

**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> ██████████
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</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>		

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

<b>ISSUES</b> A92.15 A01.13 A94.01 A92.35 A94.05	<b>INDEX NUMBER</b> A67.10	<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> 03 Dec 2004	<b>CASE NUMBER</b> FD-2004-00268	
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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.

<b>INDORSEMENT</b>		<b>DATE: 12/3/2004</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	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00268**

**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 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, 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:**

Issues 1, 4, 6, 7 & 8. Applicant contends discharge was inequitable because it was too harsh. He also felt most of his infractions were minor, and in some cases that the evidence of record did not support the resultant disciplinary actions. The records indicated the applicant received an Article 15, six Letters of Reprimand, two Letters of Counseling, four Records of Individual Counseling, three armed forces traffic tickets, and five Memoranda for Record documenting misconduct. His infractions included multiple incidents of being late for duty, multiple traffic violations, weight management program failure, lying, misuse of a government computer, a security violation, making a false official statement, intentional discharge of a government firearm resulting in damage to government property, and driving while intoxicated for which arrested by civilian law enforcement officials. His last Enlisted Performance Report was rated an overall referral "2" and documented his failure to comply with standards, repeatedly poor decision-making, lack of understanding of and commitment to good order and discipline, and overall incompatibility with the military way of life. The DRB opined that through the unit's extensive administrative actions, the applicant had ample opportunities to change his negative behavior and was unwilling or unable to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge was appropriate.

Issue 2 & 3. Applicant contends that his discharge constituted punishing him twice for the same incident, and that it was unfair because he was discharged with less than a fully honorable discharge so close to his expiring term of service. Applicant also noted the long-term effects his character of service is having on his ability to find post-service employment. It should be noted that administrative separation is an action that severs the military status of an individual and characterizes his service, but is not the same as punishment rendered by a judicial or non-judicial punishment proceeding. The discharge regulations clearly gave his chain of command authority to recommend administratively discharging him based on unsuitability for further military service as a result of his serious and repeated misconduct. Facts and circumstances are different in each action and must be judged on a case-by-case basis. In doing so, a commander must consider the seriousness of the misconduct and how a member's retention might affect good order, discipline, and morale, as well as the member's age and experience, past record of service, and rehabilitative potential. Commission of a series of serious offenses over a 3-year period clearly established applicant's unsuitability for further Air Force service. All required procedures were properly followed in this case.



Issue 5. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of his willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were its basis.

Applicant further inferred that he should not be penalized indefinitely for mistakes he made when young. The DRB recognized the applicant was nearly 22 years of age when the discharge took place. However, there is no evidence he was immature or 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.

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, on January 29, 2000) 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.

**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 A1C) (HGH A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Goodfellow AFB, TX on 29 Oct 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 4 Nov 81. Enlmt Age: 17 9/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-93, E-92, G-96, M-73. PAFSC: 3C051 - Computer Systems Operations Specialist. DAS: 7 Jul 00.

b. Prior Sv: (1) AFRes 31 Aug 99 - 11 Jan 00 (4 months 12 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Jan 00 for 4 yrs. Svd: 3 Yrs 9 Mo 18 Das, all AMS.

b. Grade Status: A1C - 12 May 01  
Amn - 12 Jul 00

c. Time Lost: None.

d. Art 15's: (1) 10 Apr 03, Goodfellow AFB, TX - Article 107. You did, between on or about 18 Jan 03 and 25 Feb 03, with intent to deceive, sign an official record, to wit: AF Form 1168, which statement was false in that you lied about the circumstances surrounding the discharge of a government issued weapon, and was then known by you to be so false. Article 108. You did, at or near the Trinity Memorial Cemetery, Big Spring, Texas, on or about 18 Jan 03, without proper authority, through neglect damage by shooting a government owned vehicle, military property of the United States, the amount of said damage being in the sum of about \$700.00. Article 134. You did, at or near Trinity Memorial Cemetery, Big Spring, Texas, on or about 18 Jan 03, through negligence, discharge a service gun, M-9, in the roof panel of a government owned vehicle. Forfeiture of \$356.00 pay, 7 days correctional custody, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 11 SEP 03 - Driving while intoxicated.  
MFR, 18 DEC 02 - Citation for not wearing seat belts.  
LOR, 06 DEC 02 - Excessive traffic violations.

