

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AB

TYPE GEN

PERSONAL APPEARANCE

X

RECORD REVIEW

YES No

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

X

MEMBER SITTING

YOTE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X

X

X

X

X

ISSUES

A92.21

INDEX NUMBER

A67.10

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

16 Dec 2004

CASE NUMBER

FD-2004-00345

APPLICANT'S ISSUE AND THE BOARD'S DECISION AND 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 and the right to a personal appearance with/without counsel.

DD Form 149 submitted. The case will be forwarded to the AFBCMR for further processing.

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

DATE: 12/16/2004

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2004-00345

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:

Issue 1. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received two Articles 15, two Letters of Reprimand, and a Record of Individual Counseling for misconduct. His infractions included five instances of failure to go, and financial irresponsibility. In an effort to help him correct his behavior, member was entered on the Control Roster twice. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior but was unable or unwilling to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of discharge was appropriate.

Issue 2 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 is not a basis of inequity or impropriety on which to justify an upgrade, and none was found in the course of the record review. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

Issue 3. The applicant cited his desire to return to military service as justification for upgrade. While the Board commends applicant on this aspiration and was sympathetic to the impact his reenlistment code was having on the applicant, this is also 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Dover AFB, DE on 15 Sep 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 7 Jun 72. Enlmt Age: 19 3/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-36, E-63, G-44, M-71. PAFSC: 45752D - C5 Airlift Aircraft Maintenance Specialist. DAS: 25 Apr 92.

b. Prior Sv: (1) AFRes 1 Oct 91 - 26 Dec 91 (2 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Dec 91 for 4 yrs. Svd: 1 Yrs 8 Mo 20 Das, all AMS.

b. Grade Status: AB - 6 Aug 93
Amn - 27 Jun 92

c. Time Lost: None.

d. Art 15's: (1) 17 Aug 93, Dover AFB, DE - Article 86. You, did, on or about 4 Aug 93, without authority, fail to go at the time prescribed to your appointed place of duty. Fourteen days extra duty. (No appeal) (No mitigation)

(2) 6 Aug 93, Dover AFB, DE - Article 86. You, did, on or about 26 Jul 93 and on or about 30 Jul 93, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB, and 14 days extra duty. (Appeal/Withdrawn) (No mitigation)

e. Additional: LOR, 20 JUL 93 - Financial irresponsibility.
LOR, 11 FEB 93 - Failure to go.
RIC, 17 JAN 93 - Late for work.

f. CM: None.

g. Record of SV: 27 Dec 91 - 26 Aug 93 Dover AFB 2 (Initial) REF

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (15) Das
TAMS: (1) Yrs (8) Mos (20) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 Aug 04.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I am hopping (sic) that you will take the time to review and change my discharge to an Honorable. I feel that since leaving the military in 1993 I have grown as an individual. I have a very successful carrier (sic) and would like to take this opportunity in my life to serve my country again. I feel I can be a good contribution. Thank you for your time, and I look forward to you decission (sic).

ATCH

1. DD Form 214.

1OCT04/ia

FD 2004-00345



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 436TH AIRLIFT WING (AMC)



REPLY TO
ATTN OF: 436 AGS/CC

AUG 30 1993

SUBJECT: Notification Letter

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, 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 reason for this action is your record of misconduct, which is set forth below:

DATE	INCIDENT	ACTION	ATCH
4 Aug 93	Failure to go	Art 15	1
26 Jul 93	Failure to go	Art 15	2
20 Jul 93	Financial Irresponsibility	LOR	3
19 Jan 93	Failure to go	LOR	4
17 Jan 93	Failure to go	LOC	5

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.

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 [REDACTED] at Bldg 200, Rm 3 at 1600 hrs on 30 Aug 93. You may consult with civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1530 hrs, 2 Sep 93 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to submit statements in your behalf, your failure will constitute a waiver of your right to do so.

6. You have received a medical examination on 26 Aug 1993.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Atch 6. A copy of AFR 39-10 is available for your use at the orderly room.
8. Execute the attached acknowledgment and return it to me immediately.



Commander

5 Atchs

1. Art 15, 4 Aug 93
2. Art 15, 26 Jul 93
3. LOR/UIF, 20 Jul 93
4. LOR/UIF, 11 Feb 93
5. LOC, 17 Jan 93