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14 Nov 2003	FD-2003-00412			PERSONAL APPEARANCE					
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TO: SAF/N	∕IRBR	FROM:		SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL					
550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002						
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CASE NUMBER

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2003-00412

GENERAL: The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and to 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 for discharge, 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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s. One for being disrespectful in language toward a senior NCO and for willfully failing to go to the recycling center and return to his duty section without unnecessary delay. The second one was for failure to go and, with intent to defraud, wrote a bad check. Additionally, he received three Letters of Reprimand, three Letters of Counseling and three Memorandums for Record for failure to obey an order, sleeping on duty, disrespectful towards a superior NCO, failure to go, dereliction of duty, unprofessional attitude, poor work ethic, violation of dress and appearance standards, failure to comply with instructions, unauthorized use of a government computer, and financial irresponsibility. 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. The applicant states that there were significant personal problems occurring in his life during this time frame, however, the applicant did know right from wrong. He also states that he was depressed and had a sleeping disorder. The medical records do not show that he was treated for either problem.

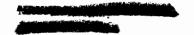
Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons that were the basis for this case. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 22 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.

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



(Former A1C) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 22 Feb 01 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, Change to Reentry Code, Reason and Authority.

2. BACKGROUND:

- a. DOB: 17 Jan 79. Enlmt Age: 18 0/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-48, E-42, G-42, M-27. PAFSC: 2S052 Supply Systems Analysis Journeyman. DAS: 11 Sep 99.
 - b. Prior Sv: (1) AFRes 4 Feb 97 27 May 97 (3 Months 24 Days) (Inactive).

3. SERVICE UNDER REVIEW:

- a. Enld as A1C 28 May 97 for 4 yrs. Ext: 11 May 99 for 4 months. Svd: 3 Yrs 8 Mos 26 Das, all AMS.
 - b. Grade Status: A1C 15 Dec 00 (Article 15, 15 Dec 00) SRA - 28 Sep 99
 - c. Time Lost: None.
 - d. Art 15's: (1) 15 Dec 00, Sembach AB, GE - Article 91. You were, on or about 6 Dec 00, disrespectful in language toward MSgt a senior NCO, then known by you to be a superior NCO, who was then in the execution of her office, by saying to her, "You didn't reset the password, did you, " and " do you know what the hell you're doing?", or words to that effect. Article You, who knew or should have known of your duties, on or about 18 Oct 00, were derelict in the performance of those duties in that you willfully failed to go to the recycling center and return to your duty section without unnecessary delay, as it was your duty to do. Reduction to A1C, and 45 days extra duty. (No appeal) (No mitigation)
 - (2) 11 Aug 00, Sembach AB, GE Article 86. You did, on or about 17 Jul 00, without authority, fail to go at the time prescribed to your appointed place of duty. Article 123a. You did, on or about 9 May 00, with intent to defraud and for the procurement of lawful currency, articles of value, or things of value, wrongfully and unlawfully utter to Consolidated Club

Operations, a certain check for the payment of money, in the amount of \$150.00, dated 9 May 00, drawn upon the First National Bank, made payable to the Consolidated Club Operation and signed the consolidated that you, the maker thereof, did not or would not have sufficient funds in or credit with said bank for the payment of said check in full upon its presentment. Suspended reduction to A1C, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: MEMO, 26 SEP 00 - Financial irresponsibility.

MEMO, 20 JUN 00 - Financial irresponsibility.

LOR, 15 JUN 00 - Unauthorized use of a government computer.

RIC, 16 MAY 00 - Failure to comply with instructions.

MFR, 02 MAY 00 - Unprofessional attitude, poor work ethic, late for duty, and violation of dress and appearance standards.

RIC, 01 MAR 00 - Dereliction of duty.

LOR, 31 JAN 00 - Failure to go.

LOR, 27 JAN 00 - Asleep on duty and disrespect towards a superior NCO.

RIC, 06 DEC 99 - Failure to obey an order.

