

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]		
TYPE GEN	PERSONAL APPEARANCE		X	RECORD REVIEW	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No				
	X				
MEMBER SITTING			VOTE OF THE BOARD		
			HON	GEN	UOTHC
					OTHER
					DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES		INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD		
A92.15 A93.07		A67.10	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			
17 Dec 2003		FD-2003-00468			

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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,

SIGNATURE OF RECORD [REDACTED] **SIGNATURE OF BOARD PRESIDENT** [REDACTED]

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-2003-00468

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge, and to change his 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 1. Applicant was discharged for minor disciplinary infractions. The records indicate the applicant received two Articles 15, a vacation of suspended punishment, four Letters of Reprimand, two Records of Individual Counseling, and had an Unfavorable Information File. His misconduct included being late to work on three occasions, a dress and appearance violation, financial irresponsibility, failure to obey an order, assault on his wife, and shoplifting. Applicant does not dispute his misconduct but notes he had marital problems that adversely impacted his judgment and performance. Applicant also notes his exemplary performance before his marriage. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They, however, found the seriousness of his misconduct offset the positive aspects of the applicant's duty performance. Additionally, while the Board recognized that applicant's marital problems might have had some bearing on his difficulties, these were not of sufficient mitigation to explain his misconduct. Further, there is no evidence he sought help from available agencies such as the Chaplain, Family Support Center, or the Life Skills Clinic to help him cope with his stress. The DRB opined further that through the unit's 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 for the reasons that were the basis for discharge.

The applicant cited his desire to return to military service as justification for upgrade. While the Board was sympathetic to the impact a general discharge has on applicant's ability to return to service, this is not a matter of inequity or impropriety that warrants 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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 21 Feb 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 28 Feb 78. Enlmt Age: 17 11/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A. A-72, E-60, G-62, M-44. PAFSC: 3C351 - Comm-Computer Systems Plan & Implementation Apprentice. DAS: 3 Dec 96.

b. Prior Sv: (1) AFRes 1 Feb 96 - 23 Jul 96 (5 months 23 days)(Inactive).

(2) Enlisted as AB 24 Jul 96 for 4 yrs. Svd: 3 yrs 10 months 14 days, all AMS. AMN - Unknown. A1C-(EPR Indicates): 24 Jul 96-23 Mar 98. SrA - 24 Jul 99. EPRs: 5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 8 Jun 00 for 4 yrs. Svd: 0 Yrs 8 Mo 13 Das, all AMS.

b. Grade Status: AMN - 26 Jan 01 (Article 15, 26 Jan 01)
A1C - 13 Dec 00 (Vacation of Article 15, 19 Jan 01)

c. Time Lost: None.

- d. Art 15's: (1) 26 Jan 01, Langley AFB, VA - Article 121. You, did, on or about 28 Dec 00, steal a hat, a vest, a pair of jogging pants, and a handbag, of a value of about \$354.00, the property of the Army Air Force Exchange Service. Reduction to Airman. (No appeal) (No mitigation)
- (2) 19 Jan 01, Vacation, Langley AFB, VA - Article 121. You, did, on or about 28 Dec 00, steal a hat, a vest, a pair of jogging pants, and a handbag, of a value of about \$354.00, the property of the Army Air Force Exchange Service. Reduction to A1C. (No appeal) (No mitigation)
- (3) 13 Dec 00, Langley AFB, VA - Article 128. You, did, between on or about 13 Nov 00 and 14 Nov 00, unlawfully strike [REDACTED] on the left and right ear with your fist and twisted her right wrist with your hand. Suspended reduction to A1C, forfeiture of \$333.00 pay per month for two months, and 14 days extra duty.

(Appeal/Granted) (No mitigation)

- e. Additional: LOR, 12 OCT 00 - Late for work.
LOR, 22 AUG 00 - Financial irresponsibility and failure to obey an order.
LOR, 31 JUL 00 - Late for work.
LOR, 09 JUN 00 - Failing to be properly shaven in uniform.
RIC, 07 JUN 00 - Conduct detrimental to the U.S. Air Force.
RIC, 09 MAR 00 - Late for work.

f. CM: None.

g. Record of SV: None.

(Discharged from Langley AFB)

h. Awards & Decs: AFLSA, AFTR, AFOUA W/1 DEV, AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (0) Mos (21) Das
TAMS: (4) Yrs (6) Mos (29) Das

- 4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Sep 03
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Letter of Recommendation.