LOC, 30 MAY 02 - Late for duty.  
 LOC, 06 MAY 02 - Late for duty.  
 MFR, 21 FEB 02 - Late for training.  
 MFR, 28 FEB 02 - Lying about dental appointment, and failure on Weight Management Programs.  
 MFR, 05 JAN 02 - Improper use of government computer systems.  
 DD 1408, 18 JUL 01 - Blocking traffic.  
 LOR, 08 JUL 01 - Dereliction of duty.  
 LOR, 04 APR 01 - Excessive tardiness.  
 LOR, 02 APR 01 - Late for work.  
 LOR, 02 MAR 01 - Not following proper security procedures.  
 DD 1408, 14 FEB 01 - Illegal parking.  
 MEMO FOR 17 CS/CC, 5 FEB 01 - Broken dental appointment.  
 RIC, 31 JAN 01 - Late for duty.  
 RIC, 30 JAN 01 - Late for duty.  
 RIC, 30 JAN 01 - Late for duty.  
 RIC, 02 NOV 00 - Late for duty.  
 DD 1408, 24 Oct 00 - Speeding.

f. CM: None.

g. Record of SV: 12 Jan 00 - 11 Sep 01 Goodfellow AFB 4 (Initial)  
                   12 Sep 01 - 11 Sep 01 Goodfellow AFB 3 (Annual)  
                   12 Sep 02 - 01 Jul 03 Goodfellow AFB 2 (CRO)REF

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

i. Stmt of Sv: TMS: (4) Yrs (1) Mos (29) Das  
                   TAMS: (3) Yrs (9) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Jul 04.  
 (Change Discharge to Honorable, and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Notification Memorandum with Rebuttal.
3. Two Article 15s.
4. Response to Notification Memorandum.
5. Letter of Recommendation.
6. Photograph of Davidson with Major General Buchanan.
7. Copy of Order to Dismiss Driving while Intoxicated.
8. List of Verification Data of Offenses as Received.
9. Three Enlisted Performance Reports.

18AUG04/ia

## ISSUES


## ARGUMENTS / CONTENTIONS

AFFIDAVIT 

ATTACHMENT TO BLOCK 8 FORM 293 DEC 2000

- ISSUE 1: That, when analyzed by category and individually, as to redundancy, adequacy of explanations and mis-interpretations, do not rise to the level of a reduction of an Honorable Discharge to a General Discharge and is either improper or in-equitable, And so warrants an up-grade to an Honorable Discharge.
- ISSUE 2: Since punishment had already been levied by the Commanding Authority ONCE [i.e. Letters of Reprimand, loss of driving privileges, 7 days in Jail plus a fine of \$370.00, etc] - then the SAME Commanding Authority recommends an ADDITIONAL LIFETIME penalty of a reduction from Honorable Discharge to a General Discharge. This lifetime penalty translates to a loss of G.I Bill Benefits of over \$34,000.00 and a loss an educational opportunity that I joined the USAF for, plus relegating me to low paying jobs for the rest of my life. I have a high school education and a SAT over 1200. I joined the USAF not for the \$290 per week salary but also for the opportunity to go to College In my chosen field of Computers, a General Discharge just about eliminates my ability to qualify for any security clearance. I was not a security risk, but had a few minor misconduct problems. It is recognized that a college education will yield about \$2,000,000 in additional lifetime income and benefits. Reducing the Honorable Discharge to a General Discharge falls in the category of Cruel and Inhumane Punishment and possibly Double Jeopardy for admittedly a laundry list of mostly traffic offenses, mis-understandings and minor violations. This is unequitable, and so warrants an up-grade to an Honorable Discharge.
- ISSUE 3: That waiting until almost 2 months prior to enlistment expiration to decide early discharge with a General Discharge for admittedly mostly minor offenses for an Airman whose work product is good . It should be noted that a scarce 2 months prior, I attended a Reenlistment Seminar geared to my re-enlisting.

PLEASE SEE MEMORANDUM attached at PAGE 1 THRU 4 -- and dated 30 Sept 03, which reads "

1. I am recommending your discharge from the U.S. AIR FORCE----etc.[and] that your service be characterized as general.
2. My reasons for this action are (in lower case letters):  
Signed by 

ARGUMENTS / CONTENTIONS:

"NOTIFICATION MEMORANDUM" is in lower case type.  
Arguments/Contentions are in UPPER CASE TYPE.



OFFENSES BY CATEGORY:

A. TRAFFIC OFFENSES:

- a. On or about 24 Oct 00, you received a ticket for speeding on Goodfellow AFB. This is documented on DD Form 1408 on 24 Oct 00 and a Memorandum for 17CS on 1 Nov 00. [EXCEEDING SPEED LIMIT BY 9 MILES PER HOUR. 29 IN A 20 MILE ZONE] See PAGE 27, 28 attached.
  
- g. On or about 14 Feb 01, you received a ticket for parking in a prohibited area on Goodfellow AFB. This is documented on DD Form 1408 on 14 Feb 01. [PARKING IN FRONT OF HIS RESIDENCE ON BASE [ a 30' wide Right of Way ] ON A DEAD END, ONE BLOCK LONG STREET , WITH FEWER THAN TWO DOZEN RESIDENTIAL UNITS, IN AN AUTHORIZED PARKING SPACE WHICH WAS COMMON PRACTICE FOR VISITORS AND PERSONNEL TO PARK THERE.] See PAGE 37 attached SEE PHOTO OF STREET AT PAGE 37A...
  
