

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE SRA	AFSN/SSAN ████████████████			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.05	INDEX NUMBER A84.00	EXHIBITS SUBMITTED TO THE BOARD				
		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			
HEARING DATE 30 Nov 2004	CASE NUMBER FD-2004-00278					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<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>						
INDORSEMENT						
TO:				DATE: 12/1/2004		
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				FROM: 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-2004-00278

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

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The reason the applicant states it was too harsh is because he felt pressured to separate from the military due to fear of losing his civilian job. The records indicated the applicant received an Article 15 for misconduct. The DRB opined that based on presumption of regularity and information provided by the Air National Guard, the applicant failed to participate satisfactorily in the Tennessee Air National Guard accumulating nine or more unexcused absences within a 12-month period. The Board concluded this 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.

If the applicant 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. Pertinent information that would be useful in a public appearance would include specifics about employer difficulties and what actions the applicant took through his military chain of command to get relief for difficulties encountered with his civilian employer.

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 SRA) (HGH SRA)

MISSING DISCHARGE ORDER

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Loveland FLD, TN on 31 May 97 UP AFI 36-3209, para 3.13.2.1 (Unsatisfactory Participation). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 22 Dec 71. Enlmt Age: 17 6/12. Disch Age: 25 5/12. Educ: HS DIPL. AFQT: N/A. A-51, E-57, G-48, M-78. PAFSC: 2E651 - Communications Cable Antenna Systems Journeyman. DAS: Unknown.

b. Prior Sv: (1) AFRes 14 Jul 89 - 24 Aug 89 (1 month 11 days) (Inactive).

(2) Enlisted USAF as AB 25 Aug 89 for 4 yrs. Svd: 2 yrs 9 months 7 days, all AMS. AMN - Unknown. A1C - 25 Dec 90.

(3) Enlisted ANG as A1C 2 Jun 92 for 3 yrs. Svd: 3 yrs 6 months 19 days, of which AMS is 2 months 23 days. SrA - 15 Jan 93. No performance reports available.

ART 15: 9 Jan 92, Fairchild AFB, WA - Article 80. You did, in Spokane County, Washington, on or about 9 May 91, attempt to damage a vehicle by loosening the passenger side rear tire lugnuts so that the tire would fall off, the property of [REDACTED] Article 109. You did, in Spokane County, Washington, on or about 9 May 91, willfully and wrongfully damage a vehicle by slashing the driver's safety restraint device and draining the engine oil from the engine, the property of [REDACTED] Article 130. You did, at Fairchild AFB, Washington, between on or about 1 Feb 91 and 28 Feb 91, unlawfully enter the 92d Transportation Squadron Orderly Room, the property of the United States Air Force, with intent to commit a criminal offense, to wit: remove documents from the Personal Information File (PIF) pertaining to you. Article 134. You did, at Fairchild AFB, Washington, between on or about 1 Feb 91 and 28 Feb 91, willfully and unlawfully remove a public record, to wit: a traffic ticket from the PIF pertaining to you. Suspended reduction to Airman (remitted on 9 Jan 92). Fourteen days extra duty. (No Appeal) (No Mitigation)

3. **SERVICE UNDER REVIEW:**

a. Reenlisted ANG as SrA 22 Dec 95 for 6 yrs. Svd: 1 Yrs 5 Mo 9 Das, all Inactive.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: Unknown.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, AFAM, AFLSAR.

i. Stmt of Sv: TMS: (7) Yrs (9) Mos (6) Das
TAMS: (3) Yrs (0) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Jul 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I wish to return to the ANG. I cannot do so without this upgrade.

Issue 2: ADDITIONAL ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. NGB 22.
3. DD Form 214.
4. Two Letters of Appreciation.
5. Air Force Achievement Medal.
6. Two Letters of Achievement Medal.

23AUG04/ia

To the Board for Correction of Military Records:

In the enclosed paperwork, you will find my DD-293, application for the correction of military records. I hope that you find the following justifications to change my status, because of my past mistakes. I have learned now that receiving this type of discharge was not in my best intrestes. I wish to return to the Tennessee Air National Guard. I was misled and am now apologizing to you, The U.S. Air Force, and the Tennessee Air National Guard for my serious lack of judgement. Below are the following reasons for this application.

- 1) My employer wasn't very happy about my guard service, and "off the wall" threatened me with my job. I have since left that employer and now work for a employer who fully supports the military and it's service.
- 2) I cannot return to the military without this upgrade to my records. There is no waiver for a General Discharge(under honorable), and this is preventing me from continuing my military career.
- 3) I received an honorable discharge from active duty, but was relieved of duty under AFI 36-3209(chap 3.13.2 Unsat participation) due to my employer at that time. Tennessee is an "at will" state, so there is really no protection and an employer can "fire" you for any reason, and there you have it, I was placed between a rock and a hard place. There are no laws in the state of Tennessee to prevent this, although they can't fire you for military service, the can "find another reason".
- 4) Enclosed also is my DD-214 from active duty, and some letters from my Base Commander. They will show of my performance. Don't you think that I would have shown the same amount of loyalty and duty and honor to the guard if would have been given the chance? I think so.

I make this appeal to the board so that I may return to military service. I hope that the board realizes that I have learned from my mistakes, and wish to do nothing further but return to the Tennessee National Guard, and have a full military career. Also I am willing as noted on DD-293, to meet with a traveling board to discuss my case at their convience.

Thank you for your time,

Sincerely,
