

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No	NAME OF COUNSEL AND OR ORGANIZATION	
	X		

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

ISSUES A94.53	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 03 Aug 2004	CASE NUMBER FD-2004-00148	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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: 8/3/2004
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-2004-00148

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 does not contest his discharge. He merely states that he has grown into a responsible adult and would like to move on in his life and do something positive. The records indicated the applicant received an Article 15 and two Letters of Reprimand for misconduct to include assault and violation of no contact orders. 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]
[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Dyess AFB, TX on 27 Nov 00 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 21 Mar 77. Enlmt Age: 20 6/12. Disch Age: 23 8/12. Educ: HS DIPL. AFQT: N/A. A-72, E-46, G-65, M-60. PAFSC: 2A656 - Aircraft Electrical Systems Journeyman. DAS: 6 Oct 98.

b. Prior Sv: (1) AFRes 26 Sep 97 - 24 Mar 98 (5 months 27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Mar 98 for 4 yrs. Svd: 2 Yrs 8 Mo 3 Das, all AMS.

b. Grade Status: AB - 14 Nov 00 (Article 15, 14 Nov 00)
A1C-(EPR Indicates): 25 Mar 98-24 Nov 99)
AMN - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 14 Nov 00, Dyess AFB, TX - Article 128. You did, on or about 26 Oct 00, unlawfully strike [REDACTED] on the face, leg, arms and neck with your fist. Article 92. Specification 1: You, having knowledge of a lawful order issued by SMSgt [REDACTED] to wit: to have no contact with [REDACTED], dated 27 Oct 00, an order which it was your duty to obey, did, on or about 27 Oct 00, fail to obey the same by wrongfully having contact with [REDACTED]. Specification 2: You, having knowledge of a lawful order issued by SMSgt [REDACTED], to wit: to have no contact with [REDACTED], dated 27 Oct 00, an order which it was your duty to obey, did, on or about 30 Oct 00, fail to obey the same by wrongfully having contact with [REDACTED]. Specification 3: You, having knowledge of a lawful order issued by SMSgt [REDACTED], to have no contact with [REDACTED] dated 27 Oct 00, an order which it was your duty to obey, did, on or about 6 Nov 00, fail to obey the same by wrongfully having contact with [REDACTED]. Specification 4: You, having knowledge of a lawful order issued by SMSgt [REDACTED] to have no contact with [REDACTED] dated 27 Oct 00, an order which it was your

duty to obey, did, on or about 8 Nov 00, fail to obey the same by wrongfully having contact with [REDACTED] [REDACTED] Reduction to AB, and 30 days restriction.
(No appeal) (No mitigation)

- e. Additional: LOR, 05 SEP 00 - Involvement in improper relationship.
LOR, 25 AUG 99 - Assaulting wife.
- f. CM: None.
- g. Record of SV: 25 Mar 98 - 24 Nov 99 Dyess AFB 4 (Initial)
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (3) Yrs (2) Mos (2) Das
TAMS: (2) Yrs (8) Mos (3) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 12 Apr 04.
(Change Discharge to Honorable)

Issue 1: I [REDACTED] am asking the Board to upgrade my discharge to Honorable. Serving in the USAF was a great experience, and has helped my (sic) grown into a responsible adult. I am very grateful for what the Air Force has given me. I have encouraged many others to take the path to the Air Force. I would like to move on in my life, and do something positive. I believe an Honorable discharge would help in the quest. I thank the Board for there (sic) time and will continue to help promote the Air Force.

ATCH
None.

25MAY04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH BOMB WING (ACC)
DYESS AIR FORCE BASE TEXAS

FD 2100 4-00 148

15 NOV 00

MEMORANDUM FOR AB [REDACTED]

FROM: 28 BS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct - Discreditable Involvement With Military or Civil Authorities. The authority for this action is AFI 36-3208, dated 14 Oct 94, paragraph 5.50.1. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General (Under Honorable Conditions).

2. My reasons for this action are:

a. You did, on 8 Nov 00, fail to obey a lawful order given to you by SMSgt [REDACTED] in that you wrongfully contacted [REDACTED], for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 14 Nov 00.

b. You did, on 6 Nov 00, fail to obey a lawful order given to you by SMSgt [REDACTED] in that you wrongfully contacted [REDACTED] for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 14 Nov 00.

c. You did, on 30 Oct 00, fail to obey a lawful order given to you by SMSgt [REDACTED] in that you wrongfully contacted [REDACTED] for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 14 Nov 00.

d. You did, on 27 Oct 00, fail to obey a lawful order given to you by SMSgt [REDACTED] in that you wrongfully contacted [REDACTED] for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 14 Nov 00.

e. You did, on 26 Oct 00, strike [REDACTED] on the face, leg, arms, and neck with your fist, for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 14 Nov 00.


f. You, a married man, did, between on or about 1 Jun 00 and on or about 30 Jun 00, kiss a 17 year old lady, for which you were reprimanded, as evidenced by LOR, dated 5 Sep 00.

g. You did, on 29 May 99, assault your wife, [REDACTED] for which you were reprimanded, as evidenced by LOR, dated 25 Aug 00.








Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction or 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.

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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 the Area Defense Counsel on 16 Nov 00 at 0800 hours. 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 21 Nov 00, at 0800 hours, unless you request and receive an extension for good cause shown. I will send them to the separation authority.
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 on 17 Nov 00 at 0800 hours, at the 7th Medical Group Hospital, Physical Exams Section.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the orderly room.
8. Execute the attached acknowledgment and return it to me immediately.


 Lt Col, USAF
 Commander, 28 BS

Attachments:

1. Airman's Receipt of Letter of Notification
2. AF Form 3070, dated 14 Nov 00
3. No Contact Order, dated 27 Oct 00
4. Sworn Statements from SMSgt  and MSgt  and A1C 
5. 7 SFS Report IDY200010036
6. LOR, dated 5 Sep 00
7. Sworn Statements from  and A1C 
8. Family Maltreatment Case Management Ltr, dated 28 Jan 00
9. LOR, dated 25 Aug 99
10. SFS Report IDY19990602
11. Sworn Statements from Amn  and 
12. Family Maltreatment Case Management Ltr, dated 30 Jul 99
13. Family Maltreatment Case Management Ltr, dated 25 Jan 99