

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE		AFSCN/CC & N1	
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
							X
							X
							X
							X
							X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD			
<b>A92.35</b> <b>A92.01</b> <b>A92.05</b>		<b>A67.10</b>		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					
09 Mar 2005		FD-2004-00420					
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> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <div style="border: 1px solid black; height: 40px; width: 100%; margin-top: 20px;"></div>							
INDORSEMENT				DATE: 3/9/2005			
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**

CASE NUMBER

**FD-2004-00420**

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

**ISSUES:**

Issue 1. Applicant contends discharge was inequitable because it was based on two isolated incidents in his five year career. The records indicated the applicant received two Article 15s for misconduct. The misconduct included dereliction in the performance of duties by failing to perform a physical hands-on test of the locks and seals of Buildings 714 and 737 and by failing to remain alert on duty. 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.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation, and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 3 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, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

**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

FD2004-00420

[REDACTED]  
(Former A1C) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Grand Forks AFB, ND on 15 Oct 91 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Dec 66. Enlmt Age: 19 1/12. Disch Age: 24 9/12. Educ: HS DIPL. AFQT: N/A. A-60, E-86, G-78, M-88. PAFSC: 81150 - Security Specialist. DAS: 6 Oct 88.

b. Prior Sv: (1) AFRes 16 Jan 86 - 15 Apr 86 (3 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Apr 86 for 6 yrs. Svd: 5 Yrs 6 Mo 0 Das, all AMS.

b. Grade Status: A1C - 15 May 91 (Vacation of Article 15, 19 Sep 91)  
Sgt - (EPR Indicates): 16 Apr 89-31 Mar 90)  
SrA - 30 Sep 88  
A1C - 30 May 86

c. Time Lost: None.

d. Art 15's: (1) 19 Sep 91, Vacation, Grand Forks AFB, ND - Article 92. You, who knew or should have known of your duties, on or about 4 Sep 91, were derelict in the performance of those duties in that you negligently failed to perform a physical hands on test of the locks and seals of Buildings 714 and 737, Weapons Storage Area, as it was your duty to do. Reduction to A1C. (No appeal) (No mitigation)

(2) 15 May 91, Grand Forks AFB, ND - Article 92. You, who knew of your duties, on or about 7 May 91, were derelict in the performance of those duties in that you willfully failed to remain alert, as was your duty to do. Suspended reduction to A1C. Thirty days correctional custody, and forfeiture of \$75.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOA, 9 NOV 88 - Failure to wear seat belt.

f. CM: None.

g. Record of SV: 16 Apr 86 - 15 Apr 87 Ramstein AFB 9 (Annual)

16 Apr 87 - 15 Apr 88	Ramstein AFB	9	(Annual)
16 Apr 88 - 15 Apr 89	Grand Forks AFB	9	(Annual)
16 Apr 89 - 31 Mar 90	Grand Forks AFB	4	(HAF Dir)
01 Apr 90 - 31 Mar 91	Grand Forks AFB	5	(Annual)

h. Awards & Decs: AFAM, AFOUA W/1 OLC, AFGCM, NDSM, AFOLTR, AFLSAR, NCOPMER, SAEMR W/BS, AFTR.

i. Stmt of Sv: TMS: (5) Yrs (9) Mos (0) Das  
TAMS: (5) Yrs (6) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Oct 04.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

#### ATCH

1. Specialty Description and Quality Requirements.
2. AF Form 797.
3. Security Police Quality Control Evaluation Record.
4. Two Training Certificates.
5. Four Letters of Appreciation.
6. Five Letters of Congratulations.
7. Certificate of Recognition.
8. Air Force Achievement Medal.
9. Two Certificates of Appreciation.
10. Three Certificates of Recognition.
11. Enlisted Performand Report.
12. Certificate of Appointment.
13. Training Certificate.
14. College Transcript.
15. Certificate of Appreciation.
16. Texas Commission on Law Enforcement Data Distribution System.
17. Eleven Training Certificates.

13DEC04/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 Service 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)	ARMY	MARINE CORPS	NAVY	X	AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER			
	E-3/AIC					
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)			
1991/10/15	X HONORABLE		X CHANGE TO HONORABLE			
	X GENERAL/UNDER HONORABLE CONDITIONS		CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS			
	UNDER OTHER THAN HONORABLE CONDITIONS		CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)			
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	BAD CONDUCT (Special court-martial only)		X CHANGE NARRATIVE REASON FOR SEPARATION TO:			
	UNCHARACTERIZED		convenience of gov't/re code re-1			
	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.)

My discharge was inequitable because it was based on a two small incidents that happened during the last six months of my military service which was a total of 64 months. Also, during this sixty four months of service I received numerous awards, letters, and accolades from my superiors which are attached. I was also a distinguished graduate from my NCO preparatory course. Throughout my entire military career I constantly strived to gain as much training as I could. (CONTINUED IN SECTION 14 BELOW)

## 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.)

copy of OJT/Training records, job qualification standard, quality control evaluation record, Defender Certificate, Certificate of Training (Defender Course), Letter of Appreciation (17March1987), Letter of Appreciation (12May1990), Letter of Congratulations (11Jan1989), Letter of Congratulations (19Jul1989), Letter of Congratulations (10May1989), Letter of Congratulations (19Jun1989), continued in section 15 below

## 9. TYPE OF REVIEW REQUESTED (X one)

X CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME, PAND/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).