- f. CM: None.
- g. Record of SV: 28 May 97 15 Oct 98 Pope AFB 5 (Dir by HAF)

16 Oct 98 - 30 Jul 99 Pope AFB 5 (CRO)

31 Jul 99 - 27 Sep 00 Sembach AB 2 (Annual) REF

(Discharged from Lackland AFB)

- h. Awards & Decs: AFTR, AFGCM, AFOLTR.
- i. Stmt of Sv: TMS: (4) Yrs (0) Mos (19) Das

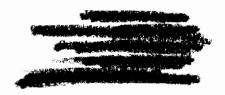
TAMS: (3) Yrs (8) Mos (26) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Aug 03. (Upgrade Discharge to Honorable, Change Reentry Code, Reason and Authority)

ISSUES ATTACHED TO BRIEF

ATCH

- 1. Applicant's Letter.
- 2. Character References (4).
- 3. DD Form 214.



August 24, 2003

U.S. Air Force Board of Corrections SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742

Subject: General Discharge Under Honorable Conditions Rebuttal Letter

To Whom It May Concern:

I first would like to thank the U.S. Air Board of Corrections for the consideration and review of my discharge upgrade.

I fell victim to being in the wrong place at the wrong time. Please let me explain, I was going through a troublesome time during my tour in Germany, a lot of things landed on me all at once, one after another something was going wrong in my personal life and professional life that I had no control over, and to top it off there was no one I could talk to about it. One I didn't have the greatest relationship with my supervisor. I didn't have a professional or a personal relationship with my supervisor. And at my previous duty station I did. If anything was going on in my life good or bad. At my previous duty station I could approach my supervisor, and he would help me. My last duty station the computer room members wasn't just my coworkers, they were my second family, and we treated each other as such. Since the duty station I came to in Germany new, and not yet establish, I couldn't build that bond with my co-workers, because the pressure was on my shop the computer room to take on all other computer room in Europe and bring them under our control. That meant all the supply bases computer room in all of Europe, had to be brought under our control, with no mishaps with in an 8 month period. We weren't equip for this task nor did we have the manpower, so a lot of stress was place on the members of my shop. During the 8 month process there was a lot of hours being worked and also a lot of tension in our office, everyone was kind of getting upset with each other, or stepping on each other toes. Me at 20 years old could not handle the pressure in the office and also handle what I was dealing with in my personal life at the same time. My fiancé call me in Germany and she said that the distance was too much for her and she wanted to break off the engagement. I was immediately crush, not only was I crush I didn't have anyone to vent with or to, sure I had met people over Germany, but there was no one I could poor my heart out and talk to. So of course like anyone else. who better to poor your heart out to then your family, So I called home, to tell my mother what had happen, and before I let my mother know what happen, I remember this day so vivid in my mind as if it was yesterday, I called home to speak with my mother, "who is like my best friend in the whole world" and before I can tell her my problems with my fiancé and the problems I am having at work she tells me she might have cancer. She was going to be doing some test for the next couple of weeks, and the doctor was going was going to let her know if it was serious, or what steps they could do to get rid of it. My mother is going to be fighting for her life and I could not be next to her side, my parent was station in Hawaii at the time, so it wasn't like I could catch a plan ticket, to Hawaii at the time so I the only thing I could do was call home like every day, I remember my heart beating a 1,000 time a second every time I spoke with my mother on the phone because, I didn't want her to give me any bad news, during that time all I could think about was that I am going to lose my mother, one day I am going to wake up and my mother is not going to be there. I still was hurting from losing my fiancé but I had to suppress that, I also still had to deal with the my supervisor at work, I just simply tried to put that on the back burner, and my hardest deal with the

