

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

ISSUES A94.05	INDEX NUMBER A66.00	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>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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HEARING DATE 13 Dec 2004	CASE NUMBER FD-2004-00313	
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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.

INDORSEMENT **DATE: 12/14/2004**

TO: 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00313

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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s for being drunk and disorderly, destroying Government property and for wrongfully using marijuana. In addition, he underwent a Summary Court Martial for, again, being drunk and disorderly and destroying Government property. 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.

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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr McGuire AFB, NJ on 12 Apr 91 UP AFR 39-10, para 5-49c (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 8 Jul 69. Enlmt Age: 18 2/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-61, E-63, G-50, M-83. PAFSC: 45254A - Tactical Aircraft Maintenance Specialist. DAS: 29 Jul 88.

b. Prior Sv: (1) AFRes 16 Sep 87 - 24 Jan 88 (4 months 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Jan 88 for 4 yrs. Svd: 3 Yrs 2 Mo 19 Das, all AMS.

b. Grade Status: AB - 11 Oct 90 (Article 15, 11 Oct 90)
A1C - 25 May 89
AMN - 25 Jul 88

c. Time Lost: None.

d. Art 15's: (1) 11 Oct 90, Bitburg AB, Germany - Article 112a. Preliminary investigation has disclosed that you did, at or near Decimomannu, Italy, between on or about 4 Jan 90 and on or about 25 Jan 90, wrongfully use marijuana. Reduction to AB, and 45 days extra duty. (Appeal/Withdrawn) (No mitigation)

(2) 1 Feb 90, Bitburg AB, Germany - Article 134. Preliminary investigation has disclosed that you were, on or about 28 Jan 90, drunk and disorderly. Article 108. Further investigation disclosed that you did, on or about 28 Jan 90, willfully and wrongfully destroy by hitting with your hand, a light, of some value, the property of the United States Government. Suspended reduction to Airman. (No appeal) (No mitigation)

e. Additional: None.

f. CM: Summary Court Martial - 30 Jan 91

Article 108. Damage to military property less than \$100.00. Plea: Guilty. Finding: Guilty.

Article 134. Drunk and Disorderly. Plea: Guilty. Finding: Guilty. Sentence adjudged on 30 Jan 91: Forfeiture of \$376.00, and 45 days hard labor without confinement.

g. Record of SV: 25 Jan 88 - 24 Jan 89 Bitburg AB 9 (Annual)
25 Jan 89 - 24 Sep 89 Bitburg AB 4 (Initial)
25 Sep 89 - 01 Aug 90 Bitburg AB 4 (CRO)

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

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (28) Das
TAMS: (3) Yrs (2) Mos (19) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. DD Form 214.
2. Two Certificates of Achievement.
3. Four Training Certificates.
4. Three Certificates of Achievement.
5. Honor Graduate Certificate.
6. Maintenance Quality Assurance Evaluation.
7. Seven Letters of Appreciation.
8. Five Maintenance Quality Assurance Evaluations.

2SEP04/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.
 ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

- a. DOCUMENT 1:
- b. DOCUMENT 2:
- c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

My discharge was inequitable because it was based on written statements of those under stress. There was no hard proof subsequently ending my AF career and placing this burden upon my life.

Please see all attachments.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

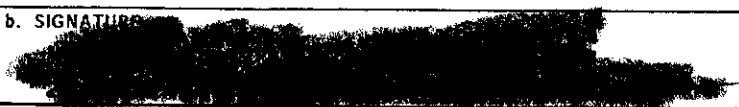
I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)
20040804

b. SIGNATURE


UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001

August 6, 2004

SAF/MIBR

550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

Dear Sir or Madam:

I want to start off by saying that I have always loved this Country; it is without a doubt the only place I would want to live. My father was drafted in the end of the Korean war, I have had 2 other brothers in the Air force one retiring few years ago, there is countless other family members that also have held all kinds of different positions in our nations military going way back.

