

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTIC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A94.05 A01.47	<b>INDEX NUMBER</b> A67.50	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
		<b>4</b>	BRIEF OF PERSONNEL FILE	
			COUNSEL'S RELEASE TO THE BOARD	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

<b>HEARING DATE</b> 12 Oct 2004	<b>CASE NUMBER</b> FD-2004-00235	
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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 and the right to submit an application to the AFBCMR.

<b>INDORSEMENT</b>		<b>DATE: 11/3/2004</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

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

The applicant appeared before the Discharge Review Board (DRB) on 12 October 2004 and submitted the following additional exhibits:

Exhibit 5 - Written Statement, Undated

Exhibit 6 - Character Statement from Sgt [REDACTED], 7 Aug 89

Exhibit 7 - Witness Statement, 7 Aug 89, [REDACTED]

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:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for failing to obey an order and for being disrespectful to a non-commissioned officer and two Records of Individual Counseling for failure to obey an order and dereliction of duty. Additionally, the member was found guilty by a Special Court Martial on 12 Sep 89 for striking a noncommissioned officer. 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.

Issue 2. Applicant states that his commander did not consider him for Probation and Rehabilitation. The records reflect the member was sentenced to 30 days of correctional custody; however, the member testified he was only able to complete 4 hours due to his unwillingness to conform to standards while in correctional custody. The member further stated he was under rehabilitation while in correctional custody. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

**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 AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr K.I. Sawyer AFB, MI on 26 Sep 89 UP AFR 39-10, para 5-47a (Misconduct - Discreditable Involvement with Military or Civilian Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 Sep 67. Enlmt Age: 18 10/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-58, E-81, G-55, M-99. PAFSC: 42755 - Airframe Repair Specialist. DAS: 13 Apr 88.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 24 Jul 86 for 4 yrs. Svd: 3 Yrs 2 Mo 3 Das, of which AMS is 2 yrs 10 months 25 days (excludes 3 months 8 days lost time).

b. Grade Status: AB - 16 Aug 89 (SPCMO No.8, 12 Sep 89)  
A1C - 16 Jun 89 (Article 15, 16 Jun 89)  
SrA - 24 Nov 88

c. Time Lost: 19 Jun 89 thru 24 Sep 89 (3 months 8 days)

d. Art 15's: (1) 16 Jun 89, K.I. Sawyer AFB, MI - Article 91. In that you, having received a lawful order from [REDACTED] a noncommissioned officer, then known by you to be a noncommissioned officer, not to leave his office, an order which it was your duty to obey, did, on or about 5 Jun 89, willfully disobey the same. Further investigation has disclosed that you, on or about 5 Jun 89, were disrespectful in deportment toward [REDACTED], a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of his office, by angrily tearing to pieces a letter of counseling given to you during a counseling session, and throwing it in the waste basket. Reduction to A1C, and 30 days correctional custody.  
(Appeal/Denied) (No mitigation)

e. Additional: RIC, 05 JUN 89 - Failure to obey an order.  
RIC, 09 MAR 89 - Dereliction of duty.

f. CM: Special Court Martial Order No.8 - 12 Sep 89

CHARGE: ARTICLE 91.

Specification 1: Did at K. I. Sawyer AFB, MI, on or about 16 Jun 89, strike an NCO by hitting him in the chest with a belt.  
Plea: Not Guilty. Finding: Guilty.

Specification 2: Not Guilty.

Specification 3: Was at K. I. Sawyer AFB, MI, on or about 16 Jun 89, disrespectful in language to an NCO by saying to him "Sarg, save your breath because I'm not going to do anything you tell me." Plea: Guilty (amended after guilty plea inquiry to NG).  
Finding: Guilty, except the word "Sarg", substituting therefor the words "at or near the second white line in the correctional custody facility", of the excepted word NG, of the substituted words, G. Sentence adjudged on 31 Aug 89: Confinement for four months, forfeiture of \$200.00 pay per month for four months and reduction to E-1.

g. Record of SV: 24 Jul 86 - 23 Jul 87 Anderson AFB 9 (Annual)  
24 Jul 87 - 17 Mar 88 Anderson AFB 9 (CRO)  
18 Mar 88 - 07 Mar 89 K.I. Sawyer AFB 9 (CRO)

h. Awards & Decs: AFAM, AFOSSTR, SAEMR, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (10) Mos (25) Das  
TAMS: (2) Yrs (10) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Jun 04.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. University Degree.
3. Job Resume.

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