- l. On or about 18 Jul 01, you received a ticket for blocking flow of traffic on Goodfellow AFB. This is documented on DD Form 1408 on 18 Jul 01. [PARKING IN FRONT OF HIS RESIDENCE ON BASE IS NOW CALLED BLOCKING THE FLOW OF TRAFFIC, ALSO REFERRED TO IN 'g' ABOVE.] See PAGE 46 attached. SEE PHOTO OF STREET AT PAGE 37A.
  
- r. On or about 18 Oct 02, you left your privately owned vehicle running, in front of your base housing residence {you were cited on 14 Feb 01 and 18 Jul 01 for parking in a prohibited area and on 24 Oct 01 for excessive speed. For these you received a Letter of Reprimand on 6 Dec 02}. [STILL A LEGAL PARKING SPACE FOR VISITORS AND PERSONNEL. I HAD JUST RETURNED FROM SAUDI-ARABIA, MY BATTERY WAS DEAD, I LOCKED MY KEYS IN THE CAR AND WENT TO GET THE OTHER SET OF KEYS WHILE MY CAR WAS RUNNING.] See PAGE 54, 55 attached. SEE PHOTO OF STREET PAGE 37A.
  
- s. On or about 16 Dec 02, you had your driving privileges suspended on Goodfellow AFB for failure to wear a seatbelt. This is documented on Memorandum for Record on 18 Dec 02. [I WAS WEARING MY SEAT BELT ENGAGED OVER MY LAP WITH MY SHOULDER STRAP BEHIND MY BACK. I THOUGHT THIS WAS ALL THAT WAS REQUIRED.] See PAGE 56, 57, 58 attached.

ISSUE 4: ALL OF THE ABOVE ARE TRAFFIC OFFENSES OF A VERY MINOR NATURE. NO RELIEF OTHER THAN RECITING THE FACTS TO THE FIRST SERGEANT WAS AVAILABLE TO ME.. THESE REPRESENT ONE-FOURTH [25%] OF THE REASONS FOR A GENERAL DISCHARGE. CONSIDERING THESE TRAFFIC CITATIONS TOWARD A GENERAL DISCHARGE IS INEQUITABLE, AND SO WARRANT AN UP-GRADE TO AN HONORABLE DISCHARGE..







RATERS COMMENTS SECTION V Page 68 reverse 11 Sept. 2002

"My most experienced technician in TBMCS upgrade--helped ensure rebuild success--Conveyed administration knowledge to co-workers and helped provide 24 hour support during rebuild--upgraded 7 servers and 85 workstations; provided plotting and targeting training to 700 CTC students--Applied technical skills need for successful installation of Broadsword intelligence web search engine--Repaired multiple TBMCS integration problems; achieved first-ever Broadsword-to-TBMCS connection--Enabled secure network intelligence data searching and target selection capability for 440 students--Assisted with installation and reconfiguration of computers in support of 3 dimensional imagery course--Rebuilt 21 machines--solved multiple hardware conflicts; provided training for 220 Intel students yearly.--Instrumental in troubleshooting user logon malfunctions for targeting instructors on TBMCS workstations--Adjusted permission settings on 50 machines; quick actions prevented delay of critical course--Collaborated with field support office to identify and correct improper map database settings--Restored training system and availability for 200 combat targeting students and instructors--Involved in base and community activities--..."

RATERS COMMENTS SECTION V Page 69 reverse: 5 Aug. 2003

--Member of computer maintenance team for Combined Air Operations Center, Prince Sultan Air Base--- Supported over \$11M in state of the art communications gear in high operations tempo environment-- Administered 900 computers on 3 separate networks--ensured planners sustained war on terrorism.--Displayed organizational skills--expedited customer service with orderly and organized help desk staff--Ensured access to appropriate work request forms, and maintenance records--Supported element and unit command section as workgroup manager; corrected errors, configured five laptops, and provided 10 technical solutions--afforded reliable connectivity for users..."

My tardiness was as follows:

- |   |                 |                       |
|---|-----------------|-----------------------|
| b. On or about 2 Nov 00, etc.                         | See PAGE 29     | 18 minutes            |
| c. On or about 9 Jan 01, etc                          | See PAGE 30, 31 | 1 hour 15 minutes     |
| d. On or about 17 Jan 01, etc                         | See PAGE 32, 33 | 1 hour 5 minutes      |
| f. On or about 30 Jan 01, etc                         | See PAGE 35, 36 | 10 minutes            |
| 'b' 'c' 'd' and 'f' represents 20% of the complaints. |                 | [2 hrs-48 min. Total] |

- i. On or before 2 April 01, you failed to report to duty at the prescribed time on numerous occasions. This is the third time you have been counseled about your late arrivals. For this you received a Letter of Reprimand on 2 Apr 01. See PAGE 40 attached.

