

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████ | GRADE SRA | AFSN/SSAN ██████████ |
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| TYPE GEN | X | PERSONAL APPEARANCE | RECORD REVIEW |
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| COUNSEL | YES | No | NAME OF COUNSEL AND OR ORGANIZATION <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> | ADDRESS AND OR ORGANIZATION OF COUNSEL Florida Department of Veteran's Affairs |
| | X | | | |

| MEMBER SITTING | VOICES OF THE BOARD | | | | |
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| ISSUES A92.22 A93.02 | INDEX NUMBER A67.10 | EXHIBITS SUBMITTED TO THE BOARD | | | | | | | | | | | | | | |
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| HEARING DATE 21 Apr 2004 | CASE NUMBER FD-2003-00566 | |
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APPLICANT'S ISSUE AND THE BOARD'S DECISION, RATIONALE ARE DISCUSSED ON THE ATTACHED DISCHARGE REVIEW BOARD DECISION, RATIONALE

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

Advise applicant of the decision of the Board.

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

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| 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-96-00328-A

GENERAL: Applicant appeals to upgrade the discharge to honorable, to change the reason and authority for the discharge, and to change his reenlistment code.

The applicant appeared and testified before the Discharge Review Board with counsel at Fort Gillem, Georgia, via video teleconference with Andrews AFB, Maryland, on April 21, 2004.

The following additional exhibits were submitted at the hearing:

Exhibit #6: Character Reference Letter

Exhibit #7: Character Reference Letter

Exhibit #8: Character Reference Letter

Exhibit #9: Character Reference Letter

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

FINDINGS: The Board grants the requested relief.

The Board finds the evidence of record and that provided by applicant did not substantiate an impropriety that would justify upgrade of or change of reason for the discharge. However, based on applicant's testimony, the Board finds that the character of discharge, reason and authority for discharge, and reenlistment code should be changed.

Issues. Member received a General discharge for minor disciplinary infractions. Member had five Letters of Reprimand and an Article 15. His misconduct included negligent driving, failure to obey an order, insubordination, financial irresponsibility, and unauthorized possession of a government typewriter. In his testimony applicant agreed that those incidents occurred, but explained the mitigating or extenuating circumstances of each instance. Due to his association with another particular Air Force member, applicant felt he was singled out and each minor misstep was scrutinized while others in his duty section were allowed to make mistakes without similar repercussions. While the board did not condone applicant's misconduct and did not find all of his testimony compelling regarding these assertions, they did surmise that some actions taken against member were possibly too harsh.

Applicant also noted his successes in the civilian community since his departure from the military. He has been gainfully employed, married, and an active supporter of volunteer activities. The Board commends applicant for these achievements and weighed them heavily in their decision to grant relief.

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 now more accurately reflected by an Honorable discharge, the reason and authority for the discharge is now more accurately described as Secretarial Authority, and the reenlistment code is changed to 3K. The applicant's characterization and reason for discharge should thus be changed 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 29 Aug 91 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 17 Jul 63. Enlmt Age: 23 0/12. Disch Age: 28 1/12. Educ: BACHELOR DEGREE. AFQT: N/A. A-82, E-29, G-50, M-69. PAFSC: 81150 - Security Specialist. DAS: 13 Dec 88.

b. Prior Sv: (1) AFRes 12 Aug 86 - 8 Feb 87 (5 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Feb 87 for 4 yrs. Extended 6 Oct 88 for 10 months. Extended 2 Dec 88 for 12 months. Svd: 4 Yrs 6 Mo 21 Das, all AMS.

b. Grade Status: SrA - 9 Feb 90
A1C - 9 Jun 88
Amn - 9 Aug 87

c. Time Lost: None.

