

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE [REDACTED]	AFSN/SSAN [REDACTED]
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TYPE	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	<input type="checkbox"/>		
NO	<input checked="" type="checkbox"/>		

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

ISSUES A92.22 A93.08 A92.36 A92.20	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 18 Oct 2004	CASE NUMBER FD-2003-00206
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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 via VTC at Travis AFB, CA.

Advise applicant of the decision of the Board.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 10/18/2004
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-2003-00206

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

The applicant appeared and testified before the Discharge Review Board (DRB) without counsel at Andrews AFB via VTC with Travis AFB, CA on October 18, 2004. No witnesses testified on the applicant's behalf and no additional exhibits were submitted at the hearing. The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The Board grants the requested relief.

ISSUE: The applicant felt that his discharge was inequitable because he had a good record and that his discharge was based on isolated incidents surrounding the painful and emotionally difficult breakdown in his marriage after his ex-spouse entered into an intimate relationship with a female A1C of the same squadron. The member indicated that he had divorced his wife, changed his life, and had been a successful Apprenticeship and Training Representative (GS-12) for the U.S. Department of Labor since July 2000. The applicant also described a desire to serve in an ANG capacity and to further his education.

No inequity or impropriety in the applicant's discharge at the time of issuance was suggested or found in the course of the hearing. However, the Board determined that relief was warranted based upon consideration of the applicant's service record, his outstanding post-service conduct, and the extenuation and mitigation surrounding the applicant's misconduct stemming from his marital difficulties.

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. However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. The applicant's characterization should be changed to Honorable under the provisions of Title 10, USC 1553. However, the applicant's reason for discharge and reenlistment eligibility code will 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 17 Dec 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Oct 73. Enlmt Age: 21 0/12. Disch Age: 25 2/12. Educ: HS DIPL. AFQT: N/A. A-85, E-67, G-64, M-74. PAFSC: 2T251 - Air Transportation Journeyman. DAS: 15 Oct 96.

b. Prior Sv: (1) AFRes 27 Oct 94 - 21 Nov 94 (26 days) (Inactive).

Enlisted as AB 22 Nov 94 for 4 yrs. Extended 9 Mar 96 for 22 months. Svd: 3 yrs 8 months 0 days, all AMS. AMN - Unknown. A1C - 22 Mar 96. SRA - 22 Nov 97. EPRs: 5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 23 Jul 98 for 6 yrs. Svd: 0 Yrs 4 Mo 24 Das, all AMS.

b. Grade Status: A1C - 3 Sep 98 (Vacation of Article 15, 30 Oct 98)

c. Time Lost: None.

d. Art 15's: (1) 30 Oct 98, Vacation, Hickam AFB, HI - Article 128. You, did, on or about 15 Oct 98, assault [REDACTED] by shoving her with your arms. Reduction to A1C. (No appeal) (No mitigation)

(2) 3 Sep 98, Hickam AFB, HI - Article 121. You, did, on or about 19 Aug 98, wrongfully appropriate photographs, of a value of about \$100.00 or less, the property of [REDACTED]. Article 134. You, did, on or about 19 Aug 98, unlawfully enter the dwelling house of [REDACTED]. Suspended reduction to A1C, forfeiture of \$100.00 pay per month for 2 months, and 30 days extra duty. (Appeal/Withdrawn) (No mitigation)

e. Additional: (Examiner's Note: The following infractions were taken from the Notification Memorandum; however, individual documents are missing from the file).

LOC, 11 JUN 97 - Failure to obey a lawful order.

LOR, 22 JUL 98 - Domestic dispute resulting in a verbal argument and a physical altercation with spouse.

f. CM: None.

g. Record of SV: None.

(Discharged from Hickam AFB)

h. Awards & Decs: AFTR, NDSM, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (1) Mos (21) Das
TAMS: (4) Yrs (0) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Apr 03.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Letter of Award.
2. Seven Performance Appraisals.
3. Applicant's Issues.
4. DD Form 214.

4JUN03/ia


8. Issues

I felt that my discharge was inequitable because it was based on one isolated incident in 48 months and 26 days of service with no other adverse action. Here is a little background from what started my request for discharge. My wife started to see another service member starting in July of 1998. From that time on my world turned upside down. I had the Security Police called on me for everything and anything I did. I would look at my wife wrong and she would tell the SP that I hit her. I was called into my First Sergeant's office many of times for lies that she told. I lost a strip (E-4) and was put on 30 days extra duty no time off. After completing my 30 days of extra duty and seeing how I was being treated by the 635th AMSS (AMC). I decided to ask my Commanding Officer how could I get out of the military. I was then given a general under honorable conditions discharge within 30 days of asking. My wife had to leave with me because I was stationed at Hickam AFB HI. I would have stayed in the service if it weren't for my commands action against me. I felt that my service record was tarnished beyond repair that is why I got out.