This is a Letter of Reprimand {i} recognizing the above reprimands



- j. On or about 2 Apr 01, etc. See PAGE 41, 42 10 to 15 minutes
- o. On or about 19, 21 and 22 Feb 02, etc. 15 minutes each time  
 [ I HAD EXPLAINED THAT I HAD TO DO  
 SQUADRON PROCESSING. SEE MEMO  
 21 FEB 02, paragraph 1.] See PAGE 50 attached
- p. On or about 30 Apr 02, You were late to Physical  
 Training {PT}, etc. See PAGE 51 attached. MISSED SITUPS &  
 PUSHUPS.
- q. On or about 28 May 02, you were late to physical  
 Training. In addition, your hair was not within  
 standards. For these, you received a Letter of  
 Counseling on 30 May 02. 10 minutes late. There  
 See PAGE 52, 53 attached. was a temporary power  
 outage. In addition I  
 Reported to my First  
 Sergeant who indicated  
 my hair was within  
 requirements.

'j' 'o' 'p' 'q' represent 20% of the complaints.

#### SECURITY PROCEDURES:

- k. On or about 17 May 01, at approximately 2200 hours, you failed to set the alarm  
 and secure the computer room, number 105, building 530. At approximately  
 0115 hours, 18 May 01, another person had to respond to the building to complete  
 this task. For this you received a Letter of Reprimand on 8 Jun 01.  
 [PLEASE READ MY MEMORANDUM DATED 13 JUN 01. MY WORKDAY  
 ENDED AT 2200 HOURS. THIS WAS NOT AN INTENTIONAL OVER-  
 SIGHT, BUT ONE CAUSED BY A LONG WORKDAY, WHICH WHEN I  
 SECURED THE BUILDING AT 2200 HOURS, I HAD SECURED ALL  
 DOORS, BUT FAILED TO SET THE ROOM ALARM INSIDE THE  
 BUILDING. SINCE I LIVED ON BASE, LESS THAN A 5 MINUTE WALK, I  
 COULD HAVE BEEN CALLED]. See PAGE 43, 44, 45 attached.
- h. On or before 2 Mar 01, you did not follow proper security procedures within  
 the work area. You gave the combination to room 105, a secure area, to Tsgt.  
 [REDACTED] without prior authorization. For this you received a Letter of  
 Reprimand on 2 Mar 01. I WAS REQUESTED BY A SENIOR NON-  
 COMMISSIONED OFFICER FOR THE COMBINATION TO THE

COMPUTER ROOM. [REDACTED] WAS THE NCOinC OF THE COMPUTER PROGRAMMING SHOP AND SHARED THIS ROOM WITH US AND HAD WORKED IN THIS ROOM IN THE PAST AND HAD THE PREVIOUS COMBINATION AND WAS LATER APPROVED FOR RE-ACCESS. I MADE A MISTAKE, IN NOT THINKING HE WOULD TRY TO DO THIS TO ME.] See PAGE 38,39 attached.

Each of the above 'k' and 'h' represent 5% of the complaints.

ISSUE 6:

WHILE BOTH OF THESE ARE VIOLATIONS OF PROCEDURES, PARAGRAPH [k] ABOVE WAS CERTAINLY NOT INTENTIONAL, BUT DUE TO FATIGUE. PARAGRAPH [h], I AM TO BLAME BUT I HAD NO REASON TO BELIEVE THAT THE SERGEANT WOULD TRY TO PUT ONE OVER ON ME.

MISUNDERSTANDINGS:

