

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE A1C	AFSN/SSAN
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 A93.09	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 28 Apr 2005	CASE NUMBER FD-2004-00461		
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			
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-2004-00461

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 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 states that he would like an upgrade so that he can start a career and give his wife and sons the life that they deserve. The records indicated the applicant received two Letters of Reprimand, one Letter of Counseling and four Records of Individual Counseling for various acts of misconduct including dereliction of duty, repeated lateness, failure to carry out instructions, failure to clean his dormitory bathroom, financial irresponsibility, underage drinking, missed medical appointment, exposing his wife to severe cold weather by bringing her to work and having her sit in the car, and for indecent acts with another airman. 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

(Former A1C) (HGH A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Fairchild AFB, WA on 31 Jan 94 UP AFR 39-10, para 5-47a (Pattern of Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 28 Dec 72. Enlmt Age: 18 7/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-43, E-57, G-57, M-70. PAFSC: 1C131 - Air Traffic Control Apprentice. DAS: 4 Apr 92.

b. Prior Sv: (1) AFRes 16 Aug 91 - 22 Sep 91 (1 month 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Sep 91 for 6 yrs. Svd: 2 Yrs 4 Mo 9 Das, all AMS.

b. Grade Status: A1C - 7 Nov 91

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 03 JAN 94 - Financial Irresponsibility.
RIC, 03 DEC 93 - Bringing his wife to work and having her sit in the car, exposing her to severe cold weather.
LOC, 23 SEP 93 - Failure to clean dormitory common bathroom.
LOR, 01 APR 93 - Indecent acts with another, underage drinking, missed medical appointment, and delinquent club account.
RIC, 20 AUG 92 - Failure to carry out instructions.
RIC, 04 AUG 92 - Repeated lateness, and dereliction of duty.
RIC, 25 JUN 92 - Dereliction of duty, and late for duty.

f. CM: None.

g. Record of SV: 23 Sep 91 - 22 May 93 Fairchild AFB 3 (Initial)

h. Awards & Decs: AFOUA, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (16) Das
TAMS: (2) Yrs (4) Mos (9) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Eight Letters of Appreciation.
3. Certificate of Appreciation.
4. Flight Data Certification.
5. Ground Control Certification.
6. Local Control Certificate.
7. ATC Certification Rating Record.
8. Letter of Investigation.
9. Letter of Apology.

20JAN05/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 of Appreciation dated 2 Dec 92

b. DOCUMENT 2:

Letter of Appreciation dated 1 Sep 93

c. DOCUMENT 3:

Letter of Appreciation dated 31 Aug 93

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.

Thank you so much for your time in reviewing my request for an upgraded discharge. I am sending you this request because I am trying desperately to start a career to give my wife and sons the life that they deserve and due to my discharge from the Air Force, that effort is becoming more and more daunting. Since I was discharged from the Air Force, I have spent a lot of time doing private security work for the purpose of getting into corrections or law enforcement on some level. I was able to spend some of my time in the Air Force as a Security Augmentee and loved the work. I spent an awful lot of time fixing the errors of my life from when I was in the service to make myself trustworthy and usable to my community. I discovered integrity and what it meant and made it a cornerstone in my day to day life. The only thing that any law enforcement agency has found wrong with me is my discharge. I have worked for a decade to make myself a good man worthy of the job that I am called to. So many of the police officers that I know even on a personal level tell me that I'm cut out for the work. That is a huge compliment coming from them. They know what it takes and the kind of person it takes to be a police officer or corrections officer and they believe in me. They have all given me references and told all the right people about me but whenever a background investigator gets ahold of my DD214, none of that matters. I have spent just over 10 years of my life "doing the time" for what I did wrong in the Air Force to get discharged. I think that I deserve a chance to have a decent career and a good means of support for my family. I believe that I have earned it. I am sending you the above mentioned documents because I want you to see how I really felt about the Air Force. I was proud, everyday to put on my uniform and I gave my everything when I was on duty. I know my off duty life was questionable if not out of control. I am also sending you a letter of explanation that I had to send to a potential employer. I hope you will read it. I did not want to be discharged and none of the letters of appreciation were considered or even available to me when I needed them to fight my separation. So, I give them to you now and ask that you take them into consideration. I wasn't able to give them to the people that mattered back in 1994 but I can give them to you. Please allow me to have this upgrade so that I can have the same chances and opportunities as everyone else. I am so embarrassed of my discharge, please give me a new chance at life. Thank you very much for your time.

☒ 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)

2004-11-04

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
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)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 92D OPERATIONS GROUP (ACC)
FAIRCHILD AIR FORCE BASE, WASHINGTON

FD 2004-00461
11 Jan 94

MEMORANDUM FOR 92 OSS

ATTENTION: [REDACTED] 92 OSS

FROM: 92 OSS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct in accordance with AFR 39-10, under the provisions of paragraph 5-47a. I recommend your service be characterized with a General discharge. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action is:

a. On or about 25 June 1992 you were failed to show to duty at the required time. For this incident, you received a Record of Individual Counseling dated 25 June 1992.

b. Between on or about 27 and 31 July 1992 you failed to show for duty at the required time. For this incident, you received a Record of Individual Counseling dated 4 August 1992.

c. On or about 18 August 1992 you were directed to obtain a haircut prior to the next duty day, you did not do so. For this incident, you received a Record of Individual Counseling dated 20 August 1992.

d. Between on or about 16 March 1993 you were charged with indecent acts with another, statements also imply you were also drinking while under the age of 21. On or about 24 March 1993 your supervisor was noticed that you missed a medical appointment. On or about 26 March 1993 the First Sergeant received notice your club bill was 60 days delinquent. For these incidents, you received a Letter of Reprimand dated 1 April 1993 which resulted in an Unfavorable Information File.

e. On or about 23 September 1993 the First Sergeant received a complaint regarding your repeated failure to do your share of the cleaning in the common bathroom between your dormitory rooms. For this incident, you received a Letter of Counseling dated 23 September 1993.

f. On or about 2 December 1993 Capt [REDACTED] was informed you had been bringing your pregnant wife to your Weapon Storage Area detail and having her sit in the car all day waiting for you. For this incident, you received a Record of Individual Counseling dated 3 December 1993.

g. Between on or about 21 November 1993 and 3 December 1993 you failed to maintain sufficient funds in your account to cover six checks. You also failed to make a \$34.00 payment which was due on 30 November 1993. For this incident you received a Letter of Reprimand dated 3 January 1994.

3. This action could result in your separation with a General discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. 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 Capt [REDACTED] at Building 2245 on 18 Jan 94 at 0930 hours. 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 17 Jan 94 at 1600 hrs 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 are scheduled for a physical examination. You must report to the 92d Medical Group, Physical Exams, Bldg 9010, Room 119 at 0730 hours on 12 Jan 94, for the examination. You must be in uniform and have your medical records with you. If you have any questions regarding your appointment, call Physical Exams at Ext-5757.

8. If you need any assistance with moving your household goods, please contact TMO at Ext-5815.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in your unit orderly room.

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

[REDACTED]

Lt Col, USAF

Commander, 92 OSS

7 Atchs

1. LOC dated 25 June 1992
2. LOC dated 4 August 1992
3. LOC dated 20 August 1992
4. LOR/UIF dated 1 April 1993
5. LOC dated 3 December 1993
6. LOR dated 3 January 1994
7. Dishonored Check Notification dated 1 November 1993