immediate situation at hand the best as I could. I remember I would spend hours upon hours talking with my mother on the phone, because I didn't want to miss one second of not speaking with her. I had already lost my older brother, a couple of years earlier, and now to lose my mom. I don't know to deal with this stress. So now compounded with the fact that I am not happy at work, I don't' get along with my supervisor, I am way across the world, away from family and friends, my fiancé dumped me, and now my mom my have cancer. I was so depressed and during that time, I could not sleep, I could not think, I could not eat, and worst I had to go into work and put up a face that everything is okay, and it wasn't. I was dealing with problems at all fronts. At 20 years old I had never felt stress like this, up until this point I didn't know what stress was, I didn't know to handle it, and plus I had no one talk to. It was to overwhelming for me, I remember during that time in my life l just felt so along, as if the world was coming down on me at once. I just really wanted to be away from Germany, I wanted to go home. I wanted to be next to my mother, and have her tell me everything was going to be okay. I backed myself inside myself, just completely close my self off from all pain, I remember I started drinking, and smoking, hanging out with co-workers and people in the dorms "which was something I didn't do" I mean it was nothing wrong with hanging out, or having drinks, but you have to understand, I didn't drink or smoke, at my previous duty station if I had problems there was always some one to talk to, and I didn't have to drink, I couldn't if I wanted to anyway, because in the states, 18-19 years old, I couldn't drink anyway, But it accessible in Germany, so I did, and this was my way to vent. I think at this point is where I of my run in really started to happen. Because of my expensive phone bills "sometime exceeding \$700 & \$800 calling home to speak with my mom, I bounce 2 checks "Note they where both paid in full the following day I found out about the check bouncing" Unfortunately, my squadron found out about them bouncing the same time I did. The people at work notice a change in my attitude, I wasn't showing up 15 or 30 min early for work, I was showing up on time or 10 or 15 min late. My uniform and boots didn't exceed Air Force standards they were just barley meeting them. I remember I was given a Letter or Reprimand for sleeping on the job, I was also given a Letter of Counseling for not running a particular program, "which was latter taken off the schedule away", also given a Letter of Counseling for not participating in the squadron physical activities one day "even though I remember I was feeling sick, I had a slight cold" and I even informed the NCOIC of the training activities, but my mind set during that time was nonchalant, and of course the squadron took severe action, after my few run in giving me a Article 15 for my past, and placing me on 30 days extra duty, which actually lasted two months, because instead of 30 continuous days, "like it is stated in AF regulations" My supervisor, and shop superintendent had me working 30 work days, which meant I had to do humiliating details around the squadron longer then what I should have been doing them. And during that time I got in some more trouble, an article 15 was given to me for leaving my duty station with out permission. I attend softball practice, is what I done, because I thought I was still apart of the softball team because no one had told me other wise. The article 15 was given which led to my discharge. Now I never was in trouble for drinking, doing drugs, using government credit card to purchase personal things, or anything major that a lot of first term airman get in trouble for. I wasn't a first term airman, at my previous duty station I received two 5 EPR ratings, I was sent up for Airman of the Quarter, I was given several awards, for Top Troop, and Sharp Troop, in Germany, I was promoted 6 months earlier than my peers, and also test for staff early, and past the test the first time around. I love the Air Force and I love my job, but the obstacle face with over in Germany, I didn't know at the time how I would get over it. My first shirt, basically order me to see a priest and to set me to the hospital to see a Psychologist. The Dr said that. I was definitely depressed and I had a sleeping disorder. Unfortunately it was a little too late because I could see the writing on the writing on the wall, I knew I was out the door. I think my first shirt just didn't what a suicide on his hands, because my supervisor had my supervisor to come to the dorms and other NCOs in the squadron I associated with to just start all suddenly showing up at the dorms and coming by my room. And I think that upset me more instead of kicking me out, why not help or find out what was having me to act out the way I was acting. No instead they sent random NCO in the squadron to ensure I didn't hurt myself. If the Air Force did any wrong it was not getting to the root of my problem, instead they seen me as a problem and got rid of me. And I do no believe that is fair especially, for this to be on my record for the rest of my life for a period that last 17 months. My discharge state that I have a General Discharge Under Honorable conditions, and the reason for my discharge is stated as "Misconduct". When I take my DD Form 214 to a employer doesn't state that all the accomplishments I received at my fist duty station, or the ones I received at my last, it doesn't' state that I made received the Good Conduct award, or I was promoted 6 months earlier then my regularly schedule promotion, or that I passed the NCO test first time around. It doesn't state that I receive 2 perfect performance ratings, out of 3 ratings in my entire Air

