	A	IR FORCE	DISCHARGE R	EVIEW BO	ARD H	IEARII	NG RECO	RD		····
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE			AF	SN/SSAN	
					SSGT			200		
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A94.06		INDEX NUMBER A13.00			1 ORDER APPOINTING THE BOARD 2 APPLICATION FOR REVIEW OF DISCHARGE					Device
					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 APPERANCE					
HEARING DATE	CA	SE NUMBER	···					·		
14 Jan 2004 FD-2003-00450		50								
APPLICANT'S ISSUE	AND THE BOARD'S DECISI	UNAL RATIONAL	ARE DISCUSSED ON THE	ATTACHED AIR F	ORCE DISC	HARGE RE	VIEW BOARD DE	CISIONAL RAT	ONALE	
Case heard at	Washington, D.C	C.								
Advise applic	ant of the decisio	n of the Bo	ard.							ĺ
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		INDO	RSEMENT				i D	ATE: 01/14	2004.	
TO: SAF/MR	FROM:	ECRETARY	Y OF THE	AIR FORCE PER	SONNEL COUN	CIL				
550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				A is	AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002					
				<u></u>						

CASE NUMBER

### 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.

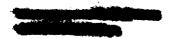
**ISSUE**: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s from a previous enlistment and then was discharged with a General discharge for unsatisfactory progress on the weight management program.

**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).

Article 15s: (1) 3 Dec 81, Vacation, Luke AFB, AZ - Article 92. You, having knowledge of a lawful order issued by TSgt 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 progess 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 Tinder 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. S	UPPORTING DOCUMENTS (X	as applicable) (Please print name and S	Social Security Number on each doc	ument.)					
		ASE COMPLETE REVIEW BASED ON AVAILA		•					
Х	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. DO	CUMENT 2:								
c. DO	CUMENT 3:								
writin	ne Board will consider any issi mine whether there are any is g to issues of concern to you	ue submitted by you prior to closing the sues that provide a basis for upgrading unless those issues are listed or incorp pleting this part of the application. If y	your discharge. However, the Boar orated by specific reference below.	rd is not required to respond in					
my did resc wei	dards. I was informed be discharge and that consider nothing wrong other that not to a gastric bypass rec ght except by drastic med	arge (under honorable conditions)  y my commander at the time that lering my past record and the circ  r be overweight. I've continued to  ently to finally overcome my wei  tical procedure). I have not appliate if my discharge can be upgrad	I could apply to the discharge cumstances, chances were good of fight my weight even since to ght issues (doctor determined ied until now as I assumed that	board for an upgrade of					
I am now employed in a supervisory role in the 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.									
Sep	t. 2004. Your prompt ac	ears to buy back the military time ion would be highly appreciated.	after which I must pay intere Thank you!	st. The two years is up in					
NO	OTHER DOCUMENTA	TION ATTATCHED.							
	I HAVE LISTED ADDITIONAL ISS	UES AS AN ATTACHMENT TO THIS APPLICA	ATION.						
	I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.								
х	THE ABOVE ISSUES SUPERSEDE	ALL PREVIOUSLY SUBMITTED.							
l n	nemt. (U.S. Code, Title 18, Se	as part of my application with full kno ction 1001, provides that an individual	wledge of the penalties involved for shall be fined under this title or imp	r willfully making a false visoned not more than 5 years,					
a. DAT	2003/06/23	SIGNATURE  COMPLETION, MAIL THIS APPLICATION	N TO ADDICABLE ADDRESS DE	·					
	ARMY			) AAA					
ARMY Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-St. 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arha.army.pentagon.mil)		NAVY & MARINE CORPS  Naval Council of Personnel Boards 720 Kennon Street, S.E.  Rm. 309 (NDRB)  Washington Navy Yard, DC 20374-5023	AIR FORCE SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	COAST GUARD  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

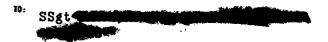
REPLY TO ATTN OF:

CC

1 6 NOV 1988

SUBJECT:

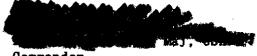
Letter of Notification - Board Hearing



- 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.



- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.
- 5. You have been scheduled for a medical examination. You must report to the USAF Hospital, Tinker AFB, at 0900 hours on 21 Nov 88.
- 6. Military legal counsel Capt , Bldg 452, ext. 97713, has been obtained to assist you. An appointment has been scheduled for you to consult him on 17 Nov 88 , 0930 hours, building 452. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFM lll-l. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
- 7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with his recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.
- 8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the Unit Orderly Room, and must be returned upon completion of your case.
- 9. Execute the attached acknowledgement and return it to me immediately.



Commander

#### 3 Atch

- 1. Supporting documents for discharge.
  - a. LOR w/UIF w/Atch, 1 Nov 88.
  - b. LOR w/UIF w/Atch, 27 Jul 88.
  - c. LOR w/UIF, Control Roster w/Atch, 25 Jul 88.
  - d. Medical Eval dated 11 Jul 88.
  - e. LOR w/UIF, Control Roster w/Atch, 22 Apr 88.
  - f. Medical Eval dated 3 Apr 87.
  - Other derogatory data not contained in the Letter of Notification.
    - a. LOA dated 11 May 87.
    - b. LOC dated 25 Apr 85.
- 3. Airman's Acknowledgement