

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	██████████ VFW	

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

ISSUES A94.05	INDEX NUMBER A67.50	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 01 Apr 2004	CASE NUMBER FD-2004-00019	
------------------------------------	-------------------------------------	--

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, and the right to submit an application to the AFBCMR

ENDORSEMENT **DATE: 4/1/2004**

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

CASE NUMBER

FD-2004-00019

GENERAL: The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and to change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB, MD on April 1, 2004. The following witness also testified on the applicant's behalf: Mrs AQ, his landlord.

The following additional exhibits were submitted at the hearing:

- Exhibit 5: Applicant's contentions
- Exhibit 6: Medical Certificate and Pilot License
- Exhibit 7: College Transcript
- Exhibit 8: Phi Theta Kappa honor Society Letter
- Exhibit 9: recommendation Letter

FINDINGS: Upgrade of Discharge, change of reason and authority for 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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, two Letters of Reprimand, three Letters of Counseling, and a Vacation action under the UCMJ for various acts of misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board was sympathetic to the fact that the applicant's fiancée broke up with him right before the scheduled wedding, however, the applicant still knew right from wrong. The Board was also impressed with the applicant's post-service accomplishments, particularly his academic achievements; and also his patriotic zeal to serve his country in the armed forces. However, these factors do not constitute an inequity or an impropriety. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

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.

In view of the foregoing findings the Board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

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

FD2004-00019

[REDACTED]

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 8 Apr 98 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct). Appeals for Honorable Discharge, to Change to RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 9 Nov 76. Enlmt Age: 18 0/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-72, E-92, G-78, M-78. PAFSC: X1A051 - In Flight Refueling Journeyman. DAS: 25 Mar 96.

b. Prior Sv: (1) AFRes 29 Nov 94 - 19 Jul 95 (7 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 20 Jul 95 for 6 yrs Svd: 2 Yrs 8 Mo 20 Das, all AMS.

b. Grade Status: A1C - 5 Mar 98 (Article 15, 5 Mar 98)
SRA - 20 Nov 97

c. Time Lost: None.

d. Art 15's: (Examiner's Note): Page 2 Punishment administered is missing from the file)

(1) 25 Mar 98, Vacation, Offutt AFB, NE - Article 92. You, did, on or about 6 Mar 98 fail to obey a general regulation, to wit: AFI 33-129, dated 1 Jan 97, by wrongfully using the internet to display pornographic material on your government computer. (Punishment page missing from file) (No appeal) (No mitigation)

(2) 5 Mar 98, Offutt AFB, NE - Article 92. You did, within the territorial limits of the state of New Hampshire, between on or about 6 Dec 97 and on or about 13 Dec 97, fail to obey a lawful general regulation, to wit: AFI 65-104, dated 1 May 96, by wrongfully using your government American Express card. Article 134. You, being indebted to your government American Express card in the sum of \$209.32 for credit card services, which amount became due and payable on or about 19 Dec 97, did, from 19 Dec 97, to 27 Feb 98, dishonorably fail to pay said debt. Reduction to A1C, suspended forfeiture of \$100.00 pay per month for two months. (Appeal/Denied) (No mitigation).

- e. Additional: LOR, 07 JUL 97 - Failure to go and violation of AFI 11-401, Crew Rest policy.
 LOR, 24 APR 97 - Failure to obey lawful orders, room left in inappropriate condition, and disrespect to an NCO.
 LOC, 12 NOV 96 - Bad personal hygiene.
 LOC, 29 AUG 96 - Reckless driving resulting in a vehicle accident, causing minor injury to self, and lost duty time.
 LOC, 06 Jan 96 - Failed Stan Eval no-notice inspection.
- f. CM: None.
- g. Record of SV: 20 Jul 95 - 15 Jan 97 Offutt AFB 3 (HAF Dir)
 16 Jan 97 - 15 Jan 98 Offutt AFB 4 (Annual)
 (Discharged from Offutt AFB)
- h. Awards & Decs: AFTR, NDSM.
- i. Stmt of Sv: TMS: (3) Yrs (4) Mos (11) Das
 TAMS: (2) Yrs (8) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Jan 04.

(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: The main issue pertaining to my seperation (sic) was my failure to cope with the loss of my fiancee, for whom I have known for 7 years.

