

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE AB	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	X		

MEMBER SITTING	VOICE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A92.21 A93.01 A93.07	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 23 Jan 2004	CASE NUMBER FD-2003-00533
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE OR DISCUSSION OF THE BOARD'S DECISIONAL RATIONALE AND THE BOARD'S 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.

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00533

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

Issues. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received two Articles 15, five Letters of Reprimand, one Letter of Counseling, one Record of Individual Counseling for misconduct, and had two civilian arrests while in the military. His misconduct included a dress and appearance violation, failed dormitory inspections, being unavailable while on stand-by status, misappropriation of government property, assaulting his spouse, lack of military bearing and behavior, fighting in the dormitory, failing to properly position himself as a vehicle spotter and through his neglect causing damage to a government vehicle, sleeping on his post, shoplifting, and trespassing. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior and was unwilling or unable to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant was appropriate. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

Applicant referenced his post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found and this information does not provide the basis for any. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

The applicant cited his desire to return to military service as justification for upgrade. While the Board commends applicant on this desire and is sympathetic to the impact of his reenlistment code on the applicant, 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

(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 19 Jan 89 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 12 Aug 67. Enlmt Age: 17 4/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-26, E-63, G-52, M-36. PAFSC: 81150 - Security Specialist. DAS: 3 Dec 85.

b. Prior Sv: (1) AFRes 21 Dec 84 - 11 Jun 85 (5 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Jun 85 for 6 yrs. Svd: 3 Yrs 7 Mo 8 Das, all AMS.

b. Grade Status: AB - 9 Dec 88 (Article 15, 9 Dec 88)
SrA - 26 Nov 87
A1C-(APR Indicates): 12 Jun 85-11 Jun 86

c. Time Lost: None.

d. Art 15's: (1) 9 Dec 88, Ellsworth AFB, SD - Article 113. Preliminary investigation has disclosed that you, on or about 5 Dec 88 at Launch Control Facility Oscar-9, Meade County, South Dakota, being posted as a Camper Alert Team (CAT) leader were found sleeping upon your post. Reduction to AB, forfeiture of \$335.00 pay per month for two months, and 30 days extra duty. (No appeal) (No mitigation)

(2) 28 Jul 88, Ellsworth AFB, SD - Article 92. Preliminary investigation has disclosed that you, who knew of your duties, on or about 11 Jul 88, were derelict in the performance of those duties in that you negligently failed to employ yourself as a properly positioned spotter for a government vehicle, as it was your duty to do. Article 108. Further investigation has disclosed that you, did, on or about 11 Jul 88, without proper authority, through neglect, suffer government vehicle 82C608, military property of the United States, to be allowing A1C [REDACTED] to back said vehicle into government vehicle 80C441, the amount of said damage being in the sum of about \$60.00. Suspended reduction to Airman, forfeiture of \$100.00 pay per month for 2 months, 45 days extra duty and a reprimand. (No appeal)

(No mitigation)

- e. Additional: LOR, 06 JUN 88 - Fighting in the dormitory.
 LOC, 02 MAR 88 - Lack of military bearing and behavior.
 LOR, 19 JAN 88 - Assaulting spouse.
 Civil Arrest, 04 JAN 88 - Trespassing.
 Civil Arrest, 19 JAN 87 - Shoplifting.
 LOR, 21 JAN 87 - Misappropriation of government property.
 LOR, 31 OCT 86 - Violation of standby status.
 LOR, 31 OCT 86 - Failed dormitory inspections.
 RIC, 31 OCT 86 - Violation of AFR 35-10, Dress and Appearance.

f. CM: None.

- g. Record of SV: 12 Jun 85 - 11 Jun 86 Ellsworth AFB 9 (Annual)
 12 Jun 86 - 11 Jun 87 Ellsworth AFB 8 (Annual)
 12 Jun 87 - 11 Jun 88 Ellsworth AFB 7 (Annual)
 12 Jan 88 - 20 Dec 88 Ellsworth AFB 6 (HAF Dir)

(Discharged from Ellsworth AFB)

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

i. Stmt of Sv: TMS: (4) Yrs (1) Mos (0) Das
 TAMS: (3) Yrs (7) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Nov 03.
 (Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Memo for Record, 14 Nov 03.

18DEC03/ia

[REDACTED]
LAWTON, OKLAHOMA 73505
[REDACTED]

14 November 2003

MEMORANDUM FOR RECORD

SUBJECT: REVIEW OF DISCHARGE OF [REDACTED]

I am requesting a review of my Air Force records, my DD 214. I was discharged from the Air Force on 19 January 1989 and was given a discharge of General, under Honorable Conditions.

