

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> AB	<b>AFSN/SSAN</b> ████████████████
--	--------------------	--------------------------------------

<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>		<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b> ████████████████	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b> Florida Department of Veteran's Affairs 00	
<b>YES</b>	<b>No</b>			
<b>X</b>				

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

<b>ISSUES</b> A94.06	<b>INDEX NUMBER</b> A67.50	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
		<b>4</b>	BRIEF OF PERSONNEL FILE	
				COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
		TAPE RECORDING OF PERSONAL APPEARANCE		

<b>HEARING DATE</b> 20 Apr 2004	<b>CASE NUMBER</b> FD-2003-00551	
------------------------------------	-------------------------------------	--

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Ft Gillem, GA via videoconference at Andrews AFB, MD.

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

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

--	--

<b>INDORSEMENT</b>		<b>DATE: 4/20/2004</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b>	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-2003-00551**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, for a change of the reason and authority for the discharge, and for a change to the reenlistment code. The applicant appeared before the Discharge Review Board (DRB) on 20 April 2004 at Ft Gillem GA via video teleconference with Andrews AFB MD. The applicant was represented by Mr. [REDACTED] of the Florida Department of Veterans Affairs.

The following additional Exhibits were admitted into evidence:

- Exhibit #6, Florida State Driving Record
- Exhibit #7, New Jersey State Driving Record
- Exhibit #8, Statement, Ms. Desiree McLaughlin
- Exhibit #9, Extract, OPM Investigation

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

**FINDINGS:** Upgrade of Discharge and change of reenlistment code is approved. The applicant's request to change the reason and authority for his separation is denied. The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify changing his military records. However, based upon the record and evidence provided by applicant the Board finds that the characterization of the applicant's discharge is inequitable.

**ISSUE:** The applicant contends his discharge is inequitable because it is too harsh. Specifically, he claims that his discharge is "based on one isolated incident in 35 months of service with no other adverse action." The applicant is a former Security Forces patrolman. After serving very commendably for 2 years and receiving notice he was about to leave on a coveted assignment to Florida, the applicant engaged in a series of infractions over a 33-day period which convinced his commander that he should be discharged. After the applicant's former wife notified base authorities that his driver's license had been suspended, a Security Force's patrolman directed him not to drive on base until the matter had been resolved. Evidence provided by the applicant at the hearing shows his former wife was wrong and that his license was, in fact, valid. At the time, however, base authorities could not confirm the validity of the license. Rather than comply with the order or provide evidence he had a valid license, the applicant decided to ignore the order. When his unit discovered he drove on base despite the order, they cancelled his pending assignment to Florida. His supervisor directed him to "immediately" return the airline tickets he received in connection with his cancelled assignment to the Transportation Management Office (TMO). Instead of returning the tickets "immediately," the applicant did not promptly comply. For this, he received a reprimand. About 2 weeks later, the applicant got into a dispute with his estranged former wife. At the time, his supervisors believed the applicant entered her house without authority and spat upon her. For this, he received a second reprimand. The final incident occurred a week later. On this occasion, the applicant left his post to go to lunch without first seeking his supervisor's permission. For this last incident and for disobeying the order to refrain from driving on base (discussed above), the applicant's commander imposed nonjudicial punishment. With the exception of the incident involving his former wife (who now states the applicant did not spit on her), the applicant admitted the events occurred as described and acknowledged he was responsible for his actions. In addition, the applicant told the DRB that while these events were transpiring, he met with his first sergeant and told him that he no longer desired to be in the Air Force. He encouraged his first sergeant to prepare a discharge package which he knew would result in his separation from the service. Based on this evidence, the DRB concluded his commander properly initiated discharge action for misconduct and appropriately declined to recommend the applicant be considered for probation and rehabilitation.

Although the discharge is proper and amply supported by the evidence, the applicant's otherwise commendable service record coupled with the extenuating circumstances surrounding his failing marriage

convinced the DRB that his service characterization and re-enlistment code should be changed. For 2 years prior to this brief period of misconduct, the applicant had an exemplary record. His performance reports, overseas service, medals, and character statements all show the applicant commendably performed his duties. In reviewing the situation with his former spouse, the DRB took particular notice of the OPM report. The OPM report indicated his former wife was vindictive and actively sought to undermine his military career. The DRB found his unfortunate family situation may have affected the applicant's ability to serve satisfactorily. For these reasons, the DRB recommends the applicant's service characterization be upgraded to honorable and his re-enlistment code be changed to permit his re-entry into the Reserves.

**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 that his re-enlistment code should be changed to permit re-entry into the Reserves. As there is ample misconduct supporting the commander's decision to discharge the applicant, the DRB concluded the reason and authority for discharge should remain unchanged.

