

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE A1C	AFSN/SSAN ████████████████
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TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW
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YES	No	NAME OF COUNSEL AND OR ORGANIZATION VFW	ADDRESS AND OR ORGANIZATION OF COUNSEL
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MEMBER SITTING	TYPE OF DISCHARGE				
	HON	GEN	UOTHC	OTHER	DENY
	X**				
	X**				
					X
	X**				
	X**				

ISSUES A94.06 A92.22	INDEX NUMBER A67.10	ISSUES 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 03 Feb 2004	CASE NUMBER FD-2003-00424	
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APPLICANT'S ISSUE AND THE BOARD'S DECISION

Case heard at Washington, D.C.

Advise applicant of the decision of the Board.

* CHANGE RE CODE
+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

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-2003-00424

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

The applicant appeared and testified before the Discharge Review Board (DRB) with counsel, Mr. [REDACTED], of the Veterans of Foreign Wars of the United States, at Andrews AFB, MD, on February 3, 2004. Technical Sergeant [REDACTED], his brother, also testified

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 received a general discharge for minor disciplinary infractions, and cited two issues:

Issue 1: Applicant contends his discharge was an impropriety in that, on several occasions, he asked about the consequences of accepting the discharge and was told that he would receive an honorable discharge and that he would be able to reenlist at some point in time. The records indicate the applicant received two Letters of Reprimand (LOR) and five Records of Individual Counseling (RIC). The first two RICs were for (1) reporting for duty 35 minutes late and for (2) dereliction of duty for failure to sign off a required form. The two LORs and other three RICs were for financial irresponsibility, one for issuing an insufficient funds check for \$35.00 and the others for failure to pay delinquent accounts. Applicant testified that although he took full responsibility for his actions, his second child was born in April 1993 and he could not make ends meet after that on an A1C paycheck; applicant's records indicate that four of the five reprimands for financial irresponsibility occurred after April 1993. The Board also noted that applicant's records contained no Article 15 or demotion actions and that the applicant's only EPR was an overall 5 with comments that he had been nominated three times to compete for Fuels Airman of the Quarter. Although there is no documentary evidence to support member's claims of being misled as to the type and consequences of the discharge he would receive, the Board agreed that a general discharge was inequitable because it was too harsh.

Issue 2: Applicant contends his post service activities should be taken into consideration. The DRB concurred and was pleased to see that the applicant was doing well and has a good job as a design engineer. Testimony revealed that he has logged numerous hours of volunteer service to his church and as a girls softball league coordinator, as well as being involved with inner-city team building, assisting the homeless, and sponsoring a child in Brazil.

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 and the reason for the discharge is more accurately described as Secretarial Authority. The applicant's characterization and reason for discharge should be changed to Honorable, Secretarial Authority, under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 Dec 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 30 Apr 71. Enlmt Age: 19 7/12. Disch Age: 22 7/12. Educ: HS DIPL. AFQT: N/A. A-74, E-68, G-68, M-59. PAFSC: 2F051 - Fuels Journeyman. DAS: 1 Jul 91.

b. Prior Sv: (1) AFRes 21 Dec 90 - 7 Mar 91 (2 months 15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Mar 91 for 4 yrs. Svd: 2 Yrs 9 Mo 16 Das, all AMS.

b. Grade Status: A1C - 8 Jul 92
Amn - 8 Sep 01

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 07 DEC 93 - Financial irresponsibility.
LOR, 25 AUG 93 - Financial irresponsibility.
RIC, 23 JUL 93 - Financial irresponsibility.
RIC, 07 JUL 93 - Financial irresponsibility.
RIC, 11 Jan 93 - Financial irresponsibility.
RIC, 21 DEC 92 - Dereliction of duty.
RIC, 03 DEC 91 - Late for work.

f. CM: None.

g. Record of SV: 8 Mar 91 - 30 Mar 93 Tyndall AFB 5 (Initial)

(Discharged from Tyndall AFB)

h. Awards & Decs: NDSM, AFTR, SAEMR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (3) Das
TAMS: (2) Yrs (9) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Aug 03.
(Change Discharge to Honorable and Change the RE Code)

FD2003-00424

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Letter to the Discharge Review Board.
2. Three Character References.

