

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

(INITIAL)

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 A94.06		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 06 Jul 2005		CASE NUMBER FD-2004-00421					

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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.

Names and votes will be made available to the applicant at the applicant's request.

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INDORSEMENT		DATE: 7/6/2005
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-2004-00421

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: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's reason and authority for discharge inequitable.

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 various acts of misconduct to include financial irresponsibility, dereliction of duty, failure to attend mandatory training and failure to go. The DRB opined that the applicant had excellent service during his first three years in the Air Force and that his misconduct began after arriving at his new assignment to Elmendorf AFB. The Board opined the LOR the applicant received for failure to properly document aircraft forms was appropriate for this serious safety infraction. However, the majority of the DRB thought the LOR for not having proper hearing protection was not equitable inasmuch as it wasn't applied to all members that traverse the flight line. Moreover, the Article 15 is in question because a TSgt shift-worker attested to the fact that the applicant's report time was at 1400 hours, as noted on the log book, (which the applicant met) and it is not known whether or not his commander was aware of this evidence or took it into consideration when deciding to offer the applicant the Article 15. The Board also noted the applicant had approximately 6 months remaining before completion of his current term of enlistment. Nonetheless, the Board does not condone the fact that the applicant was late in repaying his American Express bill and the other minor misconduct.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Elmendorf AFB, AK on 1 Apr 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 25 Jul 74. Enlmt Age: 21 0/12. Disch Age: 24 8/12. Educ: HS DIPL. AFQT: N/A. A-76, E-62, G-72, M-72. PAFSC: 2A353A - Tactical Aircraft Maintenance Journeyman. DAS: 26 Nov 97.

b. Prior Sv: (1) AFRes 3 Aug 95 - 10 Oct 95 (2 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Oct 95 for 4 yrs. Svd: 3 Yrs 5 Mo 21 Das, all AMS.

b. Grade Status: A1C - 10 Feb 99 (Article 15, 10 Feb 99)

c. Time Lost: None.

d. Art 15's: (1) 10 Feb 99, Elmendorf AFB, AK - Article 86. You did, on or about 14 Jan 99, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (No appeal) (No mitigation)

e. Additional: LOR, 16 DEC 98 - Dereliction of duty.
LOC, 03 DEC 98 - Failure to return a late AAFES rental video.
LOR, 09 NOV 98 - Failure to attend mandatory training.
LOR, 08 JUN 98 - Dereliction of duty.
LOR, 13 MAY 98 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 11 Oct 95 - 10 Jun 97 Langley AFB 3 (Initial)
11 Jun 97 - 10 Jun 98 Elmendorf AFB 3 (Annual)

h. Awards & Decs: AFOUA W/1 BOLC, NDSM, AFOSLTR, AFTR.

i. Stmt of Sv: TMS: (3) Yrs (8) Mos (0) Das
TAMS: (3) Yrs (5) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Oct 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Response to Administrative Discharge.
3. Three Letters of Reprimand.
4. Letter of Counseling, 3 Dec 98.
5. Letter of Reprimand, 16 Dec 98.
6. Article 15.
7. Four Letters of Support.
8. Financial Statement.
9. Memorandum For 54 FS/CC, Article 15 Action.
10. Skill Waiver.
11. Five Training Certificates.
12. Two Certificates of Recognition.
13. Letter of Appreciation.
14. Certificate of Appreciation.
15. Three Training Certificates.
16. Certificate of Appreciation.

15DEC04/ia

7. SUPPORTING DOCUMENTS (*X as applicable*) (Please print name and Social Security Number on each document.)

☐ WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

☒ ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

Letter to Review Board (2 pages)

b. DOCUMENT 2:

Copy of Response to Administrative Discharge (2 pages)

c. DOCUMENT 3:

Copy of Letter Of Reprimand (dated May 13, 1998)

(more attached)

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

~~Why did I receive a General Discharge in lieu of an Honorable Discharge based on a few incidents at one duty station when I completed most of my enlistment?~~

~~Why was I given a "skill level waiver" to inspect intakes and to refuel jets if I was such a bad Airman?~~

☐ I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

☐ I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date)

AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

☐ THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

20041010

b. SIGNATURE

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY

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

NAVY & MARINE CORPS

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

AIR FORCE

SAF/MIBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

Commandant (G-WPM)
2100 Second Street, S.W.
Washington, DC 20593-0001

FD2004-00421

To the Review Board,

This letter is being sent to you in regards to the unjust actions that were held against me at my last duty assignment. I have come to terms with the dismissal from the Air Force, but I have not come to terms with the steps prior to and final outcome of it. These actions caused a dismissal and a "General Discharge". "Under Honorable Conditions" is a good thing, but there are a few things that are unavailable to general discharges. The Montgomery G.I. Bill is one of those issues. I paid into the G.I. Bill and was never able to use or received any benefits. Another is free tuition in the State of Connecticut. All State of Connecticut Colleges offer free tuition to veterans with "Honorable Discharges". I am intending on enrolling before the spring semester, and would like to use both of these tools. I have made the decision to make big changes in my life. After a rough divorce and custody battle over my two kids, it is in my best interest to return to school for a higher education. Which was the intent when I signed up for the G.I. Bill.

