

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
		SRA				
TYPE GEN	X	PERSONAL APPEARANCE		RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES		ADDRESS AND OR ORGANIZATION OF COUNSEL				
X						
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTIC	OTHER	DENY
						X
						X
						X
						X
ISSUES A93.01 A94.05 A93.09		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	
HEARING DATE 18 May 2005		CASE NUMBER FD-2004-00467		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
				TAPE RECORDING OF PERSONAL APPEARANCE		
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 Andrews AFB MD via video-teleconference with St. Augustine FL.</p> <p>Advise applicant of the decision of the Board 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="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>SIGNAL</p> <p>LIND</p> </div> <div style="width: 55%;"> <p>RESPONSE/REPLY</p> <p>DATE: 05/24/05</p> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <p>TO:</p> <p>SAI/MRBR  550 C STREET WEST, SUITE 40  RANDOLPH AFB, TX 78150-4742</p> </div> <div style="width: 55%;"> <p>FROM:</p> <p>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL  AIR FORCE DISCHARGE REVIEW BOARD  1535 COMMANO DR, EE WING, 3RD FLOOR  ANDREWS AFB, MD 20762-7002</p> </div> </div>						

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00467**

**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 appeared and testified before the Discharge Review Board (DRB), with counsel, [REDACTED], via video-teleconference with Andrews AFB MD and St. Augustine FL on 19 May 2005.

The following additional exhibits were submitted at the hearing:

Exhibit 5: St. Leo College Transcript

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.

**ISSUES:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh and based on isolated incidents. The records indicated the applicant received seven Letters of Reprimand, two Letters of Counseling, three Records of Individual Counseling, and six traffic tickets. 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 stated he was written up for infractions while TDY and wasn't notified of his untimely discharge. The Board was unable to resolve the conflict with the member's statement since the documentation contained in his records didn't support his testimony. The presumption of regularity, particularly of the process and his interaction doesn't support his contention. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 3. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on 21 Feb 92) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

Issue 4. Applicant contends that he should not be penalized indefinitely for a mistake he made when young, he has grown and would like to have this part of his life cleaned so that he can continue to progress. The DRB recognized the applicant was 21 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

FD2004-00467A

(Former SRA) (HGH SRA) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a Gen Dish fr Maxwell AFB, AL on 18 Jul 00 UP AFI 36-3208, para 5.50.2 (Misconduct - (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge).

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 24 Jan 03.

b. The AFDRB reviewed case on 11 Sep 01 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 13 Nov 04. (Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

Atch

None.

24JAN05/ia

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

attention, I was still written up for not handling my finances properly. There were also occasions that I would be late for work. I would call and let management know, but yet they still chose to submit LOC's and LOR's after knowing what my situation was like at home. At the time, my fiancé who was and still is active duty, was pregnant and on bedrest. I ensured my service duties came first, but there were times I was unable to get to work in a timely manner because of this situation. I was able to re-enlist a month before my untimely separation. I just feel that if I was such a bad example for the military why was I able to re-enlist and continue to serve my country. I loved serving my country and have been trying to find other opportunities to serve by joining the National Guard or Reserves, but I have been unable to do so because I have to have an Honorable discharge on file. If at all possible, I would like to return to active duty status and continue my Air Force career. I am requesting this upgrade for educational purposes as well as to remove this blemish from my life and record for personal advancement in life. It has been eight years since my separation from the Air Force. I have grown, and I would like to have this part of my life cleaned so that I may continue to progress. I would just like to be given the chances that I felt I wasn't given when I was enlisted.

**15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)****16. REMARKS (If applicable)****MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.****ARMY**

Army Review Boards Agency  
Support Division, St. Louis  
9700 Pague 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

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

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 NOV 96 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 27 Nov 72. Enlmt Age: 19 0/12. Disch Age: 23 11/12. Educ: HS DIPL. AFQT: N/A. A-77, E-42, G-48, M-31. PAFSC: 3A051 - Information Management Journeyman. DAS: 11 Jan 95.

b. Prior Sv: (1) AFRes 5 Dec 91 - 9 Feb 92 (2 months 5 days) (Inactive).

(2) Enlisted as AB 10 Feb 92 for 4 yrs. Svd: 3 yrs 1 month 27 days, all AMS. AMN - 10 Aug 92. A1C - 10 Jun 93. SRA - 10 Feb 95. EPRs: 4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 7 Apr 95 for 4 yrs. Svd: 1 Yr 6 Mos 28 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOC, 27 SEP 96 - Financial irresponsibility.  
LOR, 10 SEP 96 - Failure to report for duty.  
LOR, 28 AUG 96 - Failed dorm room inspection.  
LOR, 10 JUL 96 - Failure to obey orders.  
RIC, 13 JUN 96 - Late for appointment and disrespect.  
LOR, 13 JUN 96 - Dereliction of duty.  
RIC, 08 JUL 96 - Speeding ticket.  
RIC, 23 OCT 95 - Late for work and failure to complete a given task.  
LOR, 04 AUG 95 - Failure to go to scheduled appointment.  
LOR, 04 AUG 95 - Driving with expired registration and falsified official documents.  
LOR, 28 JUL 95 - Failure to pay just debt.  
LOC, 28 JUL 95 - Driving with expired registration and failure to register vehicle on base.  
TRAFFIC TICKET, 24 JUL 95 - Driving with expired tags.  
TRAFFIC TICKET, 23 MAY 95 - Speeding.  
TRAFFIC TICKET, 09 APR 95 - Driving without a drivers license and car seat for child.

