

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE SRA	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 A94.53	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 11 Aug 2004	CASE NUMBER FD-2004-00179	
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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.

[Handwritten Signature]

INDORSEMENT		DATE: 8/11/2004
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-2004-00179

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received a Letter of Reprimand and two Letters of Counseling for misconduct. This included a civilian conviction for driving while his ability was impaired by alcohol, failure to report his arrest to his commander and lying about whether or not there were conditions that would effect his Personnel Reliability Program status when interviewed as an unrelated matter, applying for and receiving a temporary Wyoming driver's license while his driving privileges were revoked by the state of Colorado, failure to go, and dereliction of duty. Applicant's final enlisted performance report was rated a referral "2" and chronicled his substandard behavior. Member was recommended for an under other than honorable conditions discharge, and after consulting counsel submitted a conditional waiver of his right to an administrative board hearing in exchange for receiving a general discharge. This conditional waiver was granted. 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. Characterization as honorable is only appropriate if the member's record has been so meritorious that any other characterization would clearly be inappropriate. That is not the case here.

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

(Former SRA) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr F.E. Warren AFB, WY on 5 Jan 90 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 26 Nov 64. Enlmt Age: 18 9/12. Disch Age: 25 1/12. Educ: HS DIPL. AFQT: N/A. A-37, E-40, G-41, M-43. PAFSC: 81150 - Security Specialist. DAS: 27 May 87.

b. Prior Sv: (1) Enlisted in AFRes as A1C for 6 yrs. Svd: 1 yr 2 months 0 days, of which AMS is 3 months 28 days.

3. **SERVICE UNDER REVIEW:**

a. Enlisted USAF as A1C 15 Nov 84 for 6 yrs. Svd: 5 Yrs 1 Mo 22 Das, all AMS.

b. Grade Status: SrA - 26 Oct 89 (Vacation of NCO status)
Sgt - (APR Indicates): 3 Jan 88-02 Jan 89
SrA - 15 Mar 87

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 26 OCT 89 - Civil arrest for DUI.
LOC, 18 SEP 89 - Dereliction of duty.
LOC, 09 MAR 88 - Late for duty.

f. CM: None.

g. Record of SV: 15 Nov 84 - 17 Mar 85 Nellis AFB 9 (HAF Dir)
18 Mar 85 - 02 Jan 86 Nellis AFB 9 (CRO)
03 Jan 86 - 02 Jan 87 Osan AB 9 (Annual)
03 Jan 87 - 02 Jan 88 F.E. Warren AFB 9 (Annual)
03 Jan 88 - 02 Jan 89 F.E. Warren AFB 9 (Annual)
03 Jan 89 - 25 Oct 89 F.E. Warren AFB 2 (Cmdr Dir)REF

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

i. Stmt of Sv: TMS: (6) Yrs (3) Mos (22) Das
TAMS: (5) Yrs (1) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 May 04.
(Change Discharge to Honorable)

Issue 1: When looking for a job people want to see an honorable discharge.

ATCH

None.

17JUN04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 90TH STRATEGIC MISSILE WING (SAC)
FRANCIS E. WARREN AIR FORCE BASE, WYOMING 82005-5000

FD 2004-00179



28 NOV 1989

REPLY TO
ATTN. OF: 88 MSS/CC

SUBJECT: Notification Letter - Board Hearing

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions according to AFR 39-10, paragraph 5-46. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. Your civilian conviction of a Driving While Ability Impaired (DWAI) on 15 Oct 89 (Probation Order, 15 Nov 89)

b. Your failure to report your arrest for DWAI to your commander (LOR, 26 Oct 89)

c. Your applying for a drivers license after your license had been revoked by the state of Colorado (LOR, 26 Oct 89)

d. Your dereliction in the performance of your duties (LOC, 18 Sep 89)

e. Your failure to report for duty on time (LOC, 9 Nov 88)

3. This action could result in your separation with an honorable, general or under other than honorable conditions discharge. I am recommending that you receive an under other than honorable conditions discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

a. Consult legal counsel.

b. Present your case to an administrative discharge board.

c. Be represented by legal counsel at a board hearing.

d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.

e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

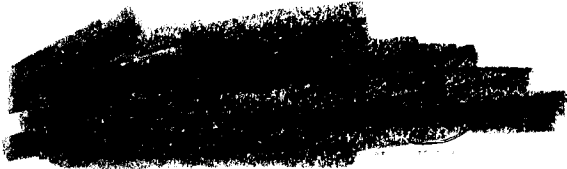
5. You have been scheduled for medical examination. You must report to the F. E. Warren Hospital physical exams section at 0700 on 29 Nov 89.

6. Military legal counsel, [redacted] the ADC office, bldg 152, ext 3426 has been obtained to assist you. An appointment has been scheduled for you to consult him on 29 Nov 89 at 1500. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, with 7 workdays, specifying the rights you choose to exercise. The statements must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statement to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in your orderly room.

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



3 Atch

- 1. Supporting Documents - for the Reason for the Discharge
 - a. Probation Order, 15 Nov 89
 - b. DD Form 1569, 25 Oct 89
 - c. LOR, 26 Oct 89
 - d. LOC, 18 Sep 89
 - e. LOC, 9 Mar 88
- 2. Documents Containing Derogatory Information - Which are not Listed in the Notification Ltr
 - a. Ltr, Undated
 - b. DWI Policy Counseling, 14 Jun 89
 - c. AF Form 286A, 27 Oct 89
 - d. AF Form 418, 26 Oct 89
- 3. Airman's Receipt of Notification ltr