

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

SRA

TYPE GEN

PERSONAL APPEARANCE

X

RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES

No

X

MEMBER SITTING

VOTE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X

X

X

X

X

ISSUES

A94.05

INDEX NUMBER

A67.10

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

07 Apr 2004

CASE NUMBER

FD-2004-00049

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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR

INDORSEMENT

DATE: 4/7/2004

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-2004-00049

GENERAL: The applicant appeals for upgrade of discharge to honorable.

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 is 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 and a Letter of Reprimand. The applicant indicates that he feels that he was discharged due to his moral beliefs. These beliefs changed due to his religion. However, there is nothing in the record to substantiate this claim. Nothing about his beliefs was brought up at the time of discharge and the applicant waived his right to consult counsel and to submit statements. 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. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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]
[REDACTED]

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Eglin AFB, FL on 18 Jan 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Jun 77. Enlmt Age: 18 4/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-57, E-53, G-55, M-62. PAFSC: 3P051 - Security Forces Journeyman. DAS: 24 Feb 97.

b. Prior Sv: (1) AFRes 2 Nov 95 - 24 Sep 96 (10 months 23 days) (Inactive).

(2) Enlisted as AB 25 Sep 96 for 4 yrs. Svd: 3 yrs 10 months 12 days, all AMS. AMN - Unknown. A1C - 25 Jan 98. SrA - 14 Jun 00. EPRs: 5,2 (REF), 5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 7 Aug 00 for 6 yrs. Svd: 0 Yrs 5 Mo 11 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None

d. Art 15's: (1) 5 Jan 01, Eglin AFB, FL - Article 86. You did, on divers occasions between on or about 1 Dec 00 and on or about 13 Dec 00, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on divers occasions between on or about 1 Dec 00, and on or about 13 Dec 00, without authority, go from your appointed place of duty. Suspended reduction to A1C; forfeiture of \$323.00 pay, 14 days restriction, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 8 NOV 00 - Delinquent in family support.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFLSAR, AFTR, AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (2) Mos (17) Das
TAMS: (4) Yrs (3) Mos (25) Das

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

Issue 1: I feel my General Discharge was unappriate (sic) due to me being an exceptional performer throughout my entire career. I loved what I was doing and accomplishing. I had also had a Honorable discharge shortly before and due to my moral beliefs changing due to religion, I felt that I wasn't being true to myself. I would greatly enjoy to further my life by serving in the USPS (Postal Service) and this General discharge hinders me from doing this. Enclosed I have attached some documents pertaining to this. Thanks for your consideration. Also I started being repromanded (sic) after notifying my superiors of my moral beliefs. Up until then I was one of the sharpest Airmen in my squadron.

ATCH

1. Selective Reenlistment Program Consideration.
2. 96 SFS Standardization Evaluation Reports.
3. 96 SPS Quality Control Evaluation Reports.
4. Two SFS Standardization Evaluation Reports.
5. Certificate of Achievement.
6. Three Letters of Achievement.
7. USAF Fitness Program Individual Assessment Report.
8. Certificate of Appreciation.
9. Honorable Discharge.

10MAR04/ia

FD 2004-00049



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 96th AIR BASE WING (AFMC)
EGLIN AIR FORCE BASE, FLORIDA

MEMORANDUM FOR SRA [REDACTED]
96 SFS (AFMC)

11 JAN 01

FROM: 96 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. Between on or about 1 Dec 00 and on or about 13 Dec 00, on divers occasions, you without authority, failed to go at the time prescribed to your appointed place of duty. Additionally, between on or about 1 Dec 00 and on or 13 Dec 00, on divers occasions, you did, without authority, go from your appointed place of duty. For this incident, you received an Article 15, dated 5 Jan 01
 - b. On or about 8 Nov 00, you were delinquent in your support for your wife in the sum of \$375.00. For this incident, you received a letter of reprimand, dated 8 Nov 00.
3. 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. Special pay, bonuses, 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 Capt [REDACTED], please phone, [REDACTED] on 12 Jan 01, at 0900 hours. 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 within 3 workdays from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination with the 96th Medical Group on **18 Jan 01** at **0715** hours.

8. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on **11 Jan 01**, at **1300 hours**.

9. **Immediately after** completion of your 96th Mission Support Squadron separations section briefing report to the 96th Traffic Management Office with your completed AFDTC Form 4134 or LGTT Office Form B133. If you have a **TMO pickup** it must be before **24 Jan 01**.

10. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (**TAMP**) briefing on **16 Jan 01**, at **0800 hours**.

11. 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 unit orderly room.



Li Col, USAF
Commander, 96 SFS

Attachments:

- 1. Supporting Documents
 - 1a. Art 15, dated 5 Jan 01
 - 1b. LOR, dated 8 Nov 00
- 2. Airman's Acknowledgment