I now work for the U.S. Department of Labor in Nevada. I have been an Apprenticeship and Training Representative (GS-12) since July 2000. I'm asking that my discharge be reviewed in order for me to better my education and return to school. At this time I do not qualify to be eligible for the Montgomery GI BILL- Active Duty Educational Assistance Program because of the General discharge. I would like to state that I did divorce my wife and have changed my life around for the better.

Thank you for your time.



DEPARTMENT OF THE AIR FORCE
635TH AIR MOBILITY SUPPORT SQUADRON
AIR MOBILITY COMMAND

FD 2003-00206

DEC 1 1998

MEMORANDUM FOR A1C [REDACTED] 635 AMSS

FROM: 635 AMSS/CC

SUBJECT: Notification Memorandum-Amended

1. This letter supersedes the Notification Memorandum, dated 10 Nov 98, and will serve in its place. I am recommending your discharge from the United States Air Force for Misconduct, specifically Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. On or about 19 Aug 98, you unlawfully entered the home of another person, and you wrongfully appropriated property from that person. For these offenses, you received an Article 15, dated 3 Sep 98. Your punishment consisted of a suspended reduction to E-3 for 6 months, forfeiture of \$100 pay for 2 months, and 30 days extra duty. (Atch 2)

b. On or about 15 Oct 98, you assaulted your wife by pushing her. For this offense, your previously suspended reduction was vacated and you were reduced to the rank of E-3. (Atch 3)

3. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending that you receive a General discharge. Only misconduct occurring in the current enlistment may be considered when deciding characterization of separation. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subjected to recoupment.

4. You have the right to:

a. Consult legal counsel.

b. Submit statements in your own behalf.

c. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You should have already reported to the 15th Medical Group on 24 Nov 98 at 0830 hours for the examination. Additionally, you should have set up your initial separations appointment.
6. Military legal counsel, Capt  Area Defense Counsel, Building 1113, 449-2149, is available to assist you. An appointment has been scheduled for you to consult him on 2 Dec 98 at 1300 hours. You may consult civilian counsel at your own expense.
7. Confer with your counsel and reply, in writing, within 3 workdays, by 4 Dec 98, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. I will send the statements to the discharge authority with the case file to be considered with this recommendation.
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 your Commander's Support Staff.
9. Execute the attached acknowledgment and return it to me immediately.



Commander, 635 AMSS

Attachments:

1. Airman's Receipt of Notification Memorandum
2. Article 15, dated 3 Sep 98
3. Vacation action, dated 3 Nov 98



DEPARTMENT OF THE AIR FORCE
635TH AIR MOBILITY SUPPORT SQUADRON
AIR MOBILITY COMMAND

FD 2003-00204

NOV 10 1998

MEMORANDUM FOR AIG [REDACTED], 635 AMSS

FROM: 635 AMSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. On or about 11 Jun 98, you failed to obey an order given to you by your supervisor to service crew latrine on a C141B. For this offense, you received a Letter of Counseling, dated 11 Jun 97. (Atch 2)

b. On or about 19 Jul 98, you were involved in a domestic dispute with your wife that resulted in a verbal argument and a physical altercation. For this offense, you received a Letter of Reprimand, dated 22 Jul 98. Additionally, an Unfavorable Information File was established. (Atch 3)

c. On or about 19 Aug 98, you unlawfully entered the home of another person, and you wrongfully appropriated property from that person. For these offenses, you received an Article 15, dated 3 Sep 98. Your punishment consisted of a suspended reduction to E-3 for 6 months, forfeiture of \$100 pay for 2 months, and 30 days extra duty. (Atch 4)

d. On or about 15 Oct 98, you assaulted your wife by pushing her. For this offense, your previously suspended reduction was vacated and you were reduced to the rank of E-3. (Atch 5)

3. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending that you receive a General discharge. Only misconduct occurring in the current enlistment may be considered when deciding characterization of separation. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subjected to recoupment.

4. You have the right to:
 - a. Consult legal counsel.
 - b. Submit statements in your own behalf.
 - c. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.
5. You are scheduled for a medical examination. You will report to the 15th Medical Group on NOV 24 1998 at 0830 hours for the examination. Additionally, you must contact Separations, located in the Military Personnel Flight, at 449-2276, ext. 149 or 141, within 24 hours of receipt of this letter to set up an initial separations appointment.
6. Military legal counsel, Capt , Area Defense Counsel, Building 1113, 449-2149, has been obtained to assist you. An appointment has been scheduled for you to consult him on NOV 10 1998 at 1300 hours. You may consult civilian counsel at your own expense.
7. Confer with your counsel and reply, in writing, within 3 workdays, by 13 NOV 98 / 1000 hrs specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. I will send the statements to the discharge authority with the case file to be considered with this recommendation.
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 your Commander's Support Staff.
9. Execute the attached acknowledgment and return it to me immediately.


Col, USAF
Commander, 635 AMSS

Attachments:

1. Airman's Receipt of Notification Memorandum
2. LOC, dated 11 Jun 97
3. LOR, dated 22 Jul 98
4. Article 15, dated 3 Sep 98
5. Vacation action, dated 3 Nov 98