

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

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

X

ISSUES

A94.05

INDEX NUMBER

A67.90

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

17 Dec 2004

CASE NUMBER

FD-2004-00368

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: 12/17/2004

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

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2004-00368

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.

ISSUE:

Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, four Letters of Reprimand, and one Letter of Counseling for misconduct. The misconduct included late for work, wrongly and falsely making fraudulent military identification cards and making a false official statement. 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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Edwards AFB, CA on 26 Oct 01 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order & Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 4 Sep 81. Enlmt Age: 18 4/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-48, E-43, G-39, M-24. PAFSC: 3S031 - Personnel Apprentice. DAS: 1 Sep 00.

b. Prior Sv: (1) AFRes 13 Jan 00 - 30 May 00 (4 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 31 May 00 for 4 yrs. Svd: 1 Yrs 4 Mo 26 Das, all AMS.

b. Grade Status: AB - 29 Aug 01 (Article 15, 29 Aug 01)
AMN - 30 Nov 00

c. Time Lost: None.

d. Art 15's: (1) 29 Aug 01, Edwards AFB, CA - Article 107. You, did, on or about 26 Jul 01, with intent to deceive, make to [REDACTED], an official statement, to wit: that you did not manufacture any false military identification cards for anyone, or words to the effect, which statement was totally false, and was then known by you to be so false. Article 134. You, did, on or about April 2001, wrongfully and falsely make another's military identification card in words and figures as follows: changed birthdate of [REDACTED] to over 21. You, did, on or about 13 Apr 01, wrongfully and falsely make another's military identification card in words and figures as follows: changed birthdate of [REDACTED] to 12 Jul 1979. You, did, on or about 20 Apr 01, wrongfully and falsely make another's military identification card in words and figures as follows: changed birthdate of [REDACTED] to 5 Mar 80. Reduction to AB, forfeiture of \$521.00 pay per month for 2 months, 30 days restriction, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 01 OCT 01 - Altering a military identification card and making false statements.

LOR, 25 SEP 01 - Late for work.
LOR, 05 JUL 01 - Late for work.
LOR, 27 MAR 01 - Late for work.
LOC, 19 MAR 01 - Late for work.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (9) Mos (14) Das
TAMS: (1) Yrs (4) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Sep 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. Performance Feedback Worksheet.
3. College Acceptance Letter.

18NOV04/ia

22 SEP 2004

B/AA/RE/RD/EF

FD 2004-00368

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL
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 Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. 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.

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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) ARMY MARINE CORPS NAVY ☒ AIR FORCE COAST GUARD

b. NAME (Last, First, Middle Initial)

c. GRADE/RANK AT DISCHARGE

d. SOCIAL SECURITY NUMBER

E-1

2. DATE OF DISCHARGE OR SEPARATION

(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)

2001 10 26

4. DISCHARGE CHARACTERIZATION RECEIVED (X one)

☐ HONORABLE☒ GENERAL/UNDER HONORABLE CONDITIONS☐ UNDER OTHER THAN HONORABLE CONDITIONS☐ BAD CONDUCT (Special court-martial only)☐ UNCHARACTERIZED☐ OTHER (Explain)

5. BOARD ACTION REQUESTED (X one)

☐ CHANGE TO HONORABLE☐ CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS☐ CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)☐ CHANGE NARRATIVE REASON FOR SEPARATION TO:

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION

95 MSS (AFMC) EDWARDS AFB

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

I request that my REENTRY CODE BE WAIVED TO ONE THAT WOULD ALLOW ME TO ENTER another branch of service.

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.)

In support of my application I submit my Performance Feedback Worksheet (AF Form 931) to validate I was a good worker. Also, I submit my college acceptance letter to show that I'm trying to do something constructive with my life.

9. TYPE OF REVIEW REQUESTED (X one)

☒ 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.☐ 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.☐ 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.

☐ SPOUSE ☐ WIDOW ☐ WIDOWER ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER (Specify)

12. a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)

b. TELEPHONE NUMBER (Include Area Code)

d. FAX NUMBER (Include Area Code)

N/A

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.)

a. SIGNATURE - REQUIRED (person in Item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

2004 09 17

CASE NUMBER
(Do not write in this space.)FD 2004 -
00368

AUG 2003

PREVIOUS EDITIONS ARE OBSOLETE.

