

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> AMN	<b>AFSN/SSAN</b> ██████████
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>YES</b></td> <td style="width:50%;"><b>No</b></td> </tr> <tr> <td></td> <td align="center"><b>X</b></td> </tr> </table>	<b>YES</b>	<b>No</b>		<b>X</b>		
<b>YES</b>	<b>No</b>					
	<b>X</b>					

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

<b>ISSUES</b> A93.01 A94.05	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>	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
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<b>HEARING DATE</b> 01 Dec 2004	<b>CASE NUMBER</b> FD-2004-00263
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**APPLICANT'S ISSUE AND THE BOARD'S DECISION ARE LISTED 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.

<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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00263**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but failed to respond to the notification letter by the required date.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are 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:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, two Letters of Reprimand, seven Letters of Counseling, and two verbal counselings for misconduct. Most of his infractions involved failure to go or being late to work; he also had an incident of financial irresponsibility, speeding, and unsatisfactory performance. The DRB opined that through the unit's many administrative actions, the applicant had ample opportunities to change his negative behavior and was unable or unwilling to do so. The Board concluded his repeated misconduct was a significant departure from conduct expected of all military members, and the characterization of the discharge was appropriate.

Issue 2. Applicant notes that he made a few mistakes when young and immature. The DRB noted the applicant was 20 years of age when the discharge took place. However, there is no evidence he did not know right from wrong. The Board opined the applicant was as old as the vast majority of first-term members who properly adhere to the Air Force's standards of conduct and successfully complete their enlistments without misconduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to his misconduct.

Issue 3. The applicant cited his desire to return to military service as justification for upgrade. While the Board was sympathetic to the impact his reenlistment code was having on the applicant, this is not a matter of inequity or impropriety which would warrant an upgrade.

**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 AMN) (HGH A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Dover AFB, DE on 7 Nov 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 27 Sep 74. Enlmt Age: 17 8/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-86, E-50, G-48, M-59. PAFSC: 3K031 - Subsistence Operations Apprentice. DAS: 3 Sep 92.

b. Prior Sv: (1) AFRes 1 Jun 92 - 14 Jul 92 (1 month 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Jul 92 for 4 yrs. Svd: 2 Yrs 3 Mo 24 Das, all AMS.

b. Grade Status: Amn - 7 Oct 94 (Article 15, 7 Oct 94)  
 A1C - 15 Nov 93  
 Amn - 15 Jan 93

c. Time Lost: None.

d. Art 15's: (1) 7 Oct 94, Dover AFB, DE - Article 86. In that you did, on 19 Sep 94, without authority, fail to go at the time prescribed, to your appointed place of duty. Reduction to Airman, and forfeiture of \$341.00 of your pay. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 11 AUG 94 - Speeding.  
 LOR, 16 MAY 94 - Failure to report for duty.  
 LOC, 07 APR 94 - Failure to report for duty.  
 VBC, 14 MAR 94 - Financial irresponsibility.  
 LOC, 03 MAR 94 - Failure to go.  
 VBC, 27 SEP 93 - Failure to report for duty.  
 LOC, 10 MAR 93 - Late for duty and unsatisfactory performance.  
 LOC, 29 JAN 93 - Failure to return to duty after lunch.  
 LOC, 16 OCT 92 - Late for duty.  
 LOC, 08 OCT 92 - Failure to follow instructions.  
 LOC, 08 OCT 92 - Failure to attend a mandatory appointment.

f. CM: None.

g. Record of SV: 15 Jul 92 - 24 Mar 94 Dover AFB 2 (Initial)REF

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

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (7) Das  
TAMS: (2) Yrs (3) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Jul 04.  
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I am seeking an upgrade of my reentry code. I only wish to have my discharge upgraded if it is necessary for the upgrading of my RE Code. I have enclosed copies of my letter to Congressman [REDACTED], his response, as well as Lt Col [REDACTED] response to the Congressman. I hope that these will show my sincerity and my commitment to achieving my goal. I am not completely aware of everything in my military records. I hope when my records are reviewed you will find that discharge with no chance of reentry to any branch of the Armed Forces, was swift and harsh punishment given the innocuousness (sic) of my mistakes.