- e. On or about 18 Jan 01 and 23 Jan 01, you failed to report for two scheduled dental appointments. This is documented on a Memorandum for Record on 5 Feb 01. [I WAS UNAWARE AND/ OR FORGOT THESE APPOINTMENTS. SOME OF MY DENTAL APPOINTMENTS WERE CANCELED BY THE DENTAL CLINIC DUE TO THE DENTAL CLINIC WORK LOAD.] See PAGE 34 attached.
- n. On or about 25 Feb 02, you failed to report to the Commander Support Staff Office in building 448 to weigh in between 0800 and 1000. ...[PLEASE READ THE ATTACHED MEMO FOR RECORD 25 FEB 02 BY [REDACTED] "We both arrived at 0950 (25 Feb 02)." I WAS THERE TIMELY [and with [REDACTED] FOR THE WEIGH IN, PER PARAGRAPH 1, BETWEEN 0800 AND 1000, ACCORDING TO [REDACTED]'S OWN STATEMENT I WAS NOT LATE, BUT 10 MINUTES EARLY. THIS SHOULD NOT HAVE BEEN WRITTEN UP.] "You wrote on the personnel tracking board that you had 0730 hour dental appointment which was false. [REDACTED] made a telephone call and a personal visit to the dental clinic where [REDACTED] confirmed that you had not been seen at the dental clinic nor did you have an appointment. Instead you were found by [REDACTED] at a workgroup meeting. This is Documented on a Memorandum for Record on 28 Feb 02." [I THOUGHT I WAS SCHEDULED AT 0730. I WENT TO THE DENTAL CLINIC, WAS TOLD I DID NOT HAVE AN APPOINTMENT BY ONE OF THE STAFF. IT WAS

NOT A FALSEHOOD, BUT A MISTAKE ON MY PART. I RETURNED IMMEDIATELY TO MY WORKGROUP MANAGER MEETING WHERE I WAS SUPPOSED TO BE AND [REDACTED] FOUND ME. IN PARAGRAPH 6 OF THE ATTACHED MEMO FOR RECORD 25 FEB 02 [REDACTED] REFERRED TO "WHO [WAS] THE TECHNICIAN TREATED HIM", WHILE I ONLY INDICATED THAT I HAD BEEN TO THE CLINIC, CHECKED IN, FOUND OUT THAT I HAD NO APPOINTMENT. I WAS NOT 'TREATED' BUT ONLY TALKED TO THE TECHNICIAN.] See PAGE 48, 49 attached.

ISSUE 7:: THIS WHOLE EPISODE ABOVE SHOULD NOT HAVE BEEN WRITTEN UP. AS IT WAS [REDACTED] WHO WAS CONFUSED. THE MEMO FOR RECORD DATED 25 FEB 02 VERIFIES THIS. PLEASE SEE ATTACHED PAGE— FOR VERIFICATION.

- m. On or about 4 Jan 02, you were counseled about the improper use of government computers. You admitted to viewing inappropriate material on a government computer and downloading pornographic images. This is documented on a Memorandum for Record on 5 Jan 02. [PLEASE READ PARAGRAPH 4 OF THIS MEMORANDUM FOR RECORD DATED 5 JAN 02. I VIEWED AN E-MAIL SENT TO ME BY ANOTHER AIRMAN AT MY E-MAIL ADDRESS THAT HAD VULGAR DRAWINGS ON THE SCREEN. I DID NOT DOWNLOAD OR PRINT THIS MATERIAL. I HAVE NO CONTROL OVER WHAT IS SENT TO ME OVER E-MAIL NOR DID I SOLICIT THIS MATERIAL. ALTHOUGH I'VE HAD TO ACCEPT BLAME, IT IS NOT MY FAULT!] See PAGE 47 attached.

The above 'e' 'n' and 'm' represent 15% of the complaints.

SERIOUS:

- u. On or about 7 Sep 03, while in the city of San Angelo, Texas, you physically controlled your passenger vehicle while impaired by a concentration of alcohol in your blood of 0.116. For this, you received a Letter of Reprimand on 11 Sep 03. [ENCLOSED IS A COPY OF THE ORDER OF THE COURT DATED 9 DEC 03 WHICH STATES; "IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED THAT THIS CAUSE BE AND THE SAME IS HEREBY DISMISSED; THE DEFENDANT HEREIN IS DISCHARGED, AND SIGNED BY THE COURT.. SINCE THIS MATTER WAS DISMISSED ON MOTION OF THE COUNTY ATTORNEY OF [REDACTED] COUNTY COURT AT LAW NO.2, TEXAS, THE LETTER OF REPRIMAND OF 11 SEP 03 SHOULD ALSO BE REMOVED.] See PAGE 64, 65, 66 attached.

- t. On or about 18 Jan 03, you did, at or near Trinity Memorial Cemetary, Big Spring, Texas, through negligence, discharge a service gun, M9, in the roof panel of a government owned vehicle and did without proper authority, through neglect damage by shooting said vehicle, military property of the United States with the amount of said damage being the sum of about \$700.00. In addition, on between or about 18 Jan 03 and 25 Feb 03, you did, at or near Goodfellow Air Force Base, Texas, with intent to deceive, sign an official record, to wit: Air Force Form 1168, which statement was false in that you lied about the circumstances surrounding the discharge of a government issued weapon, and was then known by you to be so false. For these, you received and AF Form 3070 (Article 15) on 10 Apr 03. [THE PUNISHMENT METED OUT WAS 7 DAYS LOSS OF PAY PLUS 7 DAYS IN JAIL. ADDITIONALLY I WAS ABOUT TO BE PROMOTED ONE RANK, WHICH WAS DENIED. PLEASE READ MY STATEMENT DATED 3 APR 03, ESPECIALLY PARAGRAPH NUMBER 5] See PAGE 59, 60, 61, 62, 63 attached.