20CT03/ia

[REDACTED]

Troy, Ohio 45373
Document #4

SAF / MIBR
550-C Street West, Suite 40
Randolph, AFB, Texas 78150-4742

Dear Sir or Madam:

First of all let me say thank you for taking the time to review my case. I would also like to apologize for having put myself in this situation in the first place, I realize that I am solely responsible for the decisions that I made while I was serving this great nation. It has always been, and always will be my goal to be the best person that I can. Unfortunately I have made some bad decisions in my life and like many others would love the opportunity to make them again.

With that being said, I believe that some of the decisions that I made while on active duty in the United States Air force were affected by false promises about my future and the terms of my discharge. I am in no way defending my actions that led to my discharge, but I am defending the reasoning for the decision to proceed with the discharge process. I, on several occasions, asked about the consequences of accepting the discharge and without hesitation was told that I would receive an honorable discharge and that I would be able to re-enlist at some point in time. I can honestly say that I would not have agreed to the discharge if I had known what the outcome would've been. I am asking the board to please change my discharge to honorable and also change my enlistment status so that I may re-enlist into the Air Force Reserves. I know given a chance I can become the model Airman and leader that I was becoming before I discharged.

From the moment that I left the Air Force I have thought about what might have been. My lifestyle still to this day is directly affected by the routines of military life. I miss the discipline and the friendships that I made while I was enlisted. With the recent events in the Middle East and the unfortunate and tragic circumstances of Nine Eleven I have felt a constant responsibility to enlist in the Air Force Reserves. I hope that sometime soon I will have that feeling of pride and honor that can only come from serving in the United States Armed Forces. Again, thank you for taking the time to review my case.

Respectfully,

[REDACTED]

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FROM: 325 SUPS/CC

1 3 DEC 1993

SUBJ: Letter of Notification - Administrative Discharge Action

TO: A1C [REDACTED], 325 SUPS

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 service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reason for this action is that you committed several offenses which constitute a pattern of minor disciplinary infractions. Specifically:

a. On or about 3 Dec 91, you did, at Tyndall AFB, Florida, fail to report to your place of duty at the prescribed time. As a result, you received a letter of counseling (Atch 1-1).

b. On or about 11 Dec 92, you did, at Tyndall AFB, Florida, issue an insufficient fund check to the BX in the amount of \$35.00. As a result, you received a letter of counseling (Atch 1-1).

c. On or about 20 Dec 92, you were, at Tyndall AFB, Florida, derelict in the performance of your duties by not inspecting the required refuel and defuel units. As result, you received a letter of counseling (Atch 1-1).

d. On or about 6 Jul 93, you did, at Tyndall AFB, Florida, fail to pay your delinquent NCO Club bill. As a result, you received a letter of counseling (Atch 1-1).

e. On or about 23 Jul 93, you did, at Tyndall AFB, Florida, fail to pay your delinquent AAFES bill in the amount of \$32.00. As a result, you received a letter of counseling (Atch 1-1) and a letter of reprimand (Atch 1-2).

f. On or about 22 Nov 93, you did, at Tyndall AFB, Florida, fail to pay your delinquent AAFES bill in the amount of \$68.00. As a result, you received a letter of reprimand (Atch 1-3).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. 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] at Bldg 1005 on 14 Dec 93 at 0930 hours. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a medical examination. You must report to building 1309 on 14 Dec 93 at 0800 hours.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 2. A copy of AFR 39-10 is available for your use in the orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
[REDACTED], Lt Col, USAF
Commander

3 Atchs
1-1. LOC (5)
1-2. LOR, 25 Aug 93
1-3. LOR, 7 Dec 93



DEPARTMENT OF THE AIR FORCE
REVIEW BOARDS OFFICE
RANDOLPH AIRFORCE BASE TEXAS

Office of the Assistant Secretary

September 3, 2003
Docket # FD-2003-00424

SAF/MRBR
550 C Street West Ste 40
Randolph AFB TX 78150-4742

[REDACTED]
[REDACTED]
Troy OH 45373

Dear Applicant

We have received your application for review of discharge.