Page 1 of 4 Pages

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

I believe my Discharge to be unfair based on the grounds that I was punished twice for the same offense. I received punishment for manufacturing false ID cards (altering birth dates). I served all punishment and was back on the right path as an Airman. Another ID card surfaced that I manufactured at the same time as the others and I was brought up on charges as if I recently manufactured a false ID card after my punishment. I, in all honesty, apologize for such a foolish mistake and admit that what I did was wrong and stupid. I just request my RE code be waived so that I can continue the path I was on after I served my punishment. This is the land of freedom and second chances. I just want to prove to my country, family and friends I am a changed man.

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

Seeing how I've been separated from the military now going on three years it's hard for me to acquire character references from my old unit. If in anyway you could contact my old commanding officer (~~XXXXXXXXXXXXXXXXXXXX~~) he can absolutely put to rest any doubts or questions you may have about my character. I am like so many others who made stupid mistakes at a young age thinking the world was their playground. I just ask for a second chance at life.

16. REMARKS (If applicable)

I'm submitting this application during Presidential election season. As you may know the Presidents' and ~~XXXXXXXXXXXX~~ military records have come under question. Much like myself even the two of them made mistakes as young men. I admit that my narrative reason for separation (misconduct) was true. I did plenty of foolish things to warrant that title. I just ask that I be given a second chance to prove to my country, family, friends, and detractors that I can be an asset instead of a liability. During the election campaign they stated that America is the land of freedom and opportunity, but most importantly the land of a second chance to improve and correct past mistakes made in life. I just ask for a second chance at life.

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 2004-00368



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 95TH AIR BASE WING (AFMC)
EDWARDS AIR FORCE BASE, CALIFORNIA

4 OCT 01

MEMORANDUM FOR AB [REDACTED]

FROM: 95 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline). The authority for this action is AFPD 36-32 and AFI 36-3208, para 5.50.2. If my recommendation is approved, your discharge will be characterized as either honorable or under honorable conditions (general). I am recommending an under honorable conditions (general) discharge.

2. My reasons for discharging you are:

a. On 16 Mar 01, you failed to report to duty at the time prescribed, as evidenced by a Letter of Counseling dated 19 Mar 01. (Atch 1.1)

b. On 27 Mar 01, you failed to report to duty at the time prescribed, as evidenced by a Letter of Reprimand dated 27 Mar 01. (Atch 1.2)

c. On 29 Jun and 3 Jul 01, you failed to report to duty at the time prescribed, as evidenced by a Letter of Reprimand dated 5 Jul 01, establishment of an Unfavorable Information File and placement on the Control Roster. (Atch 1.3)

d. On or about 26 Jul 01, you made a false official statement, and on or about April 01, you wrongfully and falsely made military I.D. cards for 3 individuals, as evidenced by an AF Form 3070 (Article 15) dated 29 Aug 01. (Atch 1.4)

e. On 11 Sep 01, you failed to report to duty at the time prescribed, as evidenced by a Letter of Reprimand dated 25 Sep 01. (Atch 1.5)

f. On 1 Oct 01, investigation revealed you wrongfully made another military identification card and made a false official statement, as evidenced by a Letter of Reprimand dated 1 Oct 01. (Atch 1.6)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial convening authority (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.

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 [REDACTED] at Bldg 2670 on 5 OCT 01 ~~0930hrs~~. 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 14 OCT 01 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 the Physical Examination Section, Flight Surgeon's Office, Bldg 3925 at ~~0730~~ on 5 OCT 01 for the examination. ~~1140~~

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 the Orderly Room.

[REDACTED], USAF
Commander

Attachments:

1. Supporting Documentation
 - 1.1 Letter of Counseling dated 19 Mar 01
 - 1.2 Letter of Reprimand dated 27 Mar 01
 - 1.3 Letter of Reprimand dated 5 Jul 01, Unfavorable Information File
 - 1.4 AF Form 3070 (Article 15) dated 29 Aug 01
 - 1.5 Letter of Reprimand dated 25 Sep 01
 - 1.6 Letter of Reprimand dated 1 Oct 01
- 2 Airman's Receipt of Notification/Recoupment Memorandum
- 3 Airman's Statement