

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████		<b>GRADE</b> AIC	<b>AFSN/SSAN</b> ██████████			
<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>			
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<b>YES</b>	<b>No</b>					
	<b>X</b>					
<b>MEMBER SITTING</b>		<b>VOICE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
<b>ISSUES</b> A93.19 A92.21 A92.01 A92.07 A92.03 A93.07 A92.05 A92.11 A93.09		<b>INDEX NUMBER</b>				
		A67.90				
		<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
		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					
<b>HEARING DATE</b> 14 Dec 2004		<b>CASE NUMBER</b> FD-2004-00271				
<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</small>						
<p>Case heard at Washington, D.C.</p> <p>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.</p> <div style="border: 1px dashed black; height: 100px; width: 100%; margin-top: 20px;"></div>						
<b>INDORSEMENT</b>		<b>DATE: 12/14/2004</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-2004-00271

**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 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 1 through 5.** Applicant contends discharge was inequitable because it was too harsh and states that his discharge did not take into account the good things he did while in the service. The records indicated the applicant received two Articles 15 and three Letters of Reprimand for misconduct. His infractions included having a dog in the dormitory after a direct order not to, being involved in a verbal and physical altercation at the dormitory wherein he used provoking speech and gestures and pushed another airman, failure to go, neglectfully dropping a government-owned DVD player valued at \$1399.44 down a stairwell causing it to be damaged, and striking a civilian female in the face with his fist. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior and was unwilling or unable to do so. The DRB also 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 otherwise satisfactory duty performance. 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 6** applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, this does not provide a basis of inequity or impropriety to warrant an upgrade and none was found in the course of the records review. The Board concluded the applicant's misconduct appropriately characterized his term of service.

**Issues 7 through 10.** Applicant contends his duty performance was adversely impacted by marital, child care, personal problems, his use of alcohol, and a denied request for compassionate reassignment. Unfortunately, applicant failed to provide any documented evidence to substantiate these various contentions and the records review failed to identify any. The Board concluded there was insufficient evidence to evaluate the merits of applicant's alleged mitigating factors. The Board found the discharge procedurally proper and equitable, and no change warranted.

**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 SrA)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Cannon AFB, NM on 8 Jan 04 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Aug 79. Enlmt Age: 19 6/12. Disch Age: 24 4/12. Educ: HS DIPL. AFQT: N/A. A-27, E-24, G-50, M-47. PAFSC: 3P051 - Security Forces Journeyman. DAS: 5 Feb 00.

b. Prior Sv: (1) AFRes 11 Feb 99 - 18 May 99 (3 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 May 99 for 6 yrs. Svd: 4 Yrs 7 Mo 21 Das, all AMS.

b. Grade Status: A1C - 16 Dec 03 (Article 15, 16 Dec 03)  
SrA - 02 Nov 01  
A1C - 03 Jul 99

c. Time Lost: None.

d. Art 15's: (1) 16 Dec 03, Cannon AFB, NM - Article 128. You did, on or about 1 Nov 03, unlawfully strike [REDACTED] in the head with your fist. Reduction to A1C, and a reprimand. (No appeal) (No mitigation)

(2) 6 Sep 02, Cannon AFB, NM - Article 108. You, did, between on or about 3 Aug 02 and on or about 4 Aug 02, without proper authority, through neglect damage by dropping down a stairwell a television and DVD player of a value of or about \$1399.44, military property of the United States, the amount of said damage being in the sum of or about \$1399.44. Suspended reduction to A1C. Forfeiture of \$300.00 pay per month for 2 months, 45 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 01 FEB 02 - Late for duty.  
LOR, 24 AUG 01 - Making provoking speech or gestures and disorderly conduct.  
LOR, 18 JUN 01 - Violation of housing management and a direct order.

- f. CM: None.
- g. Record of SV: 19 May 99 - 15 Jan 01 Cannon AFB 5 (Cmdr Dir)  
16 Jan 01 - 15 Jan 02 Cannon AFB 4 (Annual)  
16 Jan 02 - 15 Jan 03 Cannon AFB 4 (Annual)
- h. Awards & Decs: JSAM, AFTR, NDSM, AFLSAR, AFGCM, BFPOB.
- i. Stmt of Sv: TMS: (4) Yrs (10) Mos (29) Das  
TAMS: (4) Yrs (7) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Jul 04.  
(Change Discharge to Honorable)

Issue 1: My average conduct and efficiency ratings/behavior and proficiency marks were good. My records of promotion showed I was generally a good service member. Personal problems impaired my ability to serve.

ADDITIONAL ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.