Attachment:  
Examiner's Brief

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

FD2003-00551A

[REDACTED] (Former AB) (HGH SRA) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Dish fr USAF 3 Aug 01 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 30 Jul 02.

b. The AFDRB reviewed case on 23 Aug 02 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 6 Dec 03. (Change Discharge to Honorable, and Change the RE Code, Reason and Authority)

I would like to join the reserve forces because I feel that my experience in the Middle East and desert warfare could be put to good use in this time of war. And to do so I would need an upgrade to my discharge to make me eligible.

Atch

None.

6JAN04/ai

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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/08/03 UP AFI 36-3208, para 5.50.2 (Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 80/02/18. Enlmt Age: 17 11/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-79, E-85, G-84, M-60. PAFSC: 3P051 - Security Police Journeyman. DAS: 99/02/03.

b. Prior Sv: (1) AFRes 98/02/04 - 98/08/18 (6 Mos 15 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 98/08/19 for 4 yrs. Svd: 2 Yrs 11 Mo 15 Das, all AMS.

b. Grade Status: AB - 01/07/11 (Article 15, 01/07/11)  
SRA - 01/02/10  
A1C - 98/10/10

c. Time Lost: None

d. Art 15's: (1) 01/07/11, Whiteman AFB, MO, Article 92. You, who knew of your duties, on or about 28 May 2001, were derelict in the performance of those duties in that you willfully failed to refrain from driving on base with a suspended driver's license, as it was your duty to do. Article 86. You did, on or about 30 Jun 2001, without authority, go from your appointed place of duty, to wit: Building 711, 509<sup>th</sup> Security Forces Squadron. Reduction to the grade of AB. (No appeal) (No mitigation).

e. Additional: LOR, 23 JUL 01 - Assault.  
LOR, 07 JUN 01 - Failure to comply with instructions.

f. CM: None

g. Record of SV: 98/08/19 - 00/04/18 Whiteman AFB 5 (Initial)  
00/05/09 - 01/05/08 Whiteman AFB 5 (Annual)

(Discharged from Whiteman AFB)

h. Awards & Decs: AFAM, AFTR, AFOUA, AFEM.

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (0) Das

TAMS: (2) Yrs (11) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/04/16.  
(Change Discharge to Honorable)

Issue: My discharge was improper because it was based on one isolated incident in 35 months of service with no other adverse action. I have enclosed many documents showing how I continually went beyond the expectations of a normal airman. I am currently serving my country as a Federal Air Marshal. I would like to further my education using the MGIB but cannot until I have an honorable discharge.

**ATCH**

1. Administrative Discharge Documents.
2. Enlistment Contract.
3. Enlisted Evaluation.
4. Character Reference.
5. Three Awards.
6. Fourteen Certificated/Letters of Appreciation.

02/07/30/cr

FD 2003-00551A



DEPARTMENT OF THE AIR FORCE  
509TH SECURITY FORCES SQUADRON  
WHITEMAN AIR FORCE BASE, MISSOURI

JUL 23 2001

MEMORANDUM FOR AB [REDACTED] 509 SFS

FROM: 509 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authorities for this action are AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On 23 Jun 01, you assaulted your ex-wife. For this incident, you received a Letter of Reprimand, dated 23 Jul 01. (Atch 1a)

b. On 28 May 01, you failed to refrain from driving on base with a suspended driver's license. For this incident, you received an Article 15, dated 13 Jul 01. (Atch 1b)

c. On 30 Jun 01, you left your appointed place of duty without permission. For this incident, you received an Article 15, dated 13 Jul 01. (Atch 1b)

d. On 29 May 01, you were informed that your TDY enroute to PCS was cancelled, and that you needed to turn in your airline tickets to TMO. On 5 Jun 01, SSgt [REDACTED] telephoned the TMO office to verify that you had turned in the tickets, but you had failed to do so. For this incident, you received a Letter of Reprimand, dated 7 Jun 01. (Atch 1d)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial convening authority 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. 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 Captain [REDACTED] in Bldg 509 on 2 Aug 01 1500 at 1500. You may consult civilian counsel at your own expense. JUL 30 2001

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 2 Aug 01 1500 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

FD 2003 - 00551A

6. 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.
7. You have been scheduled for a medical examination. You must report to Physical Exams at 0800 on ~~06-29~~ Aug 2001 for the examination.
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 in your Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.



Lt Col, USAF

Commander

## Attachments:

1. Supporting documents -- for the reason for discharge
  - a. LOR, dated 23 Jul 01
  - b. Article 15, dated 15 Jul 01
  - c. LOR, dated 7 Jun 01
2. Airman's receipt of notification memorandum, dated Jul 29 2001