These 2, 'u' and 't' represent 10% of the complaints.

**ISSUE 8::**

**THIS WAS AN EXCEEDINGLY HARSH PUNISHMENT! THIS WAS NOT AN INTENTIONAL DISCHARGE OF THE WEAPON. NO MENTION WAS MADE OF TWO FACTS:**

- #1. I SOUGHT COUNSEL FROM THE BASE LEGAL OFFICER WHO TOLD ME THAT I DID NOT NEED AN ATTORNEY FOR THIS HEARING AND THAT NO ONE WOULD BE PERMITTED TO ACCOMPANY ME AT THE HEARING;. AND
- #2. NO CONSIDERATION WAS GIVEN TO THE CONTRIBUTORY NEGLIGENCE ON THE PART OF THE AIR FORCE. I WAS NOT GIVEN ADEQUATE INSTRUCTION IN THE HANDLING OF THIS WEAPON (LESS THAN A DAY INSTRUCTION ABOUT A YEAR AND A HALF AGO, FOR PURELY A CEREMONIAL ACTIVITY.) THE MOST EGREGIOUS WAS THE INSTRUCTION FROM THE ARMORER WHEN I AND OTHERS, RECEIVED THE WEAPON, WE WERE REQUIRED TO KEEP A ROUND IN THE CHAMBER AND THE SAFETY IN THE 'OFF' POSITION. THESE WEAPONS COULD FIRE ACCIDENTALLY WHEN BEING PLACED IN OR REMOVED FROM THE HOLSTER. THE TRIGGER PULL IS SO LIGHT AND THE HAMMER IS ALREADY IN THE COCKED POSITION IT IS SURPRISING THAT THIS TYPE OF ACCIDENT HAS NOT HAPPENED MORE FREQUENTLY. IT IS FOR THESE REASONS THAT THE AIR FORCE SHOULD ASSUME PART OF THE RESPONSIBILITY FOR THIS 'ACCIDENT'.

CONCERNING THE FALSE STATEMENTS GIVEN BY ME, IT WAS MERELY MY OPINION OF THE HAPPENINGS WHILE I WAS NOT UNDER OATH OR WARNED ABOUT MY RIGHTS AND I WAS UNDER EXTREME STRESS UNDER THE CIRCUMSTANCES. PLEASE READ PARAGRAPH 2 OF MY STATEMENT DATED 3 APR 03: ".....I WAS SCARED AND NERVOUS ABOUT WHAT HAD HAPPENED AND DID NOT WANT TO BE WRONGFULLY ACCUSED OF 'PLAYING AROUND' WITH THE WEAPON WHEN IT DISCHARGED." THIS WAS AN ACCIDENT WAITING TO HAPPEN.

I WAS TAUGHT NOT TO BE CONFRONTATIONAL, ESPECIALLY WITH SUPERIORS. LITTLE DID I REALIZE THE CONSEQUENCES FOR NOT CONTESTING MOST OF THE ABOVE COMPLAINTS.

IT IS FOR THE ABOVE REASONS THAT THE PUNISHMENT WAS HARSH IN AND OF ITSELF, AND THEN TO GET THE DOUBLE WHAMMY OF A GENERAL DISCHARGE IS INEQUITABLE. EVEN PRESIDENT CLINTON WHILE UNDER OATH, CONVICTED OF PERJURY, DID NOT GET A PENALTY THIS GREAT.

**SUMMARY:**

**OFFENSES BY CATEGORY:**

TRAFFIC:	Speeding [a] 9 miles over speed limit	Guilty
	Seat Belt [s] I had the seat belt fastened over my lap only.	Not guilty
	Improper Parking [g] and [l]	Not guilty
	Vehicle running [r]	Guilty
	5 violations of 20 is 25%	
LATE FOR DUTY	[total less than 5 hours]	
	[b] [c] [d] [f] four violations of 20 is 20%	Guilty
	[l] is a letter recognizing the above 4 violations	Not an offense
	[j] [o] [p] and [q] were because I could not be in more than one place at a time due to Squadron duties.	Not guilty
	Four violations of 20 is 20%.	

**SECURITY PROCEDURES:**

[k] Locked up total building including computer room,  
but failed to activate security alarm. **Guilty**

[h] Gave combination to Senior Computer NCO Programmer **Guilty**

Each of the above [k] and [h] represent 5% of 20 violations.