I was an Inflight Refueling Specialist on the KC-135 Strato-Tanker and the EC-135 looking glass. I loved my job. Flying is my passion.

Since leaving the military, I have taken the opportunity to seek higher education, earning 49 out of 60 college credits required for my degree. Additionally I have achieved FAA licenses to operate single and multi-engine aircraft while on instruments by the FAA.

More importantly, I would to to (sic) join the fight for freedom. U.S. Troops are dying every day. I am a wasted resource. Help me regain entry into the U.S. Military. Help me fight the war on terrorism.

This process was designed to help people like myself to get an opportunity to fight for the United States of America. I believe I should be given this chance. I am 27 and may not get any more chances.

ATCH
 None.

FD2004-00019



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

MEMORANDUM FOR A1C [REDACTED]

20 MAR 98

FROM: 7 ACCS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Pattern of Misconduct. The authority for my recommendation is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending a general discharge.
2. My reasons for this action are:
 - a. On 8 August 1996, you were involved in an automobile accident that caused minor injury to you, a total loss of your car, and you were placed on DNIF (Duty, Not to Include Flight) for 6 days. For this incident, you received a letter of counseling, dated 29 August 1996. (Atch 1-1)
 - b. On 8 November 1996, three crew personnel complained about your body odor. You had been counseled in the past about personal hygiene and the importance of maintaining these standards at all times. For this incident, you received a letter of counseling, dated 12 November 1996. (Atch 1-2).
 - c. On 19 December 1996, you failed a Stan Eval no-notice publications' inspection. For this incident, you received a letter of counseling, dated 6 January 1996. (Atch 1-3)
 - d. On divers occasions between on or about 8 April to 21 April 1998, you failed to contact SSgt [REDACTED] concerning your dormitory room, as you had been ordered to do by the First Sergeant. On 16 April 1997, your room was left in an inappropriate condition following your move. For these incidents, you received a letter of reprimand, dated 24 April 1997. (Atch 1-4)
 - e. On 26 June 1997, you failed to appear for a scheduled mission to accomplish required planning duties and to meet transportation times. During the process of locating you it was discovered that you were engaged in Aero Club flying activities for five hours during your crew rest period as prescribed by AFI 11-401. For this incident, you received a letter of reprimand, dated 7 July 1997. (Atch 1-5)
 - f. On or about 6 December 1997 and on or about 13 December 1997, you did, within the territorial limits of the state of New Hampshire, fail to obey a lawful general regulation, to wit:

Air Force Instruction 65-104, dated 1 May 1996, by wrongfully using your government American Express card.

g. On or about 19 December 1997 to 27 February 1998, at or near Offutt AFB, NE, you dishonorably failed to pay your debt on your government American Express card in the sum of \$209.32 which became due and payable on 19 December 1997.

For the incidents in subparagraphs (f) and (g), you received nonjudicial punishment, dated 5 March 1998, consisting of reduction to the grade of airman first class, and a suspended forfeiture of \$100 pay per month for two months. (Atch 1-6)

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 jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably any other branch of the military.
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] Area Defense Counsel, Bldg 323C, RM 302, Phone 4-3939, at 0900 on 30 MAR 98. You may consult civilian counsel at your own expense.
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 1400 HRS 30 MAR 98 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
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 the 55th Medical Group, Family Practice Section at 1530 on 24 MAR 98 for the examination.
8. You have been scheduled for an initial separations appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 1400 on 23 MAR 98 with your escort.
9. You have been scheduled for a pre-separations briefing. You must report to the Family Support Center at 1400 on 26 MAR 98 for briefing.
10. 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 the unit orderly room.
11. Execute the acknowledgment provided and return it to me immediately.

[REDACTED]

Col, USAF

27th Airborne Command Control Squadron

FD 2004-00019

Attachments:

- Atch 1-1; Letter of counseling, 29 Aug 96
- Atch 1-2; Letter of counseling, 12 Nov 96
- Atch 1-3; Letter of counseling, 16 Dec 96
- Atch 1-4; Letter of reprimand, 24 Apr 97
- Atch 1-5; Letter of reprimand, 7 Jul 97
- Atch 1-6; Nonjudicial punishment, 5 Mar 98