

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██	GRADE A1C	AFSN/SSAN ██
--	---------------------	--

TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW
-----------------	----------	----------------------------	----------------------

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

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

ISSUES	A92.21 A93.01 A92.01 A93.07 A94.05	INDEX NUMBER	A67.10
		ISSUES IDENTIFIED BY 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	19 Apr 2004	CASE NUMBER	FD-2003-00527
---------------------	-------------	--------------------	---------------

Case heard at Ft. Gillem, GA, via video-teleconference with Andrews AFB, MD.

Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.

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-2003-00527

GENERAL: The applicant appeals for upgrade of discharge to Honorable and to change his reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Fort Gillem, Georgia, via video-teleconference with Andrews AFB, MD, on January 22, 2001.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge and change of reenlistment code are 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.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh, and notes that he was generally a good service member who was close to the end of his enlistment. The records indicated the applicant received four Letters of Reprimand, seven Records of Individual Counseling, one Memorandum for Record, two Articles 15, and had an Unfavorable Information File. There were also four additional documents regarding misconduct. Applicant's infractions included numerous instances of failing to support his dependent daughter, financial irresponsibility, dereliction of duty, missing scheduled appointments, dress and appearance violations, failing to return government furniture, and then returning it damaged. Of his three Enlisted Performance Reports, his final one was a referral "1" noting many performance deficiencies which had not improved after counseling. Member was also seen at the Mental Health Clinic and the Family Advocacy Program over a 9-month period due to marital and family problems. Member felt he was treated unfairly because his offenses were minor. The Board opined that through the unit's numerous administrative actions, the applicant had ample opportunities to improve his negative performance and was unable or unwilling to do so. The Board concluded the extensive misconduct was a significant departure from conduct expected of all military members, and the characterization of the discharge received by the applicant was therefore appropriate.

Issue 2. Applicant contends his misconduct was related to his youth, immaturity, low aptitude scores and learning difficulties. The Board noted that applicant was age 20 to 23 when his misconduct occurred, essentially the same age as other first term airmen who adhere to the standards expected of them and successfully complete their enlistments. The Board could not substantiate this contention and finds it without merit.

Issue 3. Applicant notes his former wife had a drug and alcohol problem that adversely impacted the family and thus member's performance also. The Board recognized that these problems may have contributed to some of his misconduct, but because he was unable to separate those problems from his duties, he became an administrative burden to his unit and a disruptive influence on morale and discipline. The Board further did not find that these problems were of sufficient mitigation to explain all of his extensive misconduct, and thus to warrant an upgrade.

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

[REDACTED]
[REDACTED]
(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 7 Jun 90 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and Change to Reentry Code.

2. **BACKGROUND:**

a. DOB: 18 Nov 67. Enlmt Age: 19 3/12. Disch Age: 23 5/12. Educ: HS DIPL. AFQT: N/A. A-53, E-51, G-39, M-29. PAFSC: 70250 - Information Management Specialist. DAS: 17 May 87.

b. Prior Sv: (1) AFRes 16 Apr 86 - 5 Jan 87 (8 Months 21 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 6 Jan 87 for 6 yrs. Svd: 3 Yrs 5 Mos 2 Das, all AMS.

b. Grade Status: A1C - 24 Apr 90 (Article 15, 24 Apr 90)
SRA - 20 Jun 89
A1C - 20 Feb 87

c. Time Lost: None.

d. Art 15's: (1) 24 Apr 90, Eielson AFB, Alaska - Article 108. You did, between on or about 25 May 89 and on or about 16 Apr 90, without authority, through neglect damage one dining chair, two single mattresses and box springs, one double mattress and box spring, and one dresser, military property of the United States, the amount of said damages being in the sum of \$861.89. Reduction to A1C. (Appeal/Denied) (No mitigation)

(2) 20 Oct 89, Eielson AFB, Alaska - Article 86. You did, on or about 12 Oct 89, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C, and suspended forfeiture of \$100.00 pay per month for two months. (No appeal) (No mitigation)

e. Additional: LOR, 18 APR 90 - Financial irresponsibility.
MFR, 30 NOV 89 - Failure to meet dress and appearance standards.
LTR, 03 OCT 89 - Failure to turn-in excess govt furniture.
LTR, 15 SEP 89 - Failure to provide financial support to dependent daughter.
RIC, 11 SEP 89 - Missing scheduled appointments.