The statements that I am about to make are true and were the exact steps taken toward my dismissal. The explanations will hopefully help you see that I did not deserve a general discharge. I served 3 years and 6 months of my original enlistment of 4 years. I loved being an F-15 Crew Chief. Nothing satisfied me more than seeing my jet leave the ground, land, and then have the pilot say, "Great jet Chief, thanks".

At Langley AFB, my first duty station, I had no difficulties. I received the "Golden Bolt Award" for finding F.O.D. (foreign object damage) on the flight line. I had volunteered for almost everything, TDY or volunteer work, the entire time in the service. Once I had to get 3 I.V. bags across 2 days for dehydration, and I ended up missing the TDY to Nellis AFB. Another time, when we were generating jets to go over to the desert, I hit my head on a missile fin and had to get 7 stitches. After a year I put in for an overseas tour to England, Germany, and Alaska. In the meantime I deployed with my squadron to Saudi Arabia for Operation Southern Watch. Within the first 48 there, I lost my grandmother to heart attack, and was shipped back for 2 weeks. Within a month after returning to Saudi Arabia I received my orders, to Elmendorf AFB. I requested them to push back my RNLTID so I can finish the deployment and still have time to move. Which was granted.

I arrived there about the end of November 97. The first 6 months were a little stressful. I had to stay in an off-base Hotel because there was nothing available on-base. My first child was on they way, after having lost 3 in early pregnancies. To add to the stress I saw airman being discharged early, and others being processed for discharge. Some of them with honorable, some with dishonorable. It seemed to me that the reason behind this was that airmen are classified from the start. You had two choices. You accepted things the way they were and took chance of being discharged or you did a lot of sucking up and kissing butts to avoid that. I never tried to be someone. I am not. I was an airman there to defend and serve my country. Being friends was supposed to be an added extra bonus. Not a demand. One particular person who took extreme measures was MSgt F, the flight Chief of TAMS B flight. He was on a power trip. I came to this conclusion because he always kept a stack of Pizza Hut applications in his desk drawer with airman's names on it that he didn't like. Some of the airmen names on the applications were the ones being discharged at the time. He made sure that everyone knew that he sends all of his "rejects" to Capt. [REDACTED] at the Area Defense Counsel for discharge. I do not disagree that that none of the L.O.C.'s or L.O.R.'s I received were not of merit, but will state that they were compiled for the reason of discharge. But there is an explanation for everything. So, in order of receipt, here is the paper trail for an "easy target".

13 May 98 - Letter of Reprimand - Failure of payment to AMEX bill in timely manner. The bill was paid, but 120 days late. This was used for the PCS to Elmendorf, and was over charged. My squadron Commander was pleased with the fact that I paid it, but dissatisfied with the timely fashion.

08 Jun 98 - Letter of Reprimand & a UIF entry - Failure to document aircraft forms. I was only one of the, at least, five people working on that jet all day long, and I was the lowest ranked. I was on a JFS/CGB change out when then tanks were install and no one wrote them up after installation. Even after all of day shift had gone and I was leaving 2 hours after them. MSgt K, who worked directly with MSgt F, and they were friends, wrote the paperwork out. Neither one of them liked me, as a person or an airman.

09 Nov 98 - Letter of Reprimand - Failure to go to prescribed place at prescribed time. I don't remember this one. The only thing I do know is that it was a month after the difficult pregnancy for my son. There were a lot of appointments to go to. MSgt F was behind this one. He was actually sitting in Lt S's office when they called me in there for this.

03 Dec 98 - Letter of Counseling - Failure to return Video Rental to AAFES. I had already returned the video and paid the late fees.

16 Dec 98 - Letter of Reprimand - Not wearing double hearing protection on the flight line while aircraft engines was running. There is a full statement enclosed about this subject and this is the same statement that was made in my defense. I feel that I was in the wrong place at the wrong time. TSgt L wrote me up for this but only after MSgt K and MSgt F told him that he had to. SMSgt B had a hand in it as well. He was the Flight Super and he thought that I was too "cocky". He has actually said this to my face.

10 Feb 99 - Article 15 - Failure to go to prescribed place at prescribed time. I believe that the issue was 2 NCOs word against mine. There was 4 different times thrown at me by 4 different people. By this time I was just an easy target. MSgt F and my immediate supervisor, TSgt J, were together on this and I have documents to support this.