**MISUNDERSTANDINGS:**

[e] Missed dental Appointments **Guilty**

[n] Msgt was confused. I was where I was supposed to  
be. I did not do anything wrong. **Not Guilty**

[m] Improper use of the Computer. I have no control over  
what is sent over the E-mail to me. Not my fault. **Not Guilty**

Each of the above [e] [n] and [m] represent 5% of 20 violations

**SERIOUS:**

[u] DUI Civilian Complaint was dismissed by the County  
Judge and should be removed from my record.

[t] Accidental discharge of weapon . I still don't feel  
qualified to handle this weapon with so little Instruction. **Purely accidental**



As the reader will note from the above SUMMARY of OFFENSES BY CATEGORY:

TRAFFIC OFFENSES: 3 Were for improper parking,  
1 for exceeding the speed limit by 9 miles per hour  
1 for locking the keys in the car with the motor running

MISUNDERSTANDING: 1 was for 2 missed dental appointments  
1 the Senior NCO admitted confusion in his writeup.  
1 was for receiving an improper E mail sent by another.

Finally, in review of the AF Forms 910,20000601 Reverse [EF-V2], [See pages 67,68, 69], just received by the undersigned, should be noted that the grading for the period 12 Jan 2000 thru 11 Sep 2001 by [redacted] and [redacted] and for the period 12 Sep 2001 thru 11 Sep 2002 by [redacted] and [redacted], that in both years all grading at the least met Air Force Standards with the marks in the third and fourth columns as to performance being superior to excels. But then came a change in superiors to [redacted] and [redacted], that the grading on all counts except #2 [Knowledge of Primary duties] and #6 [Compliance with Training Requirements] were dropped back one column. During this period there were 2 traffic violations [r] auto locked and running and [s] no seat belt, both non-appealable charges and [t] the accidental weapon discharge [which 7 days jail time penalty was levied]. This was about the time that just about anything that I did was under such scrutiny that I could do no right, according to [redacted] and [redacted] who signed the 5 Aug 03 report even though my immediate Supervisor, [redacted] gave me a very good letter of recommendation for my record dated 2 Oct 03 for essentially the same period. See page 14 attached.

THE OFFENSES OF MAGNITUDE: were [b] [c] [d] [f] involved 2 hours and 28 minutes late for duty. [I] [j] [o] [p] were really double duty assignments, the Physical Training time being made up the same day. Offense [k] was due to fatigue. Offense [h] was due to my lack of knowledge. The SERIOUS Offenses [t] accidental discharge of weapon and [u] Civilian DUI and Dismissed by Court after hearing. That, when analyzed by category and individually, as to redundancy, adequacy of explanations and mis-interpretations, do not rise to a level of a reduction of an Honorable Discharge to a General Discharge and is either improper or inequitable.





DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD 2004-00268

MEMORANDUM FOR [REDACTED] S

30 SEP 2003

FROM: 17 TRSS/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 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 reasons for this action are:
  - a. On or about 24 Oct 00, you received a ticket for speeding on Goodfellow AFB. This is documented on DD Form 1408 on 24 Oct 00 and a Memorandum for 17 CS on 1 Nov 00.
  - b. On or about 2 Nov 00, you failed to report to duty at the prescribed time of 1300 hours. This is documented on a Memorandum for Record on 2 Nov 00.
  - c. On or about 9 Jan 01, you failed to report to duty at the prescribed time of 0700 hours. You did not arrive daily until 0815 hours. This is documented on an AF Form 174 on 30 Jan 01.
  - d. On or about 17 Jan 01, you failed to report back to duty at 1330 after lunch. You returned at 1435 stating that you had fallen asleep. This is documented on an AF Form 174 on 30 Jan 01.
  - e. On or about 18 Jan 01 and 23 Jan 01, you failed to report for two scheduled dental appointments. This is documented on a Memorandum for Record on 5 Feb 01.
  - f. On or about 30 Jan 01, you failed to report to duty at the prescribed time of 0800 hours. This was your third late arrival in three weeks. This is documented on an AF Form 174 on 31 Jan 01.
  - g. On or about 14 Feb 01, you received a ticket for parking in a prohibited area on Goodfellow AFB. This is documented on DD Form 1408 on 14 Feb 01.
  - h. On or before 2 Mar 01, you did not follow proper security procedures within the work area. You gave the combination to room 105, a secure area, to [REDACTED] without verifying prior authorization. For this, you received a Letter of Reprimand on 2 Mar 01.
  - i. On or before 2 Apr 01, you failed to report to duty at the prescribed time on numerous occasions. This is the third time you have been counseled about your late arrivals. For this, you received a Letter of Reprimand on 2 Apr 01.

