

# 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>A1C</b>	AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px;"></div>			
TYPE GEN	PERSONAL APPEARANCE	<b>X</b>	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	<b>X</b>					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UO/HC	OTHER	DENY
						X
						X
						X
						X
ISSUES <b>A93.01</b> <b>A94.05</b>		INDEX NUMBER <b>A67.50</b>		EXHIBITS SUBMITTED TO THE BOARD		
				<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>01 Mar 2005</b>		CASE NUMBER <b>FD-2004-00423</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> <p>Names and votes will be made available to the applicant at the applicant's request.</p>						
INDORSEMENT				DATE: 3/1/2005		
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

FD-2004-00423

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and 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 and change of reason and authority for discharge, and change of reenlistment code is 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 contends discharge was inequitable because it was too harsh. The records indicated the applicant received four Letters of Reprimand and one Letter of Counseling for misconduct. The misconduct included insubordinate conduct towards a noncommissioned officer, lying, willfully disobeying a superior commissioned officer, late for work, speeding, disorderly conduct, and using indecent language. 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 contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the 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.

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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Dyess AFB, TX on 10 Jun 02 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Discreditable Involvement With Military or Civilian Authorities). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 7 Dec 81. Enlmt Age: 18 1/12. Disch Age: 20 6/12. Educ: HS DIPL. AFQT: N/A. A-69, E-70, G-63, M-78. PAFSC: 1N051 - Intelligence Application Journeyman. DAS: 4 Jan 01.

b. Prior Sv: (1) AFRes 18 Jan 00 - 19 Apr 00 (3 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 20 Apr 00 for 6 yrs. Svd: 3 Yrs 1 Mo 22 Das, all AMS.

b. Grade Status: A1C - 20 Oct 00

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 15 MAY 02 - Disorderly conduct and using indecent language.

LOR, 13 FEB 02 - Speeding.

LOC, 19 NOV 01 - Late for work.

LOR, 13 NOV 01 - Insubordinate conduct and willfully disobeying a superior Commissioned Officer.

LOR, 09 NOV 01 - Insubordinate conduct towards an NCO, and lying.

f. CM: None.

g. Record of SV: 20 Apr 00 - 19 Dec 01 Dyess AFB 3 (Initial)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (24) Das  
TAMS: (2) Yrs (1) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Oct 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. Privacy Release Authorization.
3. Congressional Correspondence.
4. DD Form 149.

17DEC04/ia

AA/RE/EF/RD

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-3

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)

2002.06.10

## 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 Dyess 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 would like the chance to reenter military service. I feel I have improved on myself greatly and would like the opportunity to serve my country again.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) 2004 10 18 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.)

Sent with prior Application

## 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 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)

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.)

FD 2004-00423

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

b. DATE SIGNED - REQUIRED (YYYYMMDD)

2004 10 24

MEMORANDUM FOR SEPERATION REVIEW BOARD

FROM: [REDACTED]

SUBJECT: Air Force Separation

I am writing in hope to have my military discharge code changed. I currently have a 2B but would like to have my code changed in order to re-enter military service. I understand my conduct in the past was the reason for my discharge and writing this letter, can convince you to give me another opportunity to prove my worth.

I understand my conduct was inappropriate and I was reprimanded, as expected. However, I would like the chance to re-enter the Air Force and prove I can be a vital part of the military family. I also understand, that if given this chance I must prove my worth. I understand the way I behaved did not display the maturity needed to serve my country justly. I believe I have matured since my separation from military service. I am now attending a local university, and as I am in my third year, I hope to obtain my Bachelor's of Science degree with specification in Criminal Justice. I am also working for DCS Inc, as a contractor for the Department of Education collecting defaulted government loans. I have been with DCS for four months, and have excelled, even doing better than other agents who have been there for years.

I know attending college and having credited employment is not proof I have matured. However, I feel the best way for me to reinforce that I have matured is request you consider my discharge code with the hope you may grant me a chance and display for my country I can serve with dignity and honor. To be honest I miss the honor I felt in my heart when I told people I was in the Air Force. I miss putting on my uniform, going to work knowing I made a difference. I miss the pride I felt when I completed and presented a briefing to my shop and aircrew with the knowledge the information I provided could save a life. I would like the chance to be able to reclaim the honor, difference, and pride I had in serving my country, and hope to demonstrate I can be a vital part of our country's military.

I thank you for your time, and consideration in this situation and hope your decision will be just.

[REDACTED]



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 7TH BOMB WING (ACC)  
DYESS AIR FORCE BASE TEXAS

FD 2004-00 423

17 May 02

MEMORANDUM FOR AIC [REDACTED]

FROM: 7 OSS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct - Discreditable Involvement With Military or Civil Authorities. The authority for this action is AFI 36-3208, dated 14 Oct 94, paragraph 5.50.1. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General (Under Honorable Conditions).
2. My reasons for this action are:
  - a. You did, on 22 Apr 02, communicate offensive language and exhibit offensive gestures to a civilian woman with her two year old granddaughter in the vehicle, while in uniform, on busy street, at Abilene, TX, in view of the public. For this misconduct you were reprimanded, as evidenced by LOR, dated 15 May 02.
  - b. You did, on or about 12 Feb 02, at Abilene, TX, drive your vehicle in a reckless manner in that you were doing 60-65 mph in a 35 mph posted speed zone. For this misconduct you were reprimanded, as evidenced by LOR, dated 13 Feb 02.
  - c. You did, on 19 Nov 01, without authority, report 40 minutes late for duty, for which you were counseled, as evidenced by LOC, dated 19 Nov 01.
  - d. You did, on 13 Nov 01, fail to obey a lawful order given to you by Lt [REDACTED] in that you refused to complete an assigned briefing. In addition, you were disrespectful to SSgt [REDACTED] in that you told SSgt [REDACTED] you did not care about any penalties for failure to obey a lawful order and would not obey the lawful order from Lt [REDACTED] and you then left the room and walked down the hall. For this misconduct you were reprimanded, as evidenced by LOR, dated 13 Nov 01.
  - e. You did, on 7 Nov 01, make a false statement to SSgt [REDACTED] in that you stated you had not been notified of your participation in the Veterans Day parade. You then told SSgt [REDACTED] it was not fair that you had to participate and you were not going to show. In addition, you were disrespectful in attitude and communication in that you went to the Raindrop Lab that was occupied by TSgt [REDACTED] TSgt [REDACTED] and SrA [REDACTED] and complained about the whole situation and you used profanity throughout your conversation and after TSgt [REDACTED] tried to explain the importance of the holiday and your participation you replied using profanity, "then you do it". For this misconduct you were reprimanded, as evidenced by LOR, dated 9 Nov 01.
  - d. You did, on 14 May 01, at Dyess AFB, TX, drive your vehicle in a reckless manner in that you were speeding, for which you were counseled, as evidenced by Armed Forces Traffic Ticket, C020854, dated 14 May 01.

*Global Power for America*

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. I have made an appointment for you to consult the Area Defense Counsel on **21 May 02 at 1030 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 **23 May 02, at 0800 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 on **20 May 02 at 1500 hours**, at the 7th Medical Group Hospital. You must report 15 minutes early

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the orderly room.

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



Lt Col, USAF  
Commander, 7 OSS

Attachments:

1. Airman's Receipt of  
Letter of Notification
2. LOR, dated 15 May 02
3. LOR, dated 13 Feb 02
4. LOC, dated 19 Nov 01
5. LOR, dated 13 Nov 01
6. LOR, dated 9 Nov 01
7. Armed Forces Traffic Ticket C020854  
dated 14 May 01