

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>				GRADE <b>AB</b>		AFSN/SSAN <div style="background-color: black; width: 100px; height: 15px;"></div>					
<b>TYPE GEN</b>		<b>PERSONAL APPEARANCE</b>			<b>X</b> <b>RECORD REVIEW</b>						
<b>COUNSEL</b>		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%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">No</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="text-align: center; padding: 2px;"><b>X</b></td> </tr> </table>		YES	No		<b>X</b>						
YES	No										
	<b>X</b>										
<b>MEMBER SITTING</b>				<b>VOTE OF THE BOARD</b>							
				HON	GEN	UOTHC	OTHER				
							<b>X</b>				
							<b>X</b>				
							<b>X</b>				
							<b>X</b>				
							<b>X</b>				
ISSUES <b>A93.01</b>		INDEX NUMBER <b>A67.90</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>							
				<b>1</b> ORDER APPOINTING THE BOARD							
				<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE							
				<b>3</b> LETTER OF NOTIFICATION							
				<b>4</b> 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 <b>13 Dec 2004</b>		CASE NUMBER <b>FD-2004-00364</b>									
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> <div style="border: 1px dashed black; height: 100px; width: 100%; margin-top: 20px;"></div>											
<b>INDORSEMENT</b>				<b>DATE: 12/14/2004</b>							
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							

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2004-00364

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and 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.

**ISSUE:** Applicant does not contest his discharge. He would like an upgrade so that he can join the Air National Guard. The records indicated the applicant received two Article 15s, one Letter of Reprimand, and four Letters of Counseling for various 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Whiteman AFB, MO on 28 Jan 00 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 23 Nov 77. Enlmt Age: 20 10/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-55, E-63, G-56, M-63. PAFSC: 3P031 - Security Forces Apprentice. DAS: 16 Jun 99.

b. Prior Sv: (1) AFRes 20 Oct 98 - 12 Jan 99 (2 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Jan 99 for 6 yrs. Svd: 1 Yrs 0 Mo 16 Das, all AMS.

b. Grade Status: AB - 28 Dec 99 (Article 15, 28 Dec 99)  
A1C - 26 Feb 99

c. Time Lost: None.

d. Art 15's: (1) 28 Dec 99, Whiteman AFB, MO - Article 113. You were, on or about 10 Dec 99, while posted as a sentinel at Special Post number 2, found sleeping at your post. Reduction to AB. (No appeal) (No mitigation)

(2) 10 Sep 99, Whiteman AFB, MO - Article 113. You were, on or about 27 Aug 99, while posted as a sentinel at Special Post number 3, found sleeping at your post. Suspended reduction to Airman. Suspended forfeiture of \$100.00 pay per month for 2 months. Fifteen days extra duty. (No appeal) (No mitigation)

e. Additional: LOC, 13 DEC 99 - Loitering while posted at gate duty.  
LOC, 11 DEC 99 - Late for work.  
LOR, 20 SEP 99 - Traffic citation for driving in the passing lane, failure to pay the fine, failure to appear for court date, and failure to notify Chain of Command of violation.  
LOC, 16 SEP 99 - Failure to obey a lawful order.  
LOC, 06 SEP 99 - Failure to attend a training session.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (3) Mos (9) Das  
TAMS: (1) Yrs (0) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Aug 04.

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

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214.

1NOV04/ia

# APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved  
OMB No. 0704-0004  
Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

## PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

## 1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one)	<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
c. GRADE/RANK AT DISCHARGE			d. SOCIAL SECURITY NUMBER		
E-3			[REDACTED]		

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)	5. BOARD ACTION REQUESTED (X one)
2000/01/28	<input checked="" type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<input type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 509 B.W.	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:
WHITEMAN AFB, MO.	<input type="checkbox"/> UNCHARACTERIZED	
	<input type="checkbox"/> OTHER (Explain)	

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) When I served, I was 21 (twenty-one) years old, and full of pride. I was too selfish to see the whole picture. I was told, when I separated, that my discharge was upgradeable and that I had to

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)

DD Form 214

9. TYPE OF REVIEW REQUESTED (X one)
<input checked="" type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.
<input type="checkbox"/> I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
<input type="checkbox"/> I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10. a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)	b. TELEPHONE NUMBER (Include Area Code)
	c. E-MAIL
	d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

<input type="checkbox"/> SPOUSE	<input type="checkbox"/> WIDOW	<input type="checkbox"/> WIDOWER	<input type="checkbox"/> NEXT OF KIN	<input type="checkbox"/> LEGAL REPRESENTATIVE	<input type="checkbox"/> OTHER (Specify)
12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)					
[REDACTED] NASHVILLE, TN. 37214					
b. TELEPHONE NUMBER (Include Area Code)					
c. E-MAIL					
d. FAX NUMBER (Include Area Code)					

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)	CASE NUMBER (Do not write in this space.)
a. SIGNATURE (Applicant or person for Item 11 above)	FD2004-00364
b. DATE SIGNED - REQUIRED (YYYYMMDD)	
2004/08/22	

## 14. CONTINUATION OF ITEM 6, ISSUES (If applicable)

take control of it myself and submit the DD form 293. Now that I am older, and hopefully wiser, I would love nothing more than to return to the Air Force. I realize that nothing is guaranteed, but if it pleases the board, I respectfully request that my discharge be upgraded.