Force career. My mother once told me when I was younger that everything happen for a reason, and I think that terrible experience I went through, from being bombarded with tremendous amount of stress, to being discharge from the military, prepared me for the person I am today. I am not that person 20 years old man I was years ago. I am 24 now, a more mature, and wiser man then I was a couple of years ago. I would like for you to know, since I have been out the military I have never been trouble of any sorts, I don't drink, I don't smoke. I went on to receive my Associate degree in computer networking, and I am still on track to receive my Bachelor Degree. And my mother is alive and well. I know if it wasn't for the rough ordeal that I face and went through, I would not of been ready for the ordeal that I face now. But now I am equip for the struggle and the times I am going through now. I didn't move home after I was discharge from the Air Force, simply because my home of record, was not my home anymore, my father is military to, so when the Air force sent me home, they sent me to San Antonio, Texas, because I enlisted from Killeen, TX I now to this day, still live in San Antonio, TX and it was rough, being turned away from jobs, because of my discharge and really having to same comfort and living standards I once had when I was in the Air Force, I had to face all of that on my own. So if I wasn't for the stress and the tough times that I received when I was in I would not have been prepared to put my self through school full time, and work full time, and also pay the same bills I had when I was in. But I should have to suffer rest of my life with this on my record. I to apologize for the things I had done in the past, please if any thing fault me for being a 20 year old immature young man making some wrong decision not opening up, not being able to cope with the ordeals I was going through, and being away from home. I hope you can see at a young age that I was lost, and real depressed cause I was face with uncontrollable situations. But please don't have me suffer for the rest of my life, for my mistakes I made then. I ask that you please change my Discharge status from General Discharge Under Honorable Conditions to an Honorable Discharge. Thank You!!

Attach to this document are also Letter of Recommendation from previous co-worker and my former Instructor I had the privilege of working along side, during the tour I serve in Germany, and at school. They are dated in April because, I tried to reenter to service during the height of the war, I wanted to reserve my country, but was not along because I had not taken this process to get my discharge upgraded. It is dream of mine to reserve my country proudly, not for anyone, but for me, I truly want to serve my country, and in the US. Air Force. I ask you again to please change the status of my discharge from General Discharge Under Honorable Conditions to an Honorable Discharge. I do believe have paid for my wrong doings, and believe I would more of and asset to the Air Force now more then I ever was years ago. I am older, more mature, better educated, plus I have a since of purpose now. I thank you for your time and consideration.

Sincerely,



DEPARTMENT OF THE AIR FORCE

86TH AIRLIFT WING (USAFE)

2 A JAN 2001

MEMORANDUM FOR

FROM: USAFE RSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 action are:

- a. On 2 Dec 99, you were told to call in to work at 10:00 a.m. on 3 Dec 99 to see if you had to work on that day and failed to do so. For this action, you received a Record of Individual Counseling on 6 Dec 99 (Atch 1a).
- b. On 20 Jan 00, at or around 2300, and on 21 Jan 00, at or around 2300, you feel asleep while on duty. When the Computer Operations Section duty NCO attempted to wake you, you ignored his requests for you to wake up and return to work. For this action, you received a Letter of Reprimand (Atch 1b).
- c. On 21 Jan 00, you failed to report for work at the appointed place and time. You were scheduled to be present at USAFE RSS Commander's Call at 1500, and you arrived for work at or around 1600. For this action, you received a Letter of Reprimand on 31 Jan 00 (Atch 1c).
- d. On or about 1 Mar 00, you failed to pay attention to detail regarding the running of all scheduled jobs. If any jobs are missed and you sign the schedule saying that the schedule is complete and nothing is signed against the logbook pertaining to that job then you have failed to do your assigned duties. For this action, you received a Record of Individual Counseling on 1 Mar 00 (Atch 1d).
- e. On 10 May 00, you failed to comply and perform the mandatory Squadron Physical Training exercises. For this action, you received a Record of Individual Counseling on 16 May 00 (Atch 1e).