- j. On or about 2 Apr 01, you arrived late to duty for the sixth time. For this, you received a Letter of Reprimand on 4 Apr 01.
- k. On or about 17 May 01, at approximately 2200 hours, you failed to set the alarm and secure the computer room, number 105, building 530. At approximately 0115 hours, 18 May 01, another person had to respond to the bulding to complete this task. For this, you received a Letter of Reprimand on 8 Jun 01.
- l. On or about 18 Jul 01, you received a ticket for blocking the flow of traffic on Goodfellow AFB. This is documented on DD Form 1408 on 18 Jul 01.
- m. On or about 4 Jan 02, you were counseled about the improper use of government computers. You admitted to viewing inappropriate material on a government computer and downloading pornographic images. This is documented on a Memorandum for Record on 5 Jan 02.
- n. On or about 25 Feb 02, you failed to report to the Commander Support Staff office in building 448 to weigh in between 0800 and 1000 hours. You wrote on the personnel tracking board that you had a 0730 hour dental appointment which was false. ██████████ made a telephone call and personal visit to the dental clinic where ██████████ confirmed that you had not been seen at the dental clinic nor did you have an appointment. Instead, you were found by ██████████ at a workgroup manager meeting. This is documented on a Memorandum for Record on 28 Feb 02.
- o. On or about 19, 21, and 22 Feb 02, you were late returning to Broadsword training after breaks stating that you already knew the course material and did not need to be there. This is documented on a Memorandum for 17 TRSS/TSUO on 21 Feb 02.
- p. On or about 30 Apr 02, you were late to physical training (PT). For this, you received a Letter of Counseling on 6 May 02.
- q. On or about 28 May 02, you were late to PT. In addition, your hair was not within standards. For these, you received a Letter of Counseling on 30 May 02.
- r. On or about 18 Oct 02, you left your privately owned vehicle running, unattended, in front of your base housing residence. In addition, you were cited on 14 Feb 01 and 18 Jul 01 for parking in a prohibited area and on 24 Oct 01 for excessive speed. For these, you received a Letter of Reprimand on 6 Dec 02.
- s. On or about 16 Dec 02, you had your driving privileges suspended on Goodfellow AFB for failure to wear a seatbelt. This is documented on a Memorandum for Record on 18 Dec 02.
- t. On or about 18 Jan 03, you did, at or near Trinity Memorial Cemetery, Big Spring, Texas, through negligence, discharge a service gun, M-9, in the roof panel of a government owned

vehicle and did without proper authority, through neglect damage by shooting said vehicle, military property of the United States with the amount of said damage being the sum of about \$700.00. In addition, on between or about 18 Jan 03 and 25 Feb 03, you did, at or near Goodfellow Air Force Base, Texas, with intent to deceive, sign an official record, to wit: Air Force Form 1168, which statement was false in that you lied about the circumstances surrounding the discharge of a government issued weapon, and was then known by you to be so false. For these, you received an AF Form 3070 (Article 15) on 10 Apr 03.

u. On or about 7 Sep 03, while in the city of San Angelo, Texas, you physically controlled your passenger vehicle while impaired by a concentration of alcohol in your blood of 0.116. For this, you received a Letter of Reprimand on 11 Sep 03.

3. Copies of the documents to be forwarded to the separation authority in support of 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 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 with the Goodfellow Air Force Base Area Defense Counsel on 10x 03 at 0900 hours in Bldg 308. 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 30x03 at 0830 unless you request and receive an extension for good cause shown. I will send them 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 must report to the Physical Exams Section of the clinic during walk-in hours, Monday through Thursday from 0730-1530 hours, for your 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 the Unit Orderly Room.



Commander

Attachments:

- 1. DD Form 1408, dated 24 Oct 00

2. Memorandum for 17 CS, dated 1 Nov 00
3. Memorandum for Record, dated 2 Nov 00
4. AF Form 174, dated 30 Jan 01
5. AF Form 174, dated 30 Jan 01
6. Memorandum for Record, dated 5 Feb 01
7. AF Form 174, dated 31 Jan 01
8. DD Form 1408, dated 14 Feb 01
9. Letter of Reprimand, dated 2 Mar 01
10. Letter of Reprimand, dated 2 Apr 01
11. Letter of Reprimand, dated 4 Apr 01
12. Letter of Reprimand, dated 8 Jun 01
13. DD Form 1408, dated 18 Jul 01
14. Memorandum for Record, dated 5 Jan 02
15. Memorandum for Record, dated 28 Feb 02
16. Memorandum for 17 TRSS/TSUO, dated 21 Feb 02
17. Letter of Counseling, dated 6 May 02
18. Letter of Counseling, dated 30 May 02
19. Letter of Reprimand, dated 6 Dec 02
20. Memorandum for Record, dated 18 Dec 02
21. AF Form 3070 (Article 15), dated 10 Apr 03
22. Letter of Reprimand, dated 11 Sep 03