the telephone. Article 128. You did, on or about 3 Feb 02, unlawfully choke your wife, [REDACTED] with your hands by putting them around her neck. Article 134. You did, on or about 3 Feb 02, wrongfully communicate to your wife, [REDACTED] a threat to injure her by putting a bullet to her head. Reduction to A1C.
(No appeal) (No mitigation)

e. Additional: LOR, 19 SEP 00 - Three nonmoving vehicle violations in the past year.
RIC, 18 JUL 00 - Leaving tool box unlocked over night.

f. CM: None.

g. Record of SV: 19 Mar 97 - 18 Nov 98 Minot AFB 4 (Initial)
19 Nov 98 - 01 Aug 99 Minot AFB 4 (CRO)

02 Aug 99 - 27 Jun 00 Minot AFB 3 (CRO)
 28 Jun 00 - 30 Mar 01 Minot AFB 4 (CRO)
 31 Mar 01 - 13 Mar 02 Minot AFB 2 (Dir by Cmdr) **REF**

(Discharged from Minot AFB)

h. Awards & Decs: AFTR, AFLSAR, AFOUA, TB.

i. Stmt of Sv: TMS: (5) Yrs (7) Mos (17) Das
 TAMS: (5) Yrs (0) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 May 03

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

Issue 1: After numerous attempts to get help to send my wife home to Pennsylvania, no help was ever offered to me after the abuse that I was subjected to by my wife at the time.

Issue 2: I notified my first seargent (sic) numerous times that she was very violent and no help was offered.

Issue 3: The reason for my discharge was based on the fact that I assaulted my wife by grabbing her at the neck.

Issue 4: After my discharge my commanding officer told me that I showed no concern. He told me that there was nothing I could do that's why I did not fight the discharge. But after the discharge he told me that I should have.

Issue 5: I really loved serving my country and would love to continue if given the opportunity. Please if you can grant me the opportunity to finish/continue my career with the Air Force.

ATCH

1. DD Form 214.

7JUL03/ia

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 1130 hours on 22 Mar 2002, unless you request and receive an extension for good cause shown. I will send any statements you provide 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 have been scheduled for a medical examination. You must report to the 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND, at 0730 hours on 21 Mar 2002, for the examination. You must not drink alcoholic beverages 72 hours prior to the exam.
8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the Orderly Room.
9. Sign the attached acknowledgment and the Statement of Understanding and return them to me immediately.



Lt Col, USAF
Commander, 5th Transportation Squadron

Attachments:

1. Receipt of Letter of Notification
2. Statement of Understanding
3. AF FM 3070, Record of Nonjudicial Punishment Proceedings, 12 Mar 02
4. Letter of Reprimand, 19 Sep 00
5. AF FM 174, Record of Individual Counseling, 18 Jul 00