24NOV03/ia

September 20, 2003

Sir or Ma'am,

Greetings. My name is [REDACTED] I am writing you this letter in hopes that my discharge from the Air Force be upgraded from General to Honorable. I am trying to enter the Air National Guard but my character/code of discharge is preventing me from entering. I understand why I received this discharge. My conduct as a service member was disgraceful. It was due to enormous stress that was put upon me by my wife. Before I got involved with her, my service to the Air Force was impeccable. My supervisors, my NCOICs, and my commanders gave praise for the job I was doing. I scored a perfect rating on each of my EPRs. My exceptional behavior earned me the Good Conduct Medal. I received Letters of Appreciation from my unit as well as other units. Never in my Air Force career would I ever think about disobeying any laws under the UCMJ. I knew if I did, it would jeopardize my career. That all changed when I met my wife. I was young and in love. My attention went to her and I forgot I had a duty to the Air Force. When the relationship turned for the worse, it affected me at work. My troubles off duty followed me on duty. MY performance at work deteriorated. The reputation I had as a model Airman was damaged. This led to the pattern of misconduct in 2000. I could no longer think straight anymore. I did not realize back then that if I continued with this relationship, it would ruin my Air Force career. Being out of the service for two and a half years gave me time to think about the mistakes I made. Presently I am residing in my state of origin, Hawaii. I have been separated from my wife for almost a year. Mentally I am doing better. I am focused now and determined to get my life back on

track. My main goal is to have the same life I had in the Air Force. I feel my career was cut too short and I still have more years to serve my country. If I am allowed back in, I know I will succeed further in life. I would also like to pay back some of the financial obligations I owe the government. I hope by reading this letter it would give some consideration for a discharge upgrade and allow me back into the Air National Guard.

Respectfully,

A large, irregular black redaction mark covering the signature area of the letter.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA

6 FEB 2001

MEMORANDUM FOR AMN [REDACTED]

FROM: 1 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. If your discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. Between on or about 13 Nov 00 and or 14 Nov 00, you unlawfully struck [REDACTED] on the left and right ear with your fist and twisted her right wrist with your hand. For this incident, you received nonjudicial punishment dated 13 Dec 00, which consisted of suspended reduction to the rank of Airman First Class, forfeiture of \$333.00 pay for two months and 14 days extra duty.

b. On or about 28 Dec 00, you stole a hat, a vest, a pair of jogging pants and a handbag, of a value of about \$354.00, the property of the Army Air Force Exchange Service. For this incident, you received an Air Force Form 366 (Vacation Action) dated 19 Jan 01 which consisted of reduction to the grade Airman First Class. You also received nonjudicial punishment dated 26 Jan 01 which consisted of reduction to the rank of Airman.

c. On or about 9 Mar 00, you failed to report to duty at 0730, your normal duty hour. For this incident, you received a letter of counseling (LOC) dated 9 Mar 00.

d. On or about 6 Jun 00, you failed to exhibit exemplary behavior on and off base. For this incident, you received an LOC dated 7 Jun 00.

e. On or about 7 Jun 00, you failed to meet the minimum standards for dress and appearance as prescribed in AFI 36-2903, by failing to be properly shaven while in uniform. For this incident, you received an LOR dated 9 Jun 00.

f. On or about 27 Jul 00, you failed to go to your appointed place of duty, building 768, room 211 at the appointed time. For this incident, you received an LOR dated 31 Jul 00.

g. On or about 15 Aug 00, you failed to obey a lawful order given to you by MSgt [redacted] Plans Flight Superintendent, to report to duty to pay an outstanding debt. For this incident, you received an LOR dated 22 Aug 00.

h. On or about 10 Oct 00, you did not report to work until 0635. For this incident, you received an LOR dated 12 Oct 00.

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial 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 and any special pay, bonus, or education assistance fund [redacted] 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 Captain [redacted] Area Defense Counsel, 54 Willow Street, Bldg. 147, Ext. 5607 at 1030 hours on 7 Feb 2001. 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 1700 hours on 9 Feb 2001 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 the 1st Medical Group, Physical Exam Section at _____ hours on _____ 2001 and an additional examination will be scheduled if necessary.

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 unit orderly room.

9. Execute the attached acknowledgment and return it to me immediately.



, Lt Col, USAF
Commander, 1st Communications Squadron

Attachments:

1. Supporting Documents
 - a. Article 15 – 13 Dec 00
 - b. AF Form 366 (Vacation Action) – 19 Jan 01
 - c. Article 15 – 26 Jan 01
 - d. LOC – 9 Mar 00
 - e. LOC – 7 Jun 00
 - f. LOR – 9 Jun 00
 - g. LOR – 31 Jul 00
 - h. LOR – 22 Aug 00
 - i. LOR – 12 Oct 00
2. Receipt of Notification Memorandum