I would like to have that changed to Honorable Discharge and would like to submit the following information on my behalf.

I was only 17 when I came in the Air Force. I had gotten married, and the girl was pregnant. I was a top notch Airman, I was always on time, knew my job and performed my job above 100%. I loved being in the Air Force, and dreamed of retiring from the Air Force.

My wife at the time was writing bad checks on my name and doing several things that were starting to affect my duty performance. I did have a supervisor talk to me and try to help me with the situation and I did move out of our home. I ultimately came back so that I could make a home for my son. Her lifestyle did not change and got steadily worse and since I was the sponsor, naturally it affected me.

I was given the choice to go ahead and receive this discharge, and at the time, I felt it was the best option for me. I did not want to leave the Air Force, but given all the circumstances at the time, I accepted the discharge and left the Air Force. I was not aware that I had other choices I could have made and I could have in fact stayed in the Air Force. I was young and I just wanted the easiest way out and consequences were not an issue.

I ultimately divorced this woman and fixed my credit. There was never a need to change this discharge, because I have always been blessed with having really good jobs, the need never arose to use my DD 214. I have a very good job now. I have re married, and my current wife is in the Army. During her career, I have always been there for her, I have helped her with her physical training and with other areas of her jobs. I have been to her re enlistments and her promotions. She is in a leadership position and I hear her talk to her soldiers and I have talked with her First Sergeant.

This literally woke me up. I want and need to come back into the military. Yes, I did love the Air Force, but when I sit and look at the type of man that I am, I know I am

better suited for the Army. I love the comradeship that I have seen a lot of soldiers share and I just really like the action. I have never gotten the desire to retire from the military out of my system. Now that I am older, and I have been subjected to the Army lifestyle, I have learned so much that I did not know before. I did not know all the rights I had when I was an Airman. I did not have to give up my career because my former wife tried to bring me down. I could have overcome all of that, just by talking with my Chain of Command. As a young man, I just did not know how to use the Chain of Command and I did not want to drag other people into my situation. My former wife's actions do not in any way describe the type of man that I am.

I have a spotless record, and outstanding credit. I am a good and loving husband and father. I am a role model for other young people. A lot of the teenagers in the neighborhood look to me for advice.

I want to share my wife's Army career. I think I have a lot to offer the United States Military. If I knew back then what I know now, I would have never accepted that discharge and would have fought for myself. Most people believe there is nothing wrong with a General Discharge Under Honorable Conditions, however, I am an honorable man, and can not sell myself short any longer. I deserve the Honorable Discharge.

In closing, I would like to humbly request that my DD 214 be changed to an Honorable Discharge. I want to be able to enter into the Army and serve my country. Nothing in this world would give me more pride, than to wear the uniform again.

Sincerely yours

[Redacted signature]



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 812TH SECURITY POLICE GROUP (SAC)
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA 57706-5000



REPLY TO 813 MSS/CC
ATTN. OF:

21 Dec 88

SUBJECT: Letter of Notification

TO: AB [REDACTED]
813 MSS (SAC)

1. I am recommending your discharge from the United States Air Force for misconduct consisting of minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your discharge will be described as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 24 Oct 86, 11 Jul 88, and 5 Dec 88, you were derelict in the performance of your duties as evidenced by one letter of reprimand and two articles 15's.

b. On 5 Jun 88 you were fighting in the dormitory, as evidenced by Letter of Reprimand, dated 6 Jun 88.

c. Between the dates of 11-14 Jan 87 you misappropriated a government helmet, as evidenced by a Letter of Reprimand, dated 21 Jan 87.

d. On 18 Dec 87 you did bodily harm to your spouse, as evidenced by a Letter of Reprimand, dated 19 Jan 88.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The 12 AD Commander or 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.

3. 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] Area Defense Council, Bldg 2405 on 22 Dec 88 at 1100. You may consult civilian counsel at your own expense.

4. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 27 Dec 88 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. You have been scheduled for a medical examination. You must report to the base hospital at 0700 hours on 22 Dec 88 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statements as explained in AFR 39-10, Atch 6. A copy of AFR 39-10 is available for your use in the unit orderly room.

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



Major, USAF

Commander

3-Atch

- 1. Supporting Documents
 - a. 5 Dec 88 - Art 15
 - b. 11 Jul 88 - Art 15
- 2. Derogatory Documents
 - a. 5 Jun 88 - LOR
 - b. 2 Mar 88 - LOC
 - c. 11-14 Jan 87 - LOR
 - d. 18 Dec 87 - LOR
 - e. 24 Oct 86 - LOR
 - f. 24 Oct 86 - LOR
 - g. 22 Oct 86 - LOC
- 3. Airman's Receipt of Letter of Notification