

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE SSGT	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left; padding: 2px;">COUNSEL</th> </tr> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">No</td> </tr> <tr> <td style="text-align: center; padding: 2px;">X</td> <td style="padding: 2px;"></td> </tr> </table>	COUNSEL		YES	No	X		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL									
YES	No								
X									

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

ISSUES A94.06	INDEX NUMBER A13.00	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 14 Jan 2004	CASE NUMBER FD-2003-00450	
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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.

Advise applicant of the decision of the Board.

INDORSEMENT		DATE: 01/14/2004
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

FD-2003-00450

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

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: The Board grants the requested relief.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s from a previous enlistment and then was discharged with a General discharge for unsatisfactory progress on the weight management program.

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 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 SSGT) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 Jun 89 UP AFR 39-10, para 5-26f (Exceeding Air Force Weight Standards). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 19 Aug 55. Enlmt Age: 18 0/12. Disch Age: 33 10/12. Educ: HS DIPL. AFQT: N/A. A-64, E-64, G-71, M-94. PAFSC: 81172 - Law Enforcement Supervisor. DAS: 30 Jun 88.

b. Prior Sv: (1) AFRes 20 Aug 73 - 20 Nov 73 (3 Months 1 Day) (Inactive).

(2) Enld as AB 21 Nov 73 for 4 yrs. Reenld as SRA 3 Feb 77 for 4 yrs. Reenld as SSgt 3 Nov 80 for 4 yrs. Ext: 27 Jan 84 for 42 months. Svd: 14 Yrs 0 Mos 2 Das, all AMS. AMN - Unknown. A1C - (APR Indicates): 10 Jan 75 - 3 Aug 75. SRA - 1 Sep 76. SGT - 1 Sep 77. SSgt - 1 Nov 78. Sgt 13 Aug 81 (Vacation of Article 15, 3 Dec 81). SSgt - 1 Apr 84. APRs: 8,9,9,9,9,9,9,9,9,8,9,7,6,8,8,9,9,9,9,8,9.

Article 15s: (1) 3 Dec 81, Vacation, Luke AFB, AZ - Article 92. You, having knowledge of a lawful order issued by TSgt [REDACTED] to have the flight fall in for guardmount, an order which it was your duty to obey, did, on or about 10 Nov 81, fail to obey the same. Reduction to Sgt. (No Appeal) (No mitigation)

(2) 13 Aug 81, Luke AFB, AZ - Article 86. You did, on or about 28 Jul 81, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Sgt. (Appeal/Denied) (No mitigation)

3. **SERVICE UNDER REVIEW:**

a. Reenld as SSgt 23 Nov 87 for 6 yrs. Svd: 1 Yr 7 Mos 1 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 01 NOV 88 - Unsatisfactory progress on the weight management program.
LOR, 27 JUL 88 - Failure to go.
LOR, 25 JUL 88 - Unsatisfactory progress on the weight management program.

LOA, 11 MAY 87 - Unsatisfactory progress on the weight management program.
LOR, 25 APR 88 - Unsatisfactory progress on the weight management program.
LOC, 25 APR 88 - Unsatisfactory progress on the weight management program.

f. CM: None.

g. Record of SV: 05 Oct 87 - 20 Mar 88 Tempelhof Central Airport 8 (CRO)
21 Mar 88 - 15 Nov 88 Tinker AFB 8 (Dir by HAF)
16 Nov 88 - 31 Mar 89 Tinker AFB 9 (Dir by HAF)
01 Apr 89 - 31 May 89 Tinker AFB 8 (Dir by Cmdr)

(Discharged from Tinker AFB)

h. Awards & Decs: AFAM, AFOUA, AFGCM W/2 OLC, OM, NDSM, AFOSTR, AFOLTR, AFLSA W/2OLC, SAEMR, AFTR.

i. Stmt of Sv: TMS: (15) Yrs (10) Mos (4) Das
TAMS: (15) Yrs (7) Mos (3) Das

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

ISSUES ATTACHED TO BRIEF

ATCH
None.

24 Oct 03/cr

7. SUPPORTING DOCUMENTS (*X as applicable*) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block B prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I was given a General Discharge (under honorable conditions) from the USAF in 1989 for failure to maintain weight standards. I was informed by my commander at the time that I could apply to the discharge board for an upgrade of my discharge and that considering my past record and the circumstances, chances were good it would be upgraded. I did nothing wrong other than be overweight. I've continued to fight my weight even since the discharge and had to resort to a gastric bypass recently to finally overcome my weight issues (doctor determined I was unable to lose weight except by drastic medical procedure). I have not applied until now as I assumed those years were just lost, but have now learned otherwise if my discharge can be upgraded.

I am now employed in a supervisory role in the [REDACTED] I again serve my country as I did while in the AF for almost 16 years. I would like to buy back my military time so that it may be used for retirement purposes, otherwise I lose almost 16 years of honorable service to my country. The only way I can buy back the time is to be honorably discharged.

A review of my records will inform you that my time was served honorably and that an honorable discharge would not be out of order. Please see fit to upgrade the discharge so that those many years of service to our country (and my continued service) will not be wasted and can be put to good use towards my retirement.

Please note that I have two years to buy back the military time after which I must pay interest. The two years is up in Sept. 2004. Your prompt action would be highly appreciated. Thank you!

NO OTHER DOCUMENTATION ATTACHED.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD) b. SIGNATURE

2003/06/23 [REDACTED SIGNATURE]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE
2854TH SECURITY POLICE SQUADRON (AFLC)
TINKER AIR FORCE BASE, OKLAHOMA 73145-5000

REPLY TO
ATTN OF: CC

16 NOV 1988

SUBJECT: Letter of Notification - Board Hearing

TO: SSgt [REDACTED]

1. I am recommending your discharge from the United States Air Force for exceeding weight standards according to AFR 39-10, under the provisions of paragraph 5-26f. 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 24 Oct 88, during your current enlistment, you weighed 230 pounds, 6 pounds above your MAW. This caused you to be reentered into Phase I of the WMP.

b. On 22 Jul 88, you failed to attend a scheduled diet counseling at USAF Hospital Tinker as you were required to do.

c. On 12 Jul 88, during your current enlistment, you weighed 241 pounds, 17 pounds above your MAW.

d. On 22 Apr 88, during your current enlistment, you weighed 231 1/2 pounds, 7 1/2 pounds above your MAW.

e. On 7 May 87, during a previous enlistment, you weighed 248 pounds. This weight was in excess of your maximum authorized weight and caused you to be reentered into Phase I of the Weight Management Program.

f. On 30 May 84, during previous enlistment, you weighed 252 pounds, 28 pounds above your maximum authorized weight. You were entered into Phase I of the Weight Management Program.

3. This action could result in your separation with a General Discharge. I am recommending that you receive a General Discharge. 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.

4. You have the right to:

a. Consult legal counsel.

b. Present your case to an administrative discharge board.

c. Be represented by legal counsel at a board hearing.