I am not suggesting any of these are false, but as a whole they to make me think I was labeled as a troublemaker and an outsider. I even got bigger attitudes from the NCOs in the squadron after I missed my CJR. They felt as if I didn't like the Air Force or them. I have made lots of other friends and acquaintances outside of my squadron and have come to my defense in this matter. The following are some of the things I have done in and out of the squadron.

1. I passed my CDC's on the first try, and within five months of arriving at Langley AFB.
2. I received the Golden Bolt Award from the 1st Fight Wing at Langley AFB.
3. I received the Outstanding Unit Award at Langley AFB.
4. I went to Saudi Arabia and earned the Air Force Expeditionary Medal while at Langley AFB
5. I volunteered for Elmendorf AFB while at Langley AFB
6. I received a Letter of Appreciation from the 3rd wing Group for being on the B.A.S.H. Team (bird aircraft strike team), which I volunteered for at Elmendorf AFB.
7. I volunteered for the 3rd O.G. Self Help Team on Elmendorf AFB.
8. I volunteered off duty for Big Brothers and Big Sisters and the ARC of Anchorage in Anchorage, AK while at Elmendorf AFB.
9. I volunteered to stand watch of an F-15 during the Veteran's Dinner at Elmendorf AFB.
10. I volunteered to cook hamburgers and hotdogs for the squadron during the Air Show at Elmendorf AFB.
11. I helped refurbish the squadrons support section at Elmendorf AFB.
12. I volunteered to work in the Can Dock at Elmendorf AFB.

I did not want to fight the proceedings for discharge because there was no way to change the squadron I was assigned to, nor did I want to stay in and have something more severe come about to merit a Dishonorable discharge. Many of the people that I have presented this case to, veterans and civilians, have questioned the facts, and believe that someone there might not have thought of me as an airman with integrity and honor. I think that if I was someone without those characteristics that I would have been in trouble long before Elmendorf AFB. I want my integrity back along with my rightful discharge of "Honorable". I think that I have earned it. I served my country and I served in a combatant setting. I believe that most of the things brought against me were minor cases and those, in part or in whole, do not get me a "General Discharge".

I appreciate the time that you have given to me, and hope that you see that they were taking unjust actions against me. If you feel that I wasn't unjustly discharged please return the monies entered into the G.I. Bill by myself, as they will help a little with the cost of tuition.



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

MEMORANDUM FOR 54 FS/MAOB (A1C [REDACTED])

FEB 23 1999

FROM: 54 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct based on minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 14 Jan 99, you failed to go at the prescribed time to your appointed place of duty. For this offense you received an Article 15, dated 27 Jan 99, and an Unfavorable Information File (UIF) entry and were reduced to the grade of airman first class with a new date of rank of 10 Feb 99.

b. On or about 15 Dec 98, you were derelict in the performance of your ^{duty} in that you failed to wear appropriate hearing protection while in the vicinity of an aircraft whose engines were running, as it was your duty to do. For this offense you received a Letter of Reprimand (LOR), dated 16 Dec 98.

c. On or about 2 Dec 98, you were derelict in the performance of your duty in that you failed to return an AAFES rental video on the agreed upon date, after receiving three delinquency notices, as it was your duty to do. For this offense you received a Letter of Counseling (LOC), dated 3 Dec 98.

d. On or about 9 Nov 98, you failed to go to your appointed place of duty. For this offense you received a LOR, dated 9 Nov 98, and a UIF entry.

e. On or about 2 Jun 98, you were derelict in the performance of your duty in that you failed to document on the aircraft forms that you had installed two external wing fuel tanks and you failed to install all hardware, as it was your duty to do. For this offense you received a LOR, dated 8 Jun 98, and an UIF entry.

f. Between on or about 1 Nov 97 and on or about 1 Apr 98, you were derelict in the performance of your duty in that you failed to pay your government American Express bill, as it was your duty to do. For this offense you received a LOR, dated 13 May 98, and an UIF entry.

3. 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 are 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 legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [REDACTED] 52-3887, at Bldg 6-920, Rm 330 on 24 Feb 99 at 0830. 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 within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide to the separation authority. - 26 Feb 99 / 1130
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 medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 24-850, at 5 MAR 99 on 0700 for your first exam, at which time you will be notified of the time for your second exam. You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.
8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 1 MAR 99 on 1445. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 2-900 (People Center), Rm 247 at 26 FEB 99 on 1230. You must be in uniform for all appointments.

FD7004-00421

9. 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 at your Squadron Orderly Room.


Command

, Lt Col, USAF

Attachments:

1. Article 15, 27 Jan 99
2. LOR, 16 Dec 98
3. LOC, 3 Dec 98
4. LOR, 9 Nov 98
5. LOR, 8 Jun 98
6. LOR, 13 May 98