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

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.)

a. SIGNATURE REQUIRED (Signature of person in Item 11 above)	b. DATE SIGNED - REQUIRED (YYYYMMDD)
	2004/10/06

CASE NUMBER  
(Do not write in this space.)

**14. CONTINUATION OF ITEM 8, ISSUES (If applicable)**

I also, with the exception of this incident, ALWAYS strived to give the USAF 150% of my abilities. I still distinctly remember times when my unit was on duty in a nuclear weapons storage area and the area supervisor would initiate a area exercise. I remember several times when other members of the response team would constantly complain about these exercises and not train. They would merely "go through the motions". However, I always took every one of these exercises seriously, as it was my feelings that this was sometimes the only training that our unit was afforded. Further, my discharge was inequitable in that at the time of one of these proceedings I was not the only person facing in trouble. I was one of approximately 5 other enlisted personnel facing an Article 15. However, to my knowledge, I was the only one who received a discharge. It is my belief that I was being made an example of by my commander, as a scare tactic for the rest of the unit. Since my discharge I have become an exemplary citizen. I have put myself through a civilian police academy and become an excellent police officer. Some of my qualifications include: state of Texas Advanced Peace Officer, Police Instructor, Defensive Tactics Instructor, Firearms Instructor, Mounted Patrol Officer, S.W.A.T. Team member/trainer, and Vice/Narcotics Officer. In conclusion, I am requesting that you look at my entire service time, not just a small portion of it; and characterize my discharge as honorable. (continued in the remarks section below)

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

Certificate of Recognition (best of the best at Volant Scorpion), Letter of Appreciation (02Aug1990), Letter of Congratulations (06Mar1989), The Air Force Achievement Medal (30Aug1988), Certificate of Appreciation (29Sep1989), Certificate of Appreciation (30May1989), Certificate of Recognition, Commander's Warrior Day Championship Certificate (1989), Warrior Day 89 Participation Certificate (1989), NCO Preparatory Course Distinguished Graduate (14Feb1989), Enlisted Performance Report (1Apr1990-31Mar1991), Certificate of Appointment to Sergeant, Certificate of Training (OJT Trainer/Supervisor Course), Copy of Transcript from Community College of Air Force.

**16. REMARKS (If applicable)**

The following are more reasons I believe my discharge should be upgraded to Honorable and my reenlistment code changed to RE-1. If you disagree, please explain in detail why you disagree. The presumption of regularity that might normally permit you to assume that the service acted correctly in characterizing my service as less than honorable does not apply to my case because of the evidence I am submitting.

1. Clemency is warranted because it is an injustice for me to continue to suffer the adverse consequences of a bad discharge.
2. My average conduct and efficiency ratings/behavior and proficiency marks were good.
3. I received awards and decorations.
4. I received letters of recommendation.
5. My record of promotions showed I was generally a good service member.
6. There were other acts of merit.
7. I was so close to finishing my tour that it was unfair to give me a bad discharge.
8. I have been a good citizen since discharge.
9. My record of Article 15s indicates only minor offenses.
10. The punishment I received was too severe compared with today's standards.
11. The punishment I received at discharge was too harsh, it was much worse than most people received for the same offense.
12. My command abused it's authority when it decided to discharge me and decided to give me a bad discharge.
13. My discharge was based on a couple of offenses, and both of them were only minor offenses.

In conclusion, I feel that once you look at my whole career you will agree that the character of my service should be considered Honorable, and that my reenlistment code be changed to RE-1. Thank you for your consideration and assistance.

**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 308 (NDRB)  
Washington Navy Yard, DC 20374-5023

**AIR FORCE**

Air Force Review Boards Agency  
SAF/MRBR  
650-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



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS, 319th WING (SAC)

GRAND FORKS AIR FORCE BASE, NORTH DAKOTA 58205-5000

FD 2004-00420

REPLY TO  
ATTN OF: 319 SPS/CC

03 OCT 1991

SUBJECT: Notification Letter

TO: A1C [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 honorable.

2. My reasons for this action are:

a. Your being derelict in the performance of your duties by negligently failing to perform a physical hands-on test of the locks and seals of Buildings 714 and 737 on or about 4 Sep 91 as evidenced by a Vacation of Suspended Nonjudicial Punishment action dated 24 Sep 91;

b. Your being derelict in the performance of your duties by willfully failing to remain alert on or about 7 May 91 as evidenced by an Article 15 dated 15 May 91; and,

c. Your not wearing your seat belt during a safety wing check on or about 1 Nov 88 as evidenced by a LOA dated 9 Nov 88.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction or 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. You have been scheduled an appointment with [REDACTED] at Building 216 on 4 Oct 91 at 1130 hours. You may consult 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 7 Oct 91 at 11:00 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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 the 319 Medical Group at 8 Oct 91 hours on 0700 for the examination.

7. Deliver to me immediately your military identification card and those of your dependents. I have requested that temporary identification cards be issued IAW AFR 30-20, paragraph 2-9. You will report to me by COB 3 Oct 91, to verify that issuance of Temporary Identification Card(s) has been accomplished.

8. 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 in the squadron orderly room.

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

[REDACTED]  
der, 319 SPS

4 Atch

1. Supporting Documents
  - a. AF Form 366 dated 24 Sep 91
  - b. Article 15 dated 15 May 91
  - c. LOA dated 9 Nov 88
2. Airman's Acknowledgment
3. EPR's
4. RIP

Other Derogatory Data: