

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

ISSUES A93.09	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 31 Aug 2004	CASE NUMBER FD-2004-00172	
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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

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INDORSEMENT		DATE: 8/31/2004
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-2004-00172

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.

ISSUES: The applicant stated he was told his discharge would automatically be upgraded in six months. While a discharge may be upgraded after six months, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found. The applicant also contends discharge was based on personal reasons rather than professional. The DRB found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The records indicated the applicant received two Article 15s, three Letters of Reprimand and four Records of Individual Counseling for misconduct. 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Luke AFB, AZ on 3 Jun 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Dec 79. Enlmt Age: 19 9/12. Disch Age: 23 5/12. Educ: HS DIPL. AFQT: N/A. A-53, E-53, G-57, M-74. PAFSC: 2A353B - F-16 Tactical Aircraft Maintenance Journeyman. DAS: 26 Jan 01.

b. Prior Sv: (1) AFRes 7 Oct 99 - 17 May 00 (7 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 May 00 for 6 yrs. Svd: 3 Yrs 0 Mo 17 Das, all AMS.

b. Grade Status: AB - 6 May 03 (Article 15, 6 May 03)
A1C - 30 Jun 00

c. Time Lost: None.

d. Art 15's: (1) 6 May 03, Luke AFB, AZ - Article 121. You did, at or near Scottsdale, Arizona, between on or about 1 Jan 03, and on or about 1 Apr 03, steal a license renewal decal, of a value of less than \$500.00, the property of another. Reduction to AB. (No appeal) (No mitigation)

(2) 3 Aug 01, Luke AFB, AZ - Article 92. You, who knew of your duties, on or about 2 Jul 01, were derelict in the performance of those duties in that you willfully failed to use the proper guidance while installing the yaw fittings for the wing tanks on Aircraft 90-0765, as it was your duty to do. Suspended reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 27 MAR 03 - Abuse of phone priviliges.
LOR, 04 FEB 03 - Late for work.
RIC, 09 DEC 02 - Inappropriate wear of the Battle Dress Uniform.
RIC, 14 NOV 02 - Late for work.
LOR, 02 AUG 01 - Driving with a suspended license.
LOR, 11 MAY 01 - Dereliction of duty.
RIC, 01 FEB 01 - Late for work.

f. CM: None.

g. Record of SV: 18 May 01 - 17 Jan 02 Luke AFB 2 (Initial)
18 Jan 02 - 17 Jan 03 Luke AFB 3 (Annual)REF

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

i. Stmt of Sv: TMS: (3) Yrs (7) Mos (28) Das
TAMS: (3) Yrs (0) Mos (17) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 Apr 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Two Letters of Support.

13JUL04/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

- a. DOCUMENT 1:
LETTER OF RECOGNITION FROM [REDACTED] LUKE AFB
- b. DOCUMENT 2:
LETTER OF RECOGNITION FROM [REDACTED] LUKE AFB
- c. DOCUMENT 3:
[REDACTED] LUKE AFB

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

THANK YOU FOR YOUR TIME ON THIS MATTER. ALMOST A YEAR AGO, I WAS DISCHARGED FROM THE U.S. A.F. WITH A GENERAL UNDER HONORABLE CONDITIONS. I WAS TOLD THAT AFTER SIX MONTHS OUT OF SERVICE, I WAS ELIGIBLE TO COMPLETE THIS APPLICATION. EVEN THOUGH IT THE DISCHARGE WAS NOT AGAINST MY WILL, I BELIEVE IN A WAY I WAS PUSHED TO MAKE THIS DISMISSION FROM MEMBERS OF NCO STAFF I WORKED WITH. WHEN I FIRST ARRIVED THERE, I MADE SOME LITTLE HICUPS ALONG THE WAY AS EVERY NEW AIRMAN WOULD. BUT AFTER A SHORT WHILE I NOTICED CERTAIN ISSUES BEING PLACED UPON ME THAT WERE NOT MY FAULT. IN ANY CASE I KNOW I DID AN OUTSTANDING JOB IN THE SHORT TIME I WAS THERE WHICH IS WHY I ATTACHED TO YOU TWO LETTERS FROM TWO OUTSTANDING OFFICERS. ON THE OTHER HAND, I DID AT ONE TIME HAVE A ROOMMATE, FORMER [REDACTED] LUKE AFB. UNFORTUNATELY, [REDACTED] GOT INVOLVED IN DRUGS, WHICH I KNEW NOTHING ABOUT, AND WAS TOO DISCHARGED FROM THE MILITARY. I BELIEVE THAT WAS THE POINT MY CAREER WITH THE MILITARY WENT SOUTH. I FELT THE WHOLE SQUADRON WAS LOOKING AT ME TO BE A DRUGGY LIKE [REDACTED]. I BEGAN TO BE TREATED DIFFERENTLY AND LIFE BECAME ROUGH FOR ME, EVEN MY CLOSE FRIENDS IN THE SQUADRON TURNED ON ME. I BEGAN TO BE DRUG TESTED. WHAT SEEMED LIKE ALOT. THE HIGHER UPS "NCO" BEGAN TO LOOK FOR A REASON TO DISCHARGE ME. ONE DAY IT FINALLY CAME FOR THEM WHEN I WAS CAUGHT DRIVING ON A SUSPENDED LICENSE.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD): 4.29.04
b. SIGNATURE: [REDACTED]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

<p>ARMY Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200</p>	<p>NAVY & MARINE CORPS Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 901 M Street, S.E. Washington, DC 20374-5023</p>	<p>AIR FORCE SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p>COAST GUARD Commandant (WPM-60) U.S. Coast Guard Headquarters Washington, DC 20593-0001</p>
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ISSUES CONTINUED