Your application is currently being processed for presentation to the Air Force Discharge Review Board (DRB) in Washington, DC. This process includes obtaining all relevant records required to process your request. We will advise you when your case is forwarded to the Board.

Please include your social security account number and/or your service number on all correspondence, and advise in writing of any change of address or military status.

Correspondence should be addressed to:

SAF/MRBR
550 C Street West Ste 40
Randolph AFB TX 78150-4742

[REDACTED]
[REDACTED], DAFC
Chief Review Boards Office
Air Force Review Boards Agency



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

25/04/2003

MEMORANDUM FOR SAF/MIBR

FROM: TSGT [REDACTED]
[REDACTED] Communications [REDACTED]
9480 Pease Ave [REDACTED]
Elmendorf AFB, Ak. 99506
[REDACTED]

SUBJECT: Re-enlistment Recommendation

1. As an NCOIC and a 12-year veteran of the United States Air Force I have a pretty good understanding of what it takes to be a successful team member in the greatest military force in the world. It takes dedication, commitment, and a steadfast belief in the Air Force Core Values; Integrity First, Service before Self and Excellence in all you do.
2. [REDACTED] is the embodiment of all of these things and would be an invaluable asset to the Air Force. He has excelled in every aspect since his discharge and has become a leader in his community and his workplace. In the last year he has logged more than 1000 hours of volunteer service to his church and as a girls softball league coordinator. His efforts were recognized when he was voted most outstanding volunteer of the month (December 02) by his peers.
3. His leadership in the workplace is also beyond reproach. He aggressively pursued a nation-wide certification for indoor sprinkler designers becoming the first and only engineer to receive the distinction despite being the least experienced. He has been asked to be the lead design engineer on multi-million dollar projects including public schools, major college basketball arenas and state prisons.
4. The Air Force needs good people and in my opinion we would be making a major err in judgment if we didn't give [REDACTED] another chance to become part of the Air Force team. He's a leader and a role model and deserves this honor.

[REDACTED]
[REDACTED] TSGT, USAF
NCOIC, Secure Communications

May 1, 2003

Dear Sirs:

I am writing in regard to a personal friend and colleague from Troy, Ohio, by the name of [REDACTED]. I have known [REDACTED] for about one year. We met through attending Ginghamburg Church in Tipp City, Ohio.

[REDACTED] started coming to serve at The Avenue, the youth center for the church. The program [REDACTED] became involved in was our outreach program called UltraLive. It seeks to minister to unchurched, turned off, teens from the community by providing a safe, clean atmosphere for them to hang out on the weekends.

[REDACTED] has become a pillar of reliability and steadiness toward serving the ministry. He has demonstrated leadership in his servant team and with the teens he gets to know on the basketball court. He gives of himself totally to support the team and the ministry and has become a vital part of the team. [REDACTED] also teaches a group on Tuesday nights and has developed relationships with many teens

The strong faith and moral lifestyle characterized by [REDACTED], reflects in his personality, his commitment to serve God, and with his family.

In closing I would like to offer my support and prayers to [REDACTED] and his family in his pursuit of the Air Force Reserves.

Sincerely

[REDACTED]
[REDACTED]
Director of Teen Outreach
The Avenue/Ginghamburg Church
Tipp City OH 45371

May 20, 2003

To whom it may concern,

Re: [REDACTED]

I am writing this letter on behalf of [REDACTED]. For the past five years I have worked with [REDACTED] at Central Fire Protection, where we are both currently employed. I feel I have come to know [REDACTED] fairly well in that time. On many occasions we have traveled together for work and have discussed goals we both have for the future. One of [REDACTED] goals is to re-enlist in the Air Force reserves.

I would feel comfortable recommending [REDACTED] for anything. [REDACTED] is a highly motivated young man, with an outgoing personality. He rarely meets a stranger. [REDACTED] pays very close attention to detail in his work. He is always willing to try something new, regardless of how difficult it may appear to be. [REDACTED] finds pleasure in tackling an assignment that presents a challenge.

In short [REDACTED] will be a great attribute to the Air Force reserves. His dedication, creativeness, and positive attitude will be a great asset to the reserves, and our country.

Sincerely,

[REDACTED]
Youth Pastor, NLC