For the actions in paragraphs 2b-2e, the Letters of Reprimands and Records of Individual Counseling were placed in an unfavorable information file (Atch 1f).

f. On 9 Jun 00, you accessed an unauthorized web site from your work center computer terminal. This site displays explicit risqué photos, which constitutes unauthorized Internet use.

For this action, you received a Letter of Reprimand on 15 Jun 00 and it was placed in your existing unfavorable information file. In addition, you were placed on the control roster (Atch 1g).

- g. You did, at or near Sembach Air Base, Germany, on or about 17 Jul 00, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 214, USAFE Regional Supply Squadron.
- h. You did, at or near Kaiserslautern Military Community, Germany, on or about 9 May 2000, with intent to defraud and for the procurement of lawful currency, articles of value, or things of value, wrongfully and unlawfully utter to Consolidated Club Operations, a certain check for the payment of money, in the amount of \$150.00, dated 9 May 2000, drawn upon the First National Bank, made payable to the Consolidated Club Operations and signed then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with said bank for the payment of said check in full upon its presentment.

For the actions in paragraphs 2g-2h, you received nonjudicial punishment under Article 15, UCMJ on 11 Aug 00. Punishment imposed was a suspended reduction to the grade of airman first class, 30 days extra duty and a reprimand. This Article 15 was filed in a UIF on 16 Aug 00 (Atch 1h).

- i. You were, on or about 6 December 2000, disrespectful in language toward Manager as senior noncommissioned officer, then known by you to be a superior noncommissioned officer, who was then in the execution of her office, by saying to her, "You didn't reset the password, did you," and have a you know what the hell you're doing?", or words to that effect.
- j. You, who knew or should have known of your duties at or near Sembach Air Base, Germany, on or about 18 October 2000, were derelict in the performance of those duties in that you willfully failed to go to the recycling center and return to your duty section without unnecessary delay, as it was your duty to do.

For the actions in paragraphs 2i-2j, you received nonjudicial punishment under Article 15, UCMJ on 15 Dec 00. Punishment imposed was reduction to the grade of airman first class effective 15 Dec 00 and 45 days extra duty. This Article 15 was filed in a UIF on 21 Dec 00 (Atch 1i).

- 3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction, or a higher authority, will decide whether you will be discharged or retained in the USAF and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the USAF, and any special pay, bonus, or education assistance funds you have received may be subject to recoupment.
- 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 with Counsel, Building 2111, DSN 480-2182/2492 on 25 Jan 01 at 0900. You may consult civilian counsel at your own expense.

- 5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me by 29 and at 13.00 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 submit statements in your 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 in uniform with your medical records and an escort to the Ramstein Air Base Clinic, **Physical Exams**, Building 2182 on **25 Jan 01 at 0700** for the evaluation. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.
- 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 in the orderly room or via the internet.



Attachments:

- 1. Supporting Documents:
 - a. RIC, 6 Dec 99
 - b. LOR, undated w/atch UIF
 - c. LOR, 31 Jan 00 w/atch UIF
 - d. RIC, 1 Mar 00 w/atch UIF
 - e. RIC, 16 May 00 w/atch UIF
 - f. AF Form 1058, 15 Jun 00
 - g. LOR, 15 Jun 00 w/atch UIF
 - h. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 11 Aug 00, w/atch
 - i. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 15 Dec 00, w/atch
- 2. Other Documents:
 - a. Delinquent Air Force Club Card Account, 26 Sep 00
 - b. MFR, 2 May 00
- 3. Airman's Receipt of Notification Memorandum