

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
--	--------------------	--------------------------------

TYPE GEN	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION [REDACTED]	ADDRESS AND OR ORGANIZATION OF COUNSEL Texas Veterans Commission
YES	No		
<input checked="" type="checkbox"/>	<input type="checkbox"/>		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]	X				
[REDACTED]					X
[REDACTED]	X				
[REDACTED]					X
[REDACTED]					X

ISSUES	A93.01	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	CASE NUMBER
08 Dec 2003	FD-2003-00343

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.

Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECOMMENDOR [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
---	---

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

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00343-A

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change of reason for discharge, and change of reenlistment eligibility (RE) code.

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

Exhibit 5: Applicant's contentions.

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

FINDINGS: Upgrade of discharge to Honorable, change of reason for discharge, and change of reenlistment eligibility (RE) code is denied.

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

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 two Articles 15, and one Letter of Reprimand. The misconduct included absent without leave, failure to report, stealing mail from a military post office, and communicating a threat. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The applicant also contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 20 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 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, 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

FD2003-00343-A

[REDACTED]
[REDACTED]
(Former AB) (HGH AMN) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Dish fr USAF 28 Jul 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 5 Aug 02.

b. The AFDRB reviewed case on 27 Aug 02 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 17 Jul 03. (Change Discharge to Honorable & Change RE Code, Reason and Auth for Discharge)

ISSUE 1: I, [REDACTED] am requesting an upgrade of a 2B to A1 on my AF Form 214 Reentry Code, so that I may restart my life in the U.S. Air Force. All of my actions at Incirlik AB, Turkey were very childish and immature. I am responsible for my own actions, but at times I am no criminal or convict of any kind. I've never been to a holding cell at Incirlik, nor have I gotten into any fights while serving in the Air Force. I was home sick and had no guidance and made mistakes. Mistakes that any young person with no guidance would make. My life changed in many different ways.

When I left for Turkey, I had a lovely fiancé. She left me in the beginning of Aug in 1999. My first love was gone, that affected me. She left because she could come (sic) and see me, because of the distance. About five months later my mother was getting weaker because she had diabetes type II. She was having hearts problems and I couldn't see her because I had no leave days left. My life was falling apart slowly. I was losing everything. My mother passed exactly one week after I was discharged from the A.F. It's been 3 years since I've served. Please don't condemn me for the minor disciplinary (sic) mistakes I made in my past. Let me start my life over and prove that I can aim high in the A.F.

FD2003-00343-A

Atch
None.

27AUG03/ia

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

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/07/28 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 79/09/03. Enlmt Age: 18 9/12. Disch Age: 20 10/12. Educ:HS DIPL. AFQT: N/A. A-61, E-44, G-42, M-15. PAFSC: 8M000 - Postal Specialist. DAS: 99/05/16.

b. Prior Sv: (1) AFRes 98/06/29 - 99/01/13 (6 months 15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 99/01/13 for 4 yrs. Svd: 01 Yrs 06 Mo 16 Das, of which AMS is 1 yr 6 mos 8 days (excludes 8 days lost time).

b. Grade Status: AB - 00/03/09 (Article 15, 00/03/09)
AMN - 99/07/13

c. Time Lost: 00/04/09-00/04/17 (8 days)

d. Art 15's: (1) 00/05/10, Incirlik AB, Turkey - Article 86. You, did, on or about 9 Apr 00, without authority, absent yourself from your organization, and did remain so absent until on or about 17 Apr 00. Article 92. You, having knowledge of a lawful order issued by Lt Col ---, to wit: Lt Col -----'s written order, an order which it was your duty to obey, did, within the Continental United States, on or about 9 Apr 00, fail to obey the same by failing to report your status to MSgt ----- by 1200 hrs on 9 Apr 00 and not contacting the unit to request a leave extension. Restriction to the limits of Incirlik Air Base, Turkey for 45 days, and 45 days extra duty. (No appeal) (No mitigation)

(2) 00/03/09, Incirlik AB, Turkey - Article 134. You, did, on or about 25 Oct 99, wrongfully open and steal certain mail matter, to wit: ----- Compact Disc games addressed to -----, Incirlik Air Base, Turkey, which said items were then in the Incirlik Air Base Post Office, an official agency for the transmission of communications, before said items were delivered to the addressee. Reduction to AB, and forfeiture of \$200.00 pay per month for two months. (No appeal) (No

Ex-4

mitigation)

- e. Additional: LOR, 03 AUG 99 - Threatening language.
- f. CM: none.
- g. Record of SV: none.

(Discharged from Incirlik AB)

- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (02) Yrs (01) Mos (00) Das
TAMS: (01) Yrs (06) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/04/23.
(Change Discharge to Honorable and Change RE Code)

Issue 1: I am requesting an upgrade from a General Discharge Under Honorable Conditions with a reentry code of 2B to an Honorable Discharge with a reentry code of 1. During the time of my enlistment in the Armed Forces, my immaturity and youth was shown. I was an 18 year old boy trying to grow up too fast. I wasn't mature enough to understand the importance of a life long career. I got into the Air Force thinking about fast cars and money and not about my future or the importance of the career I chose. Before I found out where I was stationed, I asked my recruiter was I going to be stationed overseas. He told me that the Air Force don't send new recruits on their first assignment. Which later I found that not at all the be true. I was stationed to Incirlik AB, Turkey. At first, I was content about being there. It didn't bother me too much. As months past (sic) I got homesick, as anyone would there first time far away from home. And being so far away from home while my mother was getting weaker and weaker because of diabetes made me even more sick. My mind and heart were with her and not my job. All of my actions while in the Air Force were immature and childish, because that's what kind of min-set I had. I was a 19 year old with the mind-set of a 16 year old. I did things without thinking about the consequences of my actions. I was young and I made young mistakes. I would like to plea my case to the board and hopefully one day rejoin the Air Force and prove that people do change. Thank you for your time and concern.

ATCH
none.

02/08/05/ia



DEPARTMENT OF THE AIR FORCE
39TH WING (USAFE)

MEMORANDUM FOR AB [REDACTED]

26 Jun 00

FROM: 39 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, Section B, Paragraph 5.49. If my recommendation is approved, your service will be characterized as general (under honorable conditions).

2. My reasons for this action are:

a. On 9 April 2000, you were absent from your organization without authority until on or about 17 April 2000. Furthermore, on 9 April 2000 you failed to obey Lt Col [REDACTED] order by failing to report your status to MSgt [REDACTED] by 1200 hours on 9 April 2000. For these actions you received an Article 15. (Atch 1)

b. On 25 Oct 99, you stole Sony Playstation Compact Disc games from the Incirlik Air Base Post Office which were addressed to the Army Air Force Exchange Service. For this infraction you receive an Article 15. (Atch 2)


c. On 2 Aug 99, you left a threatening letter to your roommate in which you used profane language, and you conveyed a threat to him. For this infraction you received a Letter Of Reprimand. (Atch 3)

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

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [REDACTED] at Bldg 948 on 27 Jun 00 at 0800 hrs. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 03 Jul 00 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.
7. You have been scheduled for a medical examination. You must report to 39th Medical Group, Physical Exams at 0930 hrs on 30 Jun 00 for the examination.
8. 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 at the Area Defense Counsel's office.
9. Execute the attached acknowledgment and return it to me immediately.


Lt Col, USAF
Commander, 39 CS

3 Atchs:

1. Article 15, dtd 10 May 00
2. Article 15, dtd 9 Mar 00
3. LOR, dtd 3 Aug 99