



**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00026**

**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 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:** Upgrade of Discharge, change of reason and authority for discharge, and change of reenlistment code are denied.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh and he is now in the Army National Guard. The records indicated the applicant received an Article 15, two Letters of Reprimand, and two Letters of Counseling. In addition, he received a Vacation action under the UCMJ. The fact that the applicant is now in the Army National Guard does not negate the misconduct which characterized his period of service in the Air Force. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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

[REDACTED]

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Grand Forks AFB, ND on 30 Jun 98 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 26 May 78. Enlmt Age: 17 6/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-77, E-82, G-66, M-83. PAFSC: 2W031 - Munitions Systems Apprentice. DAS: 19 Nov 96.

b. Prior Sv: (1) AFRes 11 Dec 95 - 2 Jul 96 (6 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Jul 96 for 4 yrs. Svd: 1 Yrs 11 Mo 28 Das, all AMS.

b. Grade Status: AB - 18 Sep 97 (Vacation of Article 15, 31 Oct 97)  
Amn - 3 Jan 97

c. Time Lost: None.

d. Art 15's: (1) 31 Oct 97, Vacation, Grand Forks AFB, ND - Article 92. You, who knew of your duties, on or about 24 Sep 97, were derelict in the performance of your duties in that you willfully operated a motor vehicle without a drivers license and with only one license plate displayed, as it was your duty not to do. Reduction to AB. (No appeal) (No mitigation)

(2) 18 Sep 97, Grand Forks AFB, ND - Article 134. You did, between on or about 25 Jul 97 and on or about 31 Jul 97, wrongfully and falsely alter your military identification card by using a razor blade to cut open the edge of your military identification card, to insert the numeral six over the numeral eight in the year 1978 in the date of birth block, to reflect that you were over 21 years of age. Suspended reduction to AB. Forfeiture of \$50.00 pay, 7 days extra duty, and 30 days restriction. (No appeal) (No mitigation)

e. Additional: LOR, 10 JUN 98 - Dereliction of duty.  
LOC, 29 MAY 98 - Failed to complete CDCs.  
LOR, 11 FEB 98, - Abusing a government vehicle and operating a forklift in an unsafe manner.

LOC, 10 DEC 97 - Reckless driving, immature and  
inappropriate behavior.

LOR, 19 AUG 97 - Storing munitions items in dormitory room.

f. CM: None.

g. Record of SV: 3 Jul 96 - 2 Mar 98 Grand Forks AFB 2 (Initial) **REF**

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

i. Stmt of Sv: TMS: (2) Yrs (6) Mos (20) Das  
TAMS: (1) Yrs (11) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Dec 03  
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority  
for Discharge)

Issue 1: To allow full Montgomery GI Bill - Active Duty Educational  
Assistance Program benefits.

Issue 2: After leaving the Air Force at a very young age, I had a few years  
to reflect and learn from all my past experiences. Within the last year I  
rejoined the military under the Minnesota Army National Guard. Currently I am  
an E-3 and soon to be an E-4 (in 3 months from Nov 7, 2003). That is nine  
months ahead of schedule just from the E-3 slot. Basically, I have excelled  
four ranks in one year and this is souly (sic) due to the Basic Training and  
Post Training from the AF. I feel I have earned the U.S.'s benefits. Air Force  
or Army. Thank you.

**ATCH**

1. Personal Letter to the Board.
2. Three Character References.
3. DD Form 214 (Member-4).
4. RRM Office Waiver Cover Sheet.

4MAR04/ia



DEPARTMENT OF THE AIR FORCE  
321ST MISSILE GROUP (AFSPC)

FD 2004-00026

MEMORANDUM FOR AIR [REDACTED]

16 Jun 98

FROM: 321 MXS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208 in accordance with paragraph 5.50.2. 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:

a. On or about 2 Jun 98, you were derelict in your duty, to wit: you rode an off the road dirt bike to work and could not show proof of motor cycle training in violation of AFI 32-204, GFAFB, Sup 1. For this misconduct, you received an LOR dated 10 Jun 98 and an Unfavorable Information File entry was made. (Attachment A)

b. On or about 29 May 98, you were derelict in your duties in that you failed to complete your CDC's. For this misconduct, you received an LOC dated 29 May 98. (Attachment B)

c. On or about 5 Feb 98, while returning a government truck to the vehicle barn in the Weapons Storage Area, you did knowingly abuse the vehicle by spinning the tires while entering the vehicle barn. For this misconduct, you received a LOR dated 11 Feb 98 and an Unfavorable Information File entry was made and you were placed on the Control Roster. (Attachment C)

d. On or about 9 Dec 97, you used excessive speed while exiting the WSA parking lot and slid around the corner. Then, heading towards the orderly room, you spun out, losing control ran off the road toward a telephone pole. For this misconduct, you received an LOC dated 10 Dec 97. (Attachment D)

e. On or about 24 Sep 97, you were derelict in the performance of your duties in that you willfully operated a motor vehicle without a driver's license and with only one license plate displayed, as it was your duty not to do. For this misconduct, Nonjudicial Punishment dated 18 Sep 97, was vacated on 31 Oct 97. Punishment consisted of reduction to the grade of Airman Basic. (Attachment E)

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



4 Attachments:

1. Privacy Act Statement
2. Supporting Documents
  - a. LOR/UIF dated 10 Jun 98
  - b. LOC dated 29 May 98
  - c. LOR/UIF/CR dated 11 Feb 98
  - d. LOC dated 10 Dec 97
  - e. Vacation of Nonjudicial Punishment dated 31 Oct 97
  - f. Article 15 dated 18 Sep 97
  - g. LOR dated 19 Aug 97
3. Airman's Acknowledgment
4. Personnel Information