

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD									
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE		AFSN/SSAN		
					AMN				
TYPE GEN		PERSONAL APPEARANCE			X	RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No								
	X								
MEMBER SITTING					VOTE OF THE BOARD				
					HON	GEN	UOTHC	OTHER	DENY
									X
									X
									X
									X
ISSUES		INDEX NUMBER			EXHIBITS SUBMITTED TO THE BOARD				
A94.05		A67.10			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		CASE NUMBER							
13 Dec 2004		FD-2004-00321							
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:					FROM:				
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742					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

FD-2004-00321

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 and two Letters of Reprimand for various acts of misconduct. 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]
[REDACTED]
(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr F.E. Warren AFB, WI UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 28 Oct 72. Enlmt Age: 17 4/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-56, E-54, G-41, M-40. PAFSC: 46550 - Munitions Operations Specialist. DAS: 10 Mar 91.

b. Prior Sv: (1) AFRes 23 Mar 90 - 14 Oct 90 (6 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Oct 90 for 4 yrs. Svd: 1 Yrs 10 Mo 17 Das, all AMS.

b. Grade Status: AMN - 15 Apr 91

c. Time Lost: None.

d. Art 15's: (1) 18 Aug 92, F.E. Warren AFB, WI - Article 92. You, at or near Cheyenne, Wyoming, from on or about 21 Jul 92 to on or about 24 Jul 92, having knowledge of your duties, were derelict in the performance of those duties in that you willfully failed to report to the Frontier Park Parking Lot Control Center, as it was your duty to do. Forfeiture of \$205.00 pay, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 20 Nov 91, F.E. Warren AFB, WI - Article 128. You did, on or about 3 Nov 91, unlawfully strike [REDACTED] in the lip with a chair. Suspended reduction to AB. Forty five days extra duty, and 30 days restriction. (No appeal) (No mitigation)

e. Additional: LOR, 27 MAR 92 - Physical altercation.
LOR, 13 AUG 91 - Escorting an underage individual into the dormitory.

f. CM: None.

g. Record of SV: 15 Oct 90 - 14 Jun 92 F.E. Warren AFB 3 (Initial)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (9) Das
TAMS: (1) Yrs (10) Mos (17) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 28 Jul 04.
(Change Discharge to Honorable)

Issue 1: I'm asking for an upgrade so that I can better take care of my children and my wife. The economy is low and I plan on trying my hardest to blend in with society. Also, I believe that I have been in the service long enough to recieve (sic) some kind of benefit for serving my country. I still have confidence in my country. I still believe that America is a better country to live in than any other country. Also, I read that our Veterans are falling victim to prison systems in the United States. Their (sic) is a high percentage of Veterans in jail or have been in jail. I think its because of Veterans not using military benefits.

ATCH
None.

9SEP04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 90TH MISSILE WING (ACC)
FRANCIS E. WARREN AIR FORCE BASE, WYOMING

FD 2004-00321

REPLY TO

ATTN OF: 90 MMS/CC

24 Aug 92

SUBJECT: Notification Letter

TO: Ann [REDACTED]

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 reasons for this action are:

a. On or about 21 Jul 92 to on or about 24 Jul 92, you willfully failed to report the Frontier Park Parking Lot Control Center, as it was your duty to do. AF Form 3070 w/atch, 19 Aug 92

b. On or about 25 Jan 92, you were involved in an altercation that led to physical violence with a [REDACTED] whom you had previously encountered before with similar results. AF Form 1058 w/atch, 3 Apr 92

c. On or about 3 Nov 91, you did at F.E. Warren AFR, Wyoming, unlawfully strike [REDACTED] in the lip with a chair. AF Form 3070 w/atches, 25 Nov 91

d. On or about 3 Aug 91, you did escort an individual under the age nineteen into the dormitory in violation of FEWR 90-3, Enlisted Dormitory Management, and Article 92, UCMJ. LOR w/atch, 13 Aug 91

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 discharge, 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 Capt [REDACTED] of the ADC office, at bldg 292, ext 3248, on N/A at N/A. You may consult civilian counsel at your own expense.

4. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 26 AUG 92 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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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. You have been scheduled for a medical examination. You must report to F.E. Warren Base Hospital physical exams section at 0700 hrs on 25 AUG 92 for the examination.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in your orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

 Captain, USAF
Commander, 90 MMS

2 Atch

1. Supporting documents - Reason for Discharge
 - a. AF Form 3070 w/atch, 19 Aug 92
 - b. AF Form 1058 w/atch, 3 Apr 92
 - c. AF Form 3070 w/atchs, 25 Nov 91
 - d. LOR w/atch, 13 Aug 91
2. Aiman's Receipt of Notification
Ltr