29SEP04/ia

[REDACTED]

Dear DRB [or] BCMR: The following issues are the reasons I believe my discharge should be upgraded to Honorable. If you disagree, please explain in detail why you disagree. The presumption of regularity that might normally permit you to assume that the service acted correctly in characterizing my service as less than honorable does not apply to my case because of the evidence I am submitting.

**(1) My average conduct and efficiency ratings/behavior and proficiency marks were good [or pretty good].**

All of my EPRs (Enlisted Performance Report) show that my conduct was above average.

**(2) I received awards and decorations.**

I have received the following awards and decorations:

Armed Forces Expeditionary Medal  
Superior Performance Award in Rugged Arch  
Certificate of Appreciation for outstanding support and dedication while assigned to the  
386<sup>th</sup> Air Expeditionary Group  
National Defense Service medal  
Air Force Longevity Service Award  
Air Force Good Conduct Medal  
Joint Service Achievement Medal

**(3) I received letters of recommendation.**

I have received letters of recommendations from supervisors and co-workers.

**(4) I had combat service.**

For the majority of my career I was deployed to combat locations. I served in Bahrain, Jordan, Kuwait and the Philippines. All these locations were combat zones.

**(5) My record of promotions showed I was generally a good service member.**

According to my EPRs (Enlisted Performance Reports), I was generally a good service member.

**(6) I have been a good citizen since discharge.**

I have been a good citizen since discharge. I am a single father attending college and looking to give back to my community by serving in the local sheriff department.

**(7) My ability to serve was impaired because of marital and family and child care problems.**

At the time I was in the Air Force, my daughter's mother was actively selling drugs and living in a drug house. She had my daughter living with her and would not allow her to stay with me. I tried to fight for custody and ask for assistance from my squadron, however they felled to assist by sending me on deployments.

**(8) Personal problems impaired my ability to serve.**

Both of my parents were continually in surgery from the time I entered the Air Force until April 2004. I was fighting for custody of my daughter for the majority of my career with no help from any organizations. My daughter was just born and living in a drug house. These were some of the major problems that impaired my ability to serve.

**(9) My use of alcohol impaired my ability to serve.**

Do to the stress from my parents being in surgery without me being able to be there and support them, fighting for custody of my daughter and stress from being in combat locations, I turned to alcohol which impaired my ability to serve at the level I could.

**(10) I had applied or tried to apply for a compassionate reassignment but was unfairly denied or told to forget it.**

I tried to apply for a compassionate reassignment for the purpose of being able to support my parents who were constantly in and out of surgery. I was casually hushed and persuaded to forget about it because I didn't have a good enough reason.



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 27th FIGHTER WING (ACC)  
CANNON AIR FORCE BASE NEW MEXICO

FD 2004-00271

22 DEC 2003

MEMORANDUM FOR [REDACTED]

FROM: 27 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 11 Jun 01, a dog was discovered in your dorm room in direct violation of housing management instructions and a direct order given to you by [REDACTED] as evidenced by a Letter of Reprimand, dated 18 Jun 01. (Atch a)
  - b. On or about 18 Jul 01, you were involved in an incident at the SFS dormitory where you made provoking speech or gestures and then displayed disorderly conduct by pushing [REDACTED] as evidenced by a Letter of Reprimand, dated 24 Aug 01. (Atch b)
  - c. On or about 1 Feb 02, you failed to go at the time prescribed to your appointed place of duty, as evidenced by a Letter of Reprimand, dated 1 Feb 02. (Atch c)
  - d. Between on or about 3 Aug 02 and on or about 4 Aug 02, you neglectfully damaged military property by dropping down a stairwell a television and DVD player worth \$1,399.44, as evidenced by an Article 15 action, dated 6 Sep 02. (Atch d)
  - e. On or about 1 Nov 03, you unlawfully struck [REDACTED] in the head with your fist, as evidenced by an Article 15 action, dated 16 Dec 03. (Atch e)
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, bonuses, 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. An appointment will be made for you to consult with a military legal counsel from the Cannon

AFB Area Defense Counsel's Office at building 600, ext. 2915. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within **3 duty days** from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.
7. You will complete a medical examination at the 27th Medical Group on 24 DEC 2003 at 0745 hours.
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 your unit orderly room, or you may download a copy from <http://afpubs.hq.af.mil/>.



Attachments:

- a. Letter of Reprimand, dated 18 Jun 01
- b. Letter of Reprimand, dated 24 Aug 01
- c. Letter of Reprimand, dated 1 Feb 02
- d. Article 15 action, dated 6 Sep 02
- e. Article 15 action, dated 16 Dec 03