LOR, 31 AUG 89 - Dereliction of duty.
 RIC, 30 AUG 89 - Dereliction of duty.
 RIC, 30 AUG 89 - Dereliction of duty.
 RIC, 24 AUG 89 - Failure to provide support for dependent daughter.
 LOR, 18 JUL 89 - Missing scheduled appointment.
 LOR, 12 JUL 89 - Late for scheduled appointment.
 RIC, 12 JUL 89 - Unauthorized extended lunch break.
 RIC, 08 JUN 89 - Violation of dress and appearance standards.
 RIC, 26 APR 89 - Failure to report as directed.
 LTR, 20 NOV 88 - Failure to provide financial support to dependent daughter.
 LTR, 18 MAR 88 - Writing worthless checks.

f. CM: None. 6 Jan 87

g. Record of SV: 6 Jan 87 - 5 Jan 88 Eielson AFB 8 (Annual)
 6 Jan 88 - 5 Jan 89 Eielson AFB 7 (Annual)
 6 Jan 89 - 5 Jan 90 Eielson AFB 1 (Annual) REF

(Discharged from Eielson AFB)

h. Awards & Decs: AFTR, AFOUA, AFOSLTR.

i. Stmt of Sv: TMS: (4) Yrs (1) Mos (23) Das
 TAMS: (3) Yrs (5) Mos (2) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 11 Nov 03.
 (Upgrade Discharge to Honorable and Change Reentry Code)

ISSUES ATTACHED TO BRIEF

ATCH

1. Applicant's Issues.
2. Personal References.

17 Dec 03/cr

[REDACTED]
[REDACTED]
TAMPA, FL 33637

Dear DRB: The following issues are the reasons I believe my discharge should be upgraded to Honorable. If you disagree, please explain in detail why you disagree. The presumption of regularity that might normally permit you to assume that the service acted correctly in characterizing my service as less than honorable does not apply to my case because of the evidence I am submitting.

My discharge was based on many offenses, but they were only minor offenses. The punishment I got at my discharge was too harsh. I was unable to understand the full consequences of these actions. Not knowing this discharge would effect my GI Bill to pay for college. I qualify for every benefit except the GI Bill. I qualify for a VA House Loan, but denied Educational benefits. I was not aware that it would mean forfeiture of my GI Bill and the money that I contributed into the fund. I was promised \$10,800 for college education, they took 12 payment of \$100.00 a total \$1,200.00. That is also non - refundable.

It also includes reentry code 2B, this code prevents me from reentering the Air Force at future date.

My ability to serve was impaired by my youth, immaturity, low aptitude scores and level of education impaired my ability. My record of NJPs/ Article 15 indicates only an isolated offenses, but has many minor infractions. As you review my records. You will see some immature decision that I had made, late for work, out of uniform dress code, failed dorm inspections, and missed test date.

I was never in trouble for drinking, fighting, or being disrespectful to anyone. Being so young, lack of confidence and low self esteem. I was unable to question situations as they were presented, I accepted what I was being instructed.

My ability to serve properly was impaired because of marital and family. My ex-wife had a drug and alcohol problem. I tried everything to help her, including many drug & alcohol treatment centers and counseling. Once my Squadron Commander got involved, sent her to a military drug & alcohol center at Ft Blitz, TX. He also sent me to the spouse dependence program there, for spouse counseling.

It also was a suggested that I should get out of that marriage. My immature decision to try to save a person with her addiction and to keep the family together was a bad decision. I was only trying to be a supportive husband. That decision was a choice I now regret.

All my life I have had to struggle with learning. Every mandatory test while entering the military required me to retake the test with the understanding, if I failed I would be sent home. But, I didn't give up my dream of becoming a Airmen. I had to develop my confidence and self esteem to push myself extra hard to prove that I could accomplish task, and not to give up when it seemed impossible. I was not discharge because I failed at test, I was discharge due to lack of knowledge, skill level, personal problems, youthful and immature decisions. I was proud of my accomplishment to have act my goals and pass all required test, to wear my uniform bought me respect from my relatives, teachers and friends back home.

My average conduct and efficiency ratings/behavior and proficiency marks were good. I was generally a good service member. Yes, I struggled a lot to learn my skill. My supervisors SSgt [REDACTED] MSgt [REDACTED] MSgt [REDACTED] SSgt [REDACTED] tried to be good leaders.

I was so close to finishing my tour. That it was unfair to be discharged from the service at that time.

I was discharged 7 June 1990, from Eielson AFB, AK. While out-processing from the base, to my new base Peterson AFB, CO. I was on warning from the commander no more trouble, but while out processing I returned bedding furniture, the mattress was soiled. It was reported to my commander, that was the final incident. I received a General, Under Honorable Conditions. Under current standards, I would not have been discharged for this offenses.

Since discharge from the military. I have been a good citizen. I am now a divorced single parent with three children from that marriage, sole custody, since 1995, I have worked several jobs. I attended Alaska Computer Institute, Anchorage AK campus. Since leaving the military, no arrest record. I am requesting a review in person in regards to upgrade discharge from General, Under Honorable Conditions to a Honorable Discharge.