f. CM: None.

g. Record of SV: 29 Oct 94 - 28 Oct 95 Wright-Patterson AFB 3 (Annual)

(Discharged from Wright-Patterson AFB)

h. Awards & Decs: AFAM, AFLSAR, AFTR, AFOSSTR, NDSM, AFOUA W/1 DEV, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (11) Mos (0) Das

TAMS: (4) Yrs (8) Mos (26) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD-Fm 293) dtd 10 Oct 02.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

24JAN03/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS, 88TH AIR BASE WING (AFMC)  
WRIGHT-PATTERSON AIR FORCE BASE, OHIO

FD2004-00467A

OCT 18 1996

MEMORANDUM FOR [REDACTED]

FROM: 88 CEG/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct - Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

- a. On or about 9 Apr 95 you were driving without a drivers license and did not have a car seat for a child for which you received a traffic ticket and was counseled.
- b. On or about 23 May 95 you was driving at an unreasonable rate of speed for which you received a traffic ticket and was counseled.
- c. On or about 13 Jul 95 you was driving with expired registration to your vehicle and you failed to register your vehicle on base for which you received a Letter of Counseling on 28 Jul 95.
- d. On or about 13 Jul 95 you was driving with expired registration to your vehicle and falsified an official document for which you received a traffic ticket and received a Letter of Reprimand on 4 Aug 95.
- e. On or about 24 Jul 95 you was driving with expired tags for which you received a traffic ticket.
- f. On or about 13 Jul 95 you failed to pay your just debts ie., your car payment. You received a Letter of Reprimand on 28 Jul 95.
- g. On or about 3 Aug 95 you failed to go to scheduled appointment for which you received a Letter of Reprimand of 4 Aug 95 and an UIF was established.
- h. On or about 7 Jun 95 you reported to work late and on or about 19 Oct 95 you failed to complete a given task for which you received a Letter of Counseling on 23 Oct 95.

i. On or about 12 May 96 you were driving at an unreasonable rate of speed for which you received a traffic ticket and a Letter of Counseling on 8 Jul 96.

j. On or about 22 May 96 you failed to secure the random urinalysis roster for which you received a Letter of Reprimand on 13 Jun 96.

k. On or about 10 Jun 96 you were late for a mandatory meeting and showed lack of respect for authority for which you received a Letter of Counseling on 13 Jun 96.

l. On or about 1 Jul 96 you failed to follow a written order for which you received a Letter of Reprimand/UIF on 10 Jul 96.

m. On or about 9 Aug 96 you failed to report for duty for which you received a Letter of Reprimand on 10 Sep 96.

n. On or about 12 Aug 96 you failed your dorm inspection for which you received a Letter of Reprimand on 28 Aug 96.

o. On or about 26 Sep 96 your account with AAFES was delinquent for which you received a Letter of Counseling on 27 Sep 96.

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 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 the Area Defense Counsel's office, Building 268, Area C, Wright-Patterson AFB OH, Telephone 77841 on 18 Oct 96 at 0930. 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 23 Oct 96 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 74 Medical Group, Aerospace Medicine, Building 830, Wright-Patterson AFB OH at 0800 on 21 Oct 96 for the examination.

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.

  
Commander, Squadron Section

1. Traffic Ticket, 9 Apr 95
2. Traffic Ticket, 23 May 95
3. LOC, 28 Jul 95
4. LOR, 4 Aug 95
5. Traffic Ticket 13 Jul 95
6. Traffic Ticket, 31 Jul 95
7. LOR, 28 Jul 95
8. LOR/UIF, 4 Aug 95
9. Traffic Ticket, 28 Jul 95
10. Revocation Ltr, 13 Sep 95
11. Suspension Ltr, 4 Oct 95
12. LOC, 23 Oct 95
13. MFR, 25 Oct 95
14. Financial Ltr, 1 Nov 95
15. AAFES, 26 Jan 96
16. Traffic Ticket, 12 May 96
17. LOC, 8 Jul 96
18. MFR, 24 May 96
19. LOR, 13 Jun 96
20. LOC, 13 Jun 96
21. LOR/UIF, 10 Jul 96
22. LOR, 10 Sep 96
23. LOR, 28 Aug 96
24. LOC, 27 Sep 96