I have attached what Letters of Appreciation, Letters of Achievements, Ataboys from Pilots, QA inspections, Training accomplishments and whatever else I was able to keep over the years. The purpose of these attachments is to prove without a doubt I was an excellent Crew Chief on F-15's and Airman. I worked hard and I enjoyed it very much, but I was young and made mistakes and I feel it is time now to regain my dignity I have been punished long enough. I have kept out of trouble all these years and am a productive member of society; currently I work in the Information Technology Department with local Software Company here in [REDACTED]

Unfortunately 10-12 years ago I was very young and ignorant, it ruined my life but I eventually was able to bounce back. I always loved mechanics since I was born, AF lost a good mechanic and I lost more than that. I would love to take a second crack at it, maybe in the Reserves. I would really love to serve my country again. I know the AF needs mechanics and experienced ones especially.

Being in Germany for a few years away from family can be hard when your that young and I was also having relationship issues with girls on top the rigorous work schedule of maintaining our defensive position on the only Zulu alert base in Germany at that time which was BitBurg AB. Lots of responsibility for someone just out of High School. I really enjoyed the responsibilities and Crew Chiefs were respected. At that time we were crossed trained into engine work and Hydraulics so I was very well rounded and could prep a engine for removal and do it myself if the rails were aligned up right, also I could remove/ reinstall hydraulic pumps, actuators and so on.

I started hanging out with a crowd that turned out to be very bad for me. They were doing things that I really didn't feel comfortable with. When one of them finally got in trouble I was dragged into the middle of it by one of them writing a written statement after being interrogated all night than trying to save his own hide. I watched my career go down the toilet as I was about to PCS to the states. I was very mad and depressed and than I went out drinking and made it worse buy destroying material objects, which I paid for and/ or fixed. Going from a respectable Crew Chief to picking weeds out of sidewalks was very humiliating. Drinking was not the answer and was very foolish and I made things a hell of a lot worse. In this messed up situation I thought feeding the investigators misinformation they would get confused and drop me out of it, kind of like OJ at that time, well that backfired and once again I made things worse. One example is that I told them me and this other guy went behind the post office and smoked hashish. Now why the hell would we go behind the post office, which was in the open anyway, and smoke Hashish, but they took it seriously so hence the backfire. I never tested positive for illegal drugs, I was never busted for having them in my possession. I do not do drugs and do not approve of them one bit.

Anyway I have paid for my mistakes and have learned from them.

So I ask of you, please consider raising my discharge to honorable or at least to a general discharge. If I had honorable I could join the reserves and help with the war on Terrorist's or any other war. I am in good shape and strong.

Thank you for your time and have a good day.

FD2004-00313

August 6, 2004

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Sincerely,



FD 2004-00313



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 36TH TACTICAL FIGHTER WING (USAFE)
APO NEW YORK 09132-5000



REPLY TO
ATTN OF: JA

30 January 1991

SUBJECT: Submission of Matters to the Convening Authority

TO: [REDACTED]

1. Since you have been convicted and sentenced by a court-martial, you have the right to submit matters to the convening authority of your court-martial for consideration before the convening authority takes action on your case. The matters you submit may include any matters which might affect the convening authority's decision whether to approve or disapprove any findings of guilty or any part of the sentence in your case. These matters may include:
 - a. Allegations of errors affecting the legality of the findings or sentence in your case.
 - b. Portions or summaries of your record of trial or copies of evidence introduced at trial.
 - c. Matters in mitigation which were not available for consideration at your trial.
 - d. Clemency recommendations by any person.
 - e. Any other matters which you or your counsel believe the convening authority should be aware of before the action is taken on your case, whether or not it was available or introduced into evidence at your trial.

2. You should consult with your defense counsel to determine whether such matters should be submitted. All matters you submit will be considered by the convening authority before the action is taken on your case. Failure to submit matters within the time provided in paragraph 4 will be considered a waiver of your right to submit matters.

3. If you decide not to submit matters for the convening authority's consideration, you may waive, in writing, the right to submit matters. Such a waiver may expedite the post-trial processing and review of your case, if that is what you desire. You should consult with your defense counsel before submitting a waiver of your rights to submit matters. Once you make such a

written waiver, it may not be withdrawn or revoked. A waiver of your rights to submit matters may be indicated on the indorsement to this letter.

4. In your case, you have 7 days after the sentence is announced. If you are unable to submit your matters within this period, you may, for good reason, apply to the convening authority's staff judge advocate for an extension of the period.

[REDACTED]

cy to: Defense Counsel

Staff Judge Advocate

1st Ind, [REDACTED]

TO: 36 TFW/JA

Receipt acknowledged at 1325 hours on 30 JAN. 91

[REDACTED]

Accused