

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>  		<b>GRADE</b>  A1C	<b>AFSN/SSAN</b>  			
<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</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>				
		<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
<b>ISSUES</b>	<b>INDEX NUMBER</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
<b>A94.05</b>	<b>A67.10</b>					
		<b>1</b>	<b>ORDER APPOINTING THE BOARD</b>			
		<b>2</b>	<b>APPLICATION FOR REVIEW OF DISCHARGE</b>			
		<b>3</b>	<b>LETTER OF NOTIFICATION</b>			
		<b>4</b>	<b>BRIEF OF PERSONNEL FILE</b>			
			<b>COUNSEL'S RELEASE TO THE BOARD</b>			
			<b>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</b>			
			<b>TAPE RECORDING OF PERSONAL APPEARANCE</b>			
<b>HEARING DATE</b>	<b>CASE NUMBER</b>					
<b>12 Oct 2004</b>	<b>FD-2004-00257</b>					
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>						
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						
<b>INDORSEMENT</b>					<b>DATE: 10/12/2004</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			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00257**

**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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. Applicant states that his age and immaturity led him to make poor decisions. He also states that he has been working as a Paramedic and would like to receive his VA benefits. The records indicated the applicant received five Letters of Reprimand and one Letter of Counseling for various acts of 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. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade. 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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Dover AFB, DE on 4 Jan 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Aug 79. Enlmt Age: 18 6/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-67, E-70, G-66, M-67. PAFSC: 3P031 - Security Apprentice. DAS: 21 Jul 98.

b. Prior Sv: (1) AFRes 23 Feb 98 - 24 Feb 98 (2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 25 Feb 98 for 4 yrs. Svd: 1 Yrs 10 Mo 11 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 09 NOV 99 - Flight from Apprehension and Reckless Operation of a vehicle.

LOC, 25 JUL 99 - Late for duty.

LOR, 19 JUL 99 - Derogatory note and comments.

LOR, 08 JUL 99 - Possessed alcoholic beverages while underage.

LOR, 23 MAR 99 - Dereliction of duty.

LOR, 03 MAR 99 - Dereliction of duty.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, AFEM.

i. Stmt of Sv: TMS: (1) Yrs (10) Mos (13) Das

TAMS: (1) Yrs (10) Mos (11) Das


4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Jul 04.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214.
3. Copy of Discharge Documents.
4. Armed Forces Expeditionary Medal Certificate.
5. Two Certificates of Recognition.
6. Letter of Congratulations.

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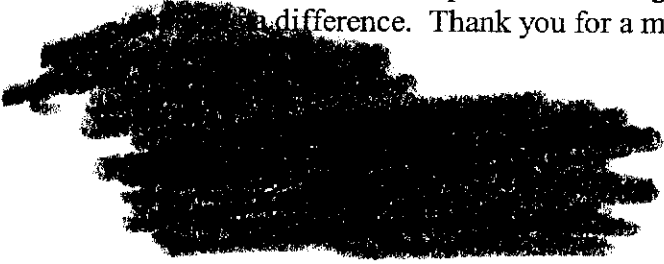


3722 vader rd  
Philadelphia, PA 19154

To whom it May Concern,

I'm writing this letter today in hopes that I can have my discharge reviewed and hopefully changed to honorable. Four years have passed since my discharge from the USAF. During that period I have reflected on my past with mixed emotions of pride and disappointment. I believe that when I was active duty, my age and immaturity led me to make poor decisions. Not a single day goes by that I don't regret the mistakes I made. I am twenty-four years old now and feel that I am a different person than I was at nineteen. Along with my personal information (reprimands and counseling's) I have enclosed a few positive documents. For instance, my voluntary deployment to Prince Sultan Air Base during Operation "Desert Fox." My service to the USAF was not full of negativity. I still embrace the values I learned as an airman and apply them to my civilian life. Currently I have been working as a Paramedic at Thomas Jefferson University Hospital while also attending school part time to receive my bachelors in Nursing. As you know from my records, I am a Veteran from my service in southwest Asia. As a veteran I would normally be able to receive benefits for college tuition, home mortgages and VA healthcare. Because of my current discharge status I am not able to take advantage of these VA benefits. This is one of two reasons why I am requesting my discharge be reviewed. Times are hard for me, in that I work forty-eight hours a week and go to school part time. The GI bill that I paid into when I was active duty would be of great assistance to me now. The other reason for my request of review would be so I could move on with my life and use my failure as a learning experience. I have accepted the fact that I cannot change the poor decisions I have made, nor can I take back the wrong things I have done. I'm hoping that through this letter I can convince you that I am a responsible young adult. Obviously I am no longer in the USAF, but some of my current responsibilities parallel that of when I was active duty. I serve my peers and community by providing 911 emergency medical services to people in need. Public service is very important to me personally. It gives me great pleasure in knowing that my services directly impact people's lives.

I will finish this letter by telling you that I never once have regretted my time served in the USAF. The attached awards and certificates were taken out of the frame and off the wall so you could see them in their original format. My service time was not flawless but I still take pride in knowing that I spent two years serving my country and making a difference. Thank you for a moment of your important time and consideration.





DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 436TH AIRLIFT WING (AMC)

FD 2004-00 257

13 Dec 1999

MEMORANDUM FOR A1G [REDACTED] 436 SFS

FROM: 436 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If you are discharged, your discharge will be characterized as honorable or general or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reason for this action is:

<u>DATE</u>	<u>INCIDENT</u>	<u>ACTION</u>	<u>ATCH</u>
30 Oct 99	Flight from Apprehension, and Reckless Operation of a Vehicle	LOR/UIF, dated 9 Nov 99	1a
25 Jul 99	Failed to report to duty	LOC, dated 25 Jul 99	1b
7, 9 Jul 99	Derogatory note and derogatory comments	LOR/UIF, dated 19 Jul 99	1c
7 Jul 99	Possessed alcoholic beverages while under the age of 21 years	LOR/UIF, dated 8 Jul 99	1d
14 Mar 99	Dereliction of Duty	LOR/UIF, dated 23 Mar 99	1e
3 Mar 99	Dereliction of Duty	LOR, dated 3 Mar 99	1f

Copies of the documents to be forwarded to the separation authority to support 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.

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 Dover AFB Area Defense Counsel Office, Bldg 263, 3<sup>rd</sup> floor, x6995, on 14 Dec at 11.00 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 16 Dec 99 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 14 Dec 99 at 1400 hours in Bldg 305 Flight Medicine.

7. 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 the Orderly Room.



Attachments:

1. Supporting Documents:
  - a. LOR/UIF, dated 9 Nov 99
  - b. LOC, dated 25 Jul 99
  - b. LOR/UIF, dated 19 Jul 99
  - c. LOR/UIF, dated 8 Jul 99
  - d. LOR/UIF, dated 23 Mar 99
  - e. LOR, dated 3 Mar 99
2. Airman's Receipt of Notification Memorandum