Thank you for your consideration in this matter.

## 15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

## 16. REMARKS (If applicable)

With the country being in the state that it is in, I realize that the Armed Forces needs as many people as possible. Being prior service, the Air National Guard has informed me that if I can get my discharge upgraded, that I have a chance to return to the military. It would be, in my opinion, an honor and a privilege to return to duty now that I see the whole picture.

Thank you again for your consideration.

## MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

## ARMY

Army Review Boards Agency  
Support Division, St. Louis  
9700 Page Avenue  
St. Louis, MO 63132-5200  
(See <http://arba.army.pentagon.mil>)

## NAVY AND MARINE CORPS

Naval Council of Personnel Boards  
720 Kennon Street, S.E.  
Room 309 (NDRB)  
Washington Navy Yard, DC 20374-5023

## AIR FORCE

Air Force Review Boards Agency  
SAF/MRBR  
550-C Street West, Suite 40  
Randolph AFB, TX 78150-4742

## COAST GUARD

U.S. Coast Guard  
Commandant (G-WPM)  
2100 Second Street, S.W. Room 5500  
Washington, DC 20593



FD 200400364

10 Jan 00

DEPARTMENT OF THE AIR FORCE  
509th SECURITY FORCES SQUADRON (ACC)  
WHITEMAN AIR FORCE BASE, MISSOURI

MEMORANDUM FOR AB [REDACTED] 509 SFS

FROM: 509 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You were, on or about 10 December 99, at Whiteman Air Force Base, Missouri, while posted as a sentinel at Special Post number 2, found sleeping at your post. For this you received an Article 15, dated 6 Jan 00. (Atch 1a)

b. On or about 12 Dec 99, you were observed by Lt. [REDACTED] loitering at Spirit gate with a cigarette in one hand and the other in your pocket. Squadron policy states that there will be no loitering at the gates while on duty. For this you received a Letter of Counseling, dated 13 Dec 99. (Atch 1b)

c. On or about 11 Dec 99, you were late for work. You had been late and verbally counseled three times within the previous two months for the same thing. For this you received a Letter of Counseling, dated 11 Dec 99. (Atch 1c)

d. In July 1999, you received a traffic citation for driving in the passing lane. You failed to either pay the fine or appear for your court date resulting in your arrest on 15 Sep 99 by the Pettis County Sheriff's Department. For this you received a Letter of Reprimand, dated 20 Sep 99. (Atch 1d)

e. On or about 13 Sep 99, you were given explicit orders to conduct facility cleanup, and upon completion of the task to report immediately to SSgt [REDACTED]. Later during that shift you were observed by Lt. [REDACTED] seated at the table. At that time you were not conducting any type of cleanup, nor had you reported to SSgt [REDACTED] disregarding the orders given to you. For this you received a Letter of Counseling, dated 16 Sep 99. (Atch 1e)

f. On or about 5 Sep 99, you did not attend a training session with your trainer. You had also been late on two previous occasions, after which you were briefed on the importance of the training and the necessity of prompt attendance. For this you received a Letter of Counseling, dated 6 Sep 99. (Atch 1f)

g. You were, on or about 27 August 1999, at Whiteman Air Force Base, Missouri, while posted as a sentinel at Special Post number 3, found sleeping at your post. For this you received an Article 15, dated 14 Sep 99. (Atch 1g)

3. The commander exercising Special Court-Martial convening authority 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, bonus, 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. I have made an appointment for you to consult Captain [REDACTED] at building 509 on [REDACTED]

10 Jan 00 at 1300. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 18 Jan 20 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 in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to Physical Exams at 1400 on 11 Jan 00 for the examination.

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 Orderly Room.

9. Execute the attached acknowledgment and return it to me immediately.

Col, USAF

Attachments:

1. Supporting documents -- for the reason for discharge
  - a. AF Form 3070, dated 6 Jan 00
  - b. LOC, dated 13 Dec 99
  - c. LOC, dated 11 Dec 99
  - d. LOR, dated 20 Sep 99
  - e. LOC, dated 16 Sep 99



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f. LOC, dated 6 Sep 99

g. AF Form 3070, dated 14 Sep 99

2. Documents containing derogatory information -- which are not listed in the notification memorandum: None

3. Airman's receipt of notification memorandum, dated 10 Jan 00 .