[REDACTED]



DEPARTMENT OF THE AIR FORCE

343D COMPONENT REPAIR SQUADRON (AAC)
EIELSON AIR FORCE BASE, ALASKA 99702-5000



REPLY TO
ATTN OF: CC

MAY 25 1990

SUBJECT: Notification Letter

TO: A1C [REDACTED], 343 CRS, (AAC)

1. I am recommending your discharge from the United States Air Force for 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 reasons for this action are as follows:

a. On or about 18 March 1988, you made and uttered a worthless check to a Morale, Welfare, and Recreation (MWR) Division activity at Eielson Air Force Base, Alaska. (Atch 1)

b. On or about 20 November 1988, you failed to provide financial support for your dependent daughter, as evidenced by a letter from Ms. [REDACTED] (Atch 2)

c. On or about 26 April 1989, you failed to report to your appointed place of duty at the time prescribed, as evidenced by a Record of Individual Counseling, dated 26 April 1990. (Atch 3)

d. On 8 June 1989, you failed to meet AFR 35-10 dress and appearance standards, for which you received a Record of Individual Counseling, dated 8 June 89. (Atch 4)

e. On 30 June 1989, you failed to report to your appointed place of duty at the time prescribed, as evidenced by a Letter of Reprimand, dated 12 July 1989. (Atch 5)

f. On 5 July 1989, you failed to report to your appointed place of duty at the time prescribed, as evidenced by a Letter of Reprimand, dated 18 July 1989. (Atch 6)

g. On 12 July 1989, you went from your appointed place of duty without authority, as evidenced by a Record of Individual Counseling, dated 12 July 1989. (Atch 7)

h. On or about 24 August 1989, you again failed to provide financial support for your dependent daughter, for which you received a Record of Individual Counseling, dated 24 August 1989. (Atch 8)

i. On divers occasions from on or about 1 August 1989 to on or about 15 August 1989, you were derelict in the performance of your duties, for which you received a Record of Individual Counseling, dated 30 August 1989. (Atch 9)

j. On divers occasions from on or about 16 August 1989 to on or about 31 August 1989, you were derelict in the performance of your duties, for which you received a Record of Individual Counseling, dated 30 August 1989. (Atch 10)

k. On or about 28 August 1989, you were derelict in the performance of your duties, for which you received a Letter of Reprimand, dated 31 August 1989, which was entered into your Unfavorable Information File (UIF). (Atch 11)

l. On or about 8 September 1989, you failed to report to your appointed place of duty at the time prescribed, as evidenced by a Record of Individual Counseling, dated 11 September 1989. (Atch 12)

m. From on or about 1 September 1989 to on or about 3 October 1989, you failed to turn in certain excess government furniture, which had been loaned to you, as evidenced by a 343 SVS/SVOS letter, dated 3 Oct 89. (Atch 13)

n. On or about 15 September 1989, you again failed to provide financial support for your dependent daughter, as evidenced by a letter from Ms [REDACTED] dated 15 September 1989. (Atch 14)

o. On or about 12 October 1989, you failed to report to your appointed place of duty at the time prescribed, for which you received Article 15, UCMJ, nonjudicial punishment on 20 October 1989. (Atch 15)

p. On 30 November 1989, you were found to be in violation of AFR 35-10 dress and appearance standards, for which you were counselled, as evidenced by a Memo For Record, dated 30 November 1989. (Atch 16)

q. From on or about 1 February 1990 to on or about 16 April 1990, you were indebted to your landlord for three months rent; as of 16 April 1990, you were three months delinquent in your lease payments. Based on your dishonorable failure to pay your just debts, you were administered a Letter of Reprimand, dated 18 April 1990, which was placed in your UIF. (Atch 17)


r. Between on or about 25 May 1989 and on or about 16 April 1990, you negligently damaged government property, for which you received Article 15, UCMJ, nonjudicial punishment on 24 April 1990. (Atch 18)

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 and, if you are discharged, how your service will be characterized. 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], Area Defense Counsel, building 3112, on 29 May 90 at 1330 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 by 31 May 90, 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 the Physical Examinations Section, 343d Medical Group, building 3349, at 0730 hours on 29 May 90 for the examination.
7. 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 343 CRS Orderly Room.
8. Execute the attached acknowledgment and return it to me immediately.

 Major, USAF
Commander

- 19 Atch
1. Dishonored Check Notification, undated
 2. Ms  Ltr, 20 Nov 88
 3. AF Form 174, 26 Apr 89
 4. AF Form 174, 8 Jun 89
 5. Ltr of Reprimand, 12 Jul 89
 6. Ltr of Reprimand, 18 Jul 89, w/2 atch
 7. AF Form 174, 12 Jul 89
 8. AF Form 174, 24 Aug 89
 9. AF Form 174, 30 Aug 89
 10. AF Form 174, 30 Aug 89
 11. Ltr of Reprimand, 31 Aug 89, w/1 atch
 12. AF Form 174, 11 Sep 89
 13. 343 SVS/SVOS Ltr, 3 Oct 89
 14. Ms Wright's Ltr, 15 Sep 89
 15. AF Form 3070, 20 Oct 89, w/2 atch
 16. Memo for Record, 30 Nov 89
 17. Ltr of Reprimand, 18 Apr 90, w/4 atch
 18. AF Form 3070, 24 Apr 90, w/3 atch
 19. Airman's Receipt of Notification Ltr