

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b>	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>	
	<b>X</b>	

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

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> BRIEF OF PERSONNEL FILE
		COUNSEL'S RELEASE TO THE BOARD
<b>HEARING DATE</b> 19 Aug 2003	<b>CASE NUMBER</b> FD-2003-00279	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

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

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>INDORSEMENT</b>		<b>DATE: 08/19/2003</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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

FD03-0279

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

The applicant was offered a personal appearance before the Discharge Review Board 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 is 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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for breaking a no-contact order. He also received a Vacation action under the UCMJ for discussing matters concerning an investigation with a potential witness; failure to obey an order and for making a false official statement. He also received one Letter of Reprimand, one Letter of Admonishment, and two Letters of Counseling. The records are missing the discharge documents so we do not know why he received these other letters. 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. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community. 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.

**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)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 29 Feb 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 14 Jun 77. Enlmt Age: 17 0/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-93, E-62, G-68, M-29. PAFSC: 3P031 - Security Apprentice. DAS: 6 Feb 98.

b. Prior Sv: (1) AFRes 7 Jul 94 - 13 Jun 95 (11 months 7 days) (Inactive).

(2) Enlisted as AB 14 Jun 95 for 4 yrs. Svd: 3 yrs 6 months 6 days, all AMS. A1C-(EPR Indicates): 14 Jun 95-13 Feb 97. SrA - 14 Jun 98. EPRs: 5,5,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 21 Dec 98 for 6 yrs. Svd: 1 Yrs 2 Mo 8 Das, all AMS.

b. Grade Status: A1C - 7 Jul 99 (Article 15, Vacation, 4 Jan 00)

c. Time Lost: None.

d. Art 15's: (1) 4 Jan 00, Vacation, Incirlik AB, Turkey - Article 92. You, having knowledge of a lawful order issued by SSgt [REDACTED] not to discuss matters concerning your investigation with potential witnesses, an order which it was your duty to obey, did, on or about 6 Dec 99, fail to obey the same by wrongfully discussing the case with A1C [REDACTED]. You, having knowledge of a lawful order issued by Col [REDACTED] 39<sup>th</sup> Wing Commander, to wit: Commander's Policy/Order on Incirlik AB Curfew Letter 98-11, dated 30 Sep 98, an order which it was your duty to obey, did, on or about 1 Dec 99, fail to obey the same by being in Incirlik Village during curfew hours. Article 107. You, did, on or about 6 Dec 99, with intent to deceive make to SSgt [REDACTED] an official statement, to wit: that you left the Time Out Club and went to your dormitory room, which statement was totally false in that you were in Incirlik Village, and was then known by you to be so false. Reduction to A1C. (No appeal) (No mitigation)

(2) 7 Jul 99, Incirlik AB, Turkey - Article 92. You, having knowledge of a lawful order issued by MSgt [REDACTED] to refrain from making contact with Airman [REDACTED] an order which it was your duty to obey, did, on or about 12 Jun 99, fail to obey the same by wrongfully being in Airman [REDACTED] dormitory room with Airman [REDACTED]. Suspended reduction to A1C, 14 days restriction, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: (Examiner's Note: The following are listed on 39 SFC/CC, Recommendation for Discharge, but are missing from the file).

LOR, 21 DEC 98  
 LOA, 11 DEC 98  
 LOC, 16 NOV 98  
 LOC, 24 AUG 98

f. CM: None.

g. Record of SV: 18 Dec 98 - 12 Dec 99 Incirlik AB 4 (Annual)

(Discharged from Incirlik AB)

h. Awards & Decs: AFAM, AFLSAR, AFTR, NDSM, AFEM, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (7) Mos (22) Das  
 TAMS: (4) Yrs (8) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Jun 03.  
 (Change Discharge to Honorable)

Issue 1: I am submitting this application for upgrade of my discharge because I was under the understanding that because I served four years honorably that I was eligible for my GI bill (sic). The military records division in St. Louis says they have nothing showing that I reenlisted in the military. The only thing I have is a pay stub stating that I reenlisted. The pay stub is enclosed with this application. I received a General under honorable conditions in my second enlistment. My first enlistment was honorable and I thought it entitled me to schooling. If it does I'm glad but I would still like an upgrade. I believe I deserve an upgrade because of issues I was going through when I got into trouble and got the discharge. I was going through a divorce in Turkey with a Turkish National. It got very nasty with Turkish media and on base. I started drinking alot (sic) got in more trouble then I ever did in the military. Until the last year I had a good career in the military. Now I'm trying to start over and get more schooling for a better job. So I can start a new family and be able to support them. I hope you consider my upgrade and it will be greatly appreciated by me and my new family.

**ATCH**

1. Leave and Earnings Statement.
2. DD Form 214.

9JUL03/ia