AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
[redacted]	SSGT	[redacted]

TYPE UOTH		PERSONAL APPEARANCE	X	RECORD REVIEW

COUNSEL YES	COUNSEL No	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
	X		

MEMBER SITTING	VOTE OF THE BOARD: HON	GEN	UOTHC	OTHER	DENY
					X
					X
		X			
					X
					X

ISSUES	INDEX NUMBER
A94.07 A94.05	A75.00

HEARING DATE	CASE NUMBER
24 Nov 2004	FD-2002-0515

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

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.

INDORSEMENT DATE: 11/29/2004

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-2002-0515

GENERAL: The applicant appeals for upgrade of discharge to general.

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 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:

Issue 1. Applicant contends discharge was inequitable because it was based on an isolated incident in 9 years and 2 months of service. The records indicated the applicant received two Article 15s and a Letter of Reprimand. Member received an Under Other Than Honorable Conditions Discharge in lieu of trial by Court Martial. However, for the service under review, member received an Article 15 for failure to go and a Letter of Reprimand for leaving work early. 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.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service and there was no pattern of behavior that constituted a departure from military conduct. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found 12 performance evaluations were an overall 9; however, five reflected a markdown and/or negative comments to his bearing and behavior. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 his 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.

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

FD2002-0515

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

[redacted] (Former SSGT) (HGH SSGT)

1. MATTER UNDER REVIEW: Appl rec'd a UOTHC Disch fr USAF 15 Jan 88 UP AFR 39-10, Chapter 4 (Discharge in Lieu of Trial by Court Martial). Appeals for General Disch.

2. BACKGROUND:

a. DOB: 12 May 60. Enlmt Age: 17 7/12. Disch Age: 27 8/12. Educ: HS DIPL. AFQT: N/A. A-64, E-48, G-50, M-47. PAFSC: 64570 - Inventory Management Supervisor. DAS: 4 Nov 84.

b. Prior Sv: (1) AFRes 6 Jan 78 - 11 Sep 78 (8 Mos 6 Days)(Inactive).

(2) Enld as AB 12 Sep 78 for 4 yrs. Svd: 3 Yrs 9 Mos 0 Days, all AMS. AMN - (APR Indicates): 12 Sep 78-11 Sep 79. A1C - (APR Indicates): 12 Sep 79-27 Apr 80. SRA - (APR Indicates): 28 Apr 80-27 Nov 80. SSGT - 1 Dec 81. APRs: 9,9,9,9,9.

Article 15: 6 Feb 81, Homestead AFB, FL - Article 86. You did, on or about 31 Jan 81, without authority, fail to go at the time prescribed to your appointed place of duty. Forfeiture of $25.00 per month for two months, and 7 days extra duty. (No Appeal) (No mitigation)

3. SERVICE UNDER REVIEW:

a. Reenld as SSGT 12 Jun 82 for 4 yrs. Ext: 26 Sep 84 for 17 months. Ext: 4 Nov 86 for 12 months. Ext: 30 Mar 87 for 14 months. Svd: 5 Yrs 7 Mos 4 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 3 Sep 87, Rhein-Main AB, Germany - Article 86. You did, on or about 24 Aug 87, without authority, fail to go at the time prescribed to your appointed place of duty. Forfeiture of $77.00. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV:

03 Nov 81 - 28 Jun 82	Homestead AFB	9	(CRO)
29 Jun 82 - 28 Jun 83	Dover AFB	9	(Annual)
29 Jun 83 - 15 Mar 84	Dover AFB	9	(CRO)
16 Mar 84 - 01 Oct 84	Dover AFB	9	(CRO)

02 Oct 84 - 28 Apr 85	Rhein-Main AB	9	(CRO)
29 Apr 85 - 28 Apr 86	Rhein-Main AB	9	(Annual)
29 Apr 86 - 28 Apr 87	Rhein-Main AB	9	(Annual)

(Discharged from McGuire AFB)

h. Awards & Decs: AFCM, AFGCM W/2OLC, NCOPEGR, SAER, AFOLTR, AFTR, AFLSA, AFOUA.

i. Stmt of Sv: TMS: (10) Yrs (0) Mos (10) Das
TAMS: (9) Yrs (4) Mos (4) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 19 Nov 02.
(Change Discharge to General)

Issue 1: My discharge from the USAF was inequitable because it was based on an isolated incident in 9 years & 2 months of service.

Issue 2: Since my enlistment I have received over 16 Airman Performance all rated as 9. There has never been a pattern of behavior that constituted a departure from military conduct.

Issue 3: I made a mistake but my overall military conduct & record far outweighs this isolated incident.

Issue 4: Please reconsider & recharacterize my discharge to: General Under Honorable Conditions.

ATCH
None.

25Feb03/cr