d. Art 15's: (1) 30 Aug 89, RAF Greenham Common, England - Article 91. Preliminary investigation has disclosed that you, having received a lawful order from SSgt [REDACTED] a Noncommissioned Officer, then known by you to be a Noncommissioned officer, to report to the Armory, an order which it was your duty to obey, did, on or about 2 Aug 89, willfully disobey the same. Suspended reduction to Airman, forfeiture of \$100.00 pay per month for two months. (No appeal) (No mitigation)

e. Additional: LOR, 17 MAY 91 - In possession of a stolen Air Force typewriter.
LOR, 07 MAY 91 - Insubordinate conduct toward an NCO.
LOR, 11 JAN 91 - Financial irresponsibility.
LOR, 14 AUG 90 - Failure to obey a lawful order.
LOR, 14 JUN 89 - Negligent driving causing an accident.

f. CM: None.

g. Record of SV: 09 Feb 87 - 08 Feb 88 Malmstrom AFB 9 (Annual)
09 Feb 88 - 05 Oct 88 Malmstrom AFB 9 (CRO)
06 Oct 88 - 11 Apr 89 RAF Greenham Common 9 (CRO)

12 Apr 89 - 24 Feb 90 RAF Greenham Common 3 (CRO)
25 Feb 90 - 30 Mar 91 RAF Greenham Common 2 (Annual) REF

(Discharged from McGuire AFB)

- h. Awards & Decs: NCOPMER, SAEMR, NDSM, AFTR, AFLSAR, AFOUA.
- i. Stmt of Sv: TMS: (5) Yrs (0) Mos (18) Das
TAMS: (4) Yrs (6) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Dec 03.
(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: I just want to serve my country. I have been out of the Air Force for 12 years now and I only want the chance to reenlist and serve my country during these trying times. My discharge was General under honorable conditions. I only want it changed so that I can enter the reserves and pay back my past youthful stupidity.

Since my discharge I have been a civilian police officer and I put myself through college and I have been teaching high school physical education and health for 4 years. I am now 40 years young; I started this quest to reenlist 1 year ago. I am in great shape. I want to be apart of the solution and a good role model to my students.

I once served this great country as a foolish young man; I only want to serve it now as a wiser older man. I still have a great deal to offer and the service of my country is important work. Thank you for your time.

ATCH

1. Honor Society Certificate.
2. University Bachelor Degree.
3. State of Illinois Law Enforcement Certificate.

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FD 2003-00566



DEPARTMENT OF THE AIR FORCE
DET 1 7501ST AIR BASE SQUADRON (USAFE)
APO NEW YORK 09150-5000



REPLY TO
ATTN OF: CC

2 Jul 91

SUBJECT: Notification Letter

TO: SRA [REDACTED] Det 1, 7501 ABS

1. I am recommending your discharge from the United States Air Force for Misconduct to wit: Minor Disciplinary Infractions. The authority for this action is AFR 39-10, paragraph 5-46. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. Negligent Driving (22 June 1989). You failed to signal a turn causing an accident for which you received a Letter of Reprimand.

b. Failure to Obey (2 August 1989). You failed to obey a lawful order to report for duty for which you were punished under Article 15.

c. Failure to Obey (10 August 1990). You failed to obey an order not to play softball; by playing softball, you ignored a physical profile and risked serious injury for which you were reprimanded.

d. Failure to pay Just Debt (10 January 1991). You repeatedly failed to make a Deferred Payment Plan payment for which you were reprimanded.

e. Disrespect to an NCO (6 May 1991). You argued with and verbally abused TSgt [REDACTED] over a duty assignment for which you were reprimanded.

f. Possession of stolen property (16 May 1991). You were in possession of a stolen Air Force typewriter for which you were reprimanded.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court Martial 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] at RAF Upper Heyford on 3 Jul 91 at 1100. 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 5 Jul 91, unless you request and receive an extension for good cause shown. I will send them to the separation authority.


Right People. Right Mission. Right Now.

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 RAF Greenham Common Clinic at 0815 on 9 Jul 91 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.

8. Execute the attached acknowledgment and return it to me immediately.

, Capt, USAF
Commander

6 Atchs

- 1. Letter of Reprimand dtd 14 Jun 89
- 2. Article 15 dtd 4 Aug 89
- 3. Letter of Reprimand dtd 14 Aug 90
- 4. Letter of Reprimand dtd 11 Jan 91
- 5. Letter of Reprimand dtd 7 May 91
- 6. Letter of Reprimand dtd 17 May 91