I WILLFULLY KNEW IT WAS SUSPENDED, BUT WHAT COULD I DO. I WOULD HAVE MOVED ONTO BASE, BUT THE AIR FORCE AND THE APARTMENT COMPLEX I WAS LIVING IN COULDN'T MAKE A DEAL TO CUT TIES. SEE [REDACTED] AND I HAD THE LEASE TO THE APARTMENT TOGETHER. HE HAD SINCE GONE TO JAIL AND LEFT ME WITH ALL THE BILLS AND SUCH. I DID NOT WANT TO LEAVE AND HAVE A BAD MARK ON MY CREDIT AS WELL AS THE MILITARY REPRIMANDING ME FOR NOT PAYING MY RENT. SO I DROVE TO WORK WHEN I COULDN'T FIND A RIDE. I WAS STOPPED ON BASE ONE DAY AND THAT WAS IT. I RODE A BIKE ON AND OFF BASE TO A PLACE WERE MY GIRLFRIEND WOULD PICK ME UP LATER THAT DAY. EVERYDAY I WAS FOLLOWED BY AN [REDACTED] IN MY SQUADRON TO SEE IF I WAS DRIVING. THIS WAS ALL DURING THE TIME I WAS WAITING TO BE DISCHARGED. I NOTIFIED MY SHIRT OF THE "SPY" GAME OFF BASE AND IT WAS STOPPED. A SHORT TIME LATER I WAS DISCHARGED. MY WHOLE POINT IS THAT IF YOU WANT TO GIVE ME ANY LESS OF A DISCHARGE THAN HONORABLE, DO IT BECAUSE I FAILED AT MY JOB, NOT OF PERSONAL REASONS. I RESPECT THE BOARDS ~~DISCHARGE~~ RULE ON THIS MATTER AND I THANK THEM FOR THERE TIME. IM JUST A YOUNG GUY WITH A BRIGHT FUTURE THAT WISHES TO GET ON WITH HIS LIFE AND PUT THIS ALL BEHIND HIM.

- THANK YOU FOR YOUR TIME -
[REDACTED]

FD 2004-00172



DEPARTMENT OF THE AIR FORCE
756th Aircraft Maintenance Squadron (AETC)
Luke Air Force Base, Arizona

FD 2004-00172

DATE: MAY 19 2003

MEMORANDUM FOR AB [REDACTED] 756 AMXS

FROM: 756 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct. The authority for this action is AFPD 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 your discharge be characterized as general.
2. My primary reasons for this action are:
 - a. On 9 Feb 01, you failed to go to your appointed place of duty at the prescribed time. For this misconduct you received a Record of Individual Counseling, dated 14 Feb 01.
 - b. On 10 May 01, you failed to inspect the aircraft crew station and main landing gear wheel wells. For this misconduct you received a Letter of Reprimand, dated 11 May 01.
 - c. On 2 Jul 01, you failed to use the proper guidance while installing the yaw fittings for the wing tanks on aircraft 90-0765. For this misconduct you received an Article 15, dated 3 Aug 01. Your punishment included reduction to E-2, suspended until 2 Feb 02 and 30 days extra duty. An Unfavorable Information File (UIF) was established.
 - d. On 27 Jul 01, you failed to refrain from driving your vehicle while your license was suspended. For this misconduct you received a Letter of Reprimand, dated 2 Aug 01.
 - e. On 13 Nov 02, you failed to go to your appointed place of duty at the prescribed time. For this misconduct you received a Record of Individual Counseling, dated 14 Nov 02.
 - f. On 27 Nov 02, you disobeyed a lawful instruction by wearing your battle dress uniform while waiting to board a civilian airplane. For this misconduct you received a Record of Individual Counseling, dated 9 Dec 02.
 - g. On 17 Jan 03, you failed to go to your appointed place of duty at the prescribed time. For this misconduct you received a Letter of Reprimand, dated 4 Feb 03.
 - h. Between on or about 12 Mar 03 and on or about 27 Mar 03, you failed to refrain from making personal phone calls on a government telephone. For this misconduct you received a Record of Individual Counseling, dated 27 Mar 03.

k. Between on or about 1 Jan 03 and on or about 1 Apr 03, you stole a license renewal decal from another vehicle. For this misconduct you received an Article 15, dated 6 May 03. Your punishment included reduction to E-1. This action was filed in your existing UIF.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation will be provided to you. 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 any special pay, bonus, 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 the Area Defense Counsel, Building 1150, Suite 3015, Luke Air Force Base, Arizona, on 20 May 03 at 0730 hours. You may consult civilian counsel at your own expense.

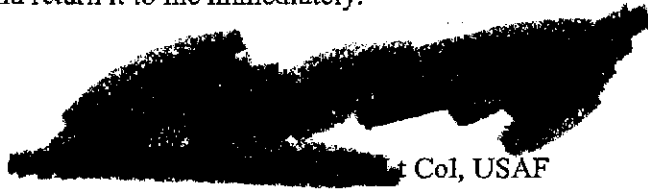
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 22 May 03, unless you request and receive, in writing, an extension for good cause. I will send any statements you submit to the separation authority.

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 retrieve your medical records from 56th Medical Group Hospital Outpatient Records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this discharge file for the medical examination.

8. 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.

9. Sign the attached acknowledgment and return it to me immediately.

A large, dark, irregularly shaped redaction covers the signature of the commander.

Commander
Col, USAF