Issue 2: In June of 1992 I joined the United States Air Force at the age of 17. I was very young both in age and mentality. The military was my first job. I used the military as a way to leave home. I admit I made a few mistakes, but none of which were more serious than failure to show. I was discharged in November of 1994. I was told then by a military official to fight the suggestion of discharge to remain active duty. Much to my regret I did not. I gave up and opted to receive the discharge of General Under Honorable Conditions.

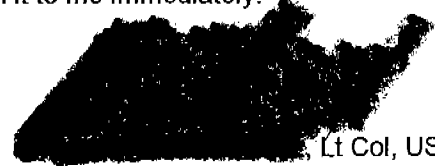
Recently I decided to seek reenlistment into the military with the help of a local recruiter. We discovered that I received an unfair and unfavorable reentry code. It has been suggested to me that if I truly wanted to pursue reentry into the service I should contact my Congressman to have the code upgraded. I am currently married to an Air Force Staff Sergeant stationed at Patrick AFB. I am also the son of a retired Army Captain. I am extremely hopeful and determined to prove to both them and most of all myself, that I can successfully finish what I started over ten years ago and become a viable asset to the United States Armed Forces. I ask you for your help. Thank you for your time.

**ATCH**

1. Congressional Correspondence.

31AUG04/ia

8. Execute the attached receipt of notification letter and return it to me immediately.



Lt Col, USAF  
Commander

Attachments:

1. Supporting Documents:
  - a. Art. 15, dated 7 Oct 94
  - b. LOR, dated 11 Aug 94
  - c. LOR, dated 16 May 94
  - d. LOC, dated 7 Apr 94
  - e. MFR, dated 14 Mar 94
  - f. LOC, dated 3 Mar 94
  - g. MFR, dated 27 Sep 93
  - h. LOC, dated 10 Mar 93
  - i. LOC, dated 29 Jan 93
  - j. LOC, dated 16 Oct 92
  - k. LOC, dated 8 Oct 92
  - l. LOC, dated 8 Oct 92
2. Airman's Receipt of Notification Letter

20 Oct 94

MEMORANDUM FOR [REDACTED] Amn, [REDACTED]

FROM: 436 SVS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reason for this action is your record of misconduct, which is set forth below.

<u>DATE</u>	<u>INCIDENT</u>	<u>ACTION</u>	<u>ATTACHMENT</u>
19 Sep 94	Failure to go	Art. 15, dated 7 Oct 94	1a
8 Aug 94	Failure to obey lawful order	LOR, dated 11 Aug 94	1b
30 Apr 94	Failure to report for duty	LOR, dated 16 May 94	1c
7 Apr 94	Failure to report for duty	LOC, dated 7 Apr 94	1d
14 Feb 94	Failure to pay just debt	Verb. couns., 14 Mar 94	1e
3 Mar 94	Failure to go	LOC, dated 3 Mar 94	1f
24 & 25 Sep 93	Failure to report for duty	Verb. couns., 27 Sep 93	1g
6 Mar 93	Failure to report for duty	LOC, dated 10 Mar 93	1h
29 Jan 93	Failure to report for duty	LOC, dated 29 Jan 93	1i
13-16 Oct 92	Reporting late for duty	LOC, dated 16 Oct 92	1j
8 Oct 92	Failure to follow instructions	LOC, dated 8 Oct 92	1k
28 Sep 92	Failure to go	LOC, dated 8 Oct 92	1l

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM 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 Captain [REDACTED] at Bldg 263 on 20 Oct 94 at 1430. 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 COB 25 Oct 94, 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. The medical examination you completed on 20 Sep 94 is still valid for this action.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use during normal duty hours in the Services Squadron orderly room, Bldg 262.