

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF APPLICANT (LAST)  TYPE GEN	GRAI  PERSONAL APPEARANCE
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<b>X</b>	<b>RECORD REVIEW</b>
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MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES <b>A93.01</b> <b>A93.09</b>	INDEX NUMBER <b>A67.90</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> <tr> <td style="width:5%; text-align: center;"><b>1</b></td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;"><b>2</b></td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;"><b>3</b></td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>4</b></td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td> </td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td> </td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td> </td> <td>TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </table>	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
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HEARING DATE <b>21 Jul 2005</b>	CASE NUMBER <b>FD-2004-00509</b>
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

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

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INDORSEMENT		DATE: 7/21/2005
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-2004-00509

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and 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, 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.

**ISSUE:** Applicant does not contest his discharge. He states that he didn't know what he was doing and that he was "young-minded". He also states that his discharge is preventing him from obtaining a good job and from reenlisting in the military. The records indicated the applicant received an Article 15 for unlawfully possessing beer while under the age of 21. He then received a Vacation action under the UCMJ for not showing up for his extra duty. In addition, he received four Letters of Reprimand and four Letters of Counseling for various acts of misconduct. 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. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was two months shy of his 21st birthday 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.

It appears the applicant was told his discharge would automatically be upgraded in six months. The DRB noted the issue was common, the result of miscommunication. While a discharge may be upgraded after six months, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal.

**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]

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Shaw AFB, SC on 21 Feb 01 UP AFI 36-3208, para 5.50-2 (Pattern of Misconduct - Conduct of Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 4 Apr 80. Enlmt Age: 18 8/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-90, E-71, G-82, M-51. PAFSC: 2A632 - Aerospace Ground Equipment Apprentice. DAS: 23 Jun 00.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Dec 98 for 4 years Svd: 02 Yrs 02 Mo 12 Das, all AMS.

b. Grade Status: AB - 29 Dec 00 - (Vacation of Suspension, 12 Jan 01).  
A1C - 10 Apr 00  
AMN - 10 Jun 99

c. Time Lost: None.

d. Art 15's: (1) 12 Jan 01 - Vacation, Shaw AFB, SC - Article 92. You, having knowledge of a lawful order issued by Major [REDACTED] to wit: to have 45 days extra duty, an order which it was your duty to obey, did, on or about 7 Jan 01, fail to obey the same by wrongfully not showing up for your extra duty. Reduction to the grade of AB and 15 days extra duty. (No appeal) (No mitigation)

(2) 29 Dec 00 - Shaw AFB, SC - Article 134. You did, on an area of exclusive federal jurisdiction, on or about 14 Dec 00, unlawfully possess beer while under the age of twenty-one years, in violation of South Carolina Code Annotated Section 20-7-8920, as made applicable to military members pursuant to the Federal Assimilative Crimes Act, Title 18 US Code, Section 13. Suspended Reduction to AB. Forfeiture of \$300.00 for 2 months (Suspended forfeiture in excess of \$100.00 for 2 months). Forty-five days extra duty (Suspended 30 days extra duty). Reprimand. (No appeal) (No mitigation)

e. Additional: LOC - 16 Aug 00 - Failed to notify his duty section as to his whereabouts on two occasions.

- LOR - 13 Apr 00 - Was out of uniform by wearing the rank of Amn and not A1C.
- LOR - 13 Apr 00 - Failed to have all required items in mobility bag as outlined in AFI 10-403 and squadron recall roster.
- LOR - 10 Mar 00 - Respondent left his duty section without turning in the vehicle keys and flightline radio; he arrived for duty with muddy boots when his boots were required to be clean and in good repair; and he engaged in horseplay in the work area on top of a gas container.
- LOC - 25 Feb 00 - One and half hours late for duty.
- LOC - 15 Feb 00 - Derelict in the performance of his duties by not wearing his seat belt and acting in an unprofessional manner when instructed to follow guidance.
- LOC - 10 Feb 00 - Derelict in the performance of his duties by not paying attention to detail.
- LOR - 13 Sep 99 - Unlawfully consumed alcoholic beverages while under the age of twenty-one years and then lied about consuming alcoholic beverages when confronted about it.

f. CM: None.

g. Record of SV: 10 Dec 98 - 12 Dec 00 Shaw AFB 3 (Initial)

h. Awards & Decs: AFTR

i. Stmt of Sv: TMS: (02) Yrs (02) Mos (12) Das  
TAMS: (02) Yrs (02) Mos (12) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Dec 04  
(Change Discharge to Honorable, and Change RE Code, Reason and Authority for Discharge.)

Issue 1: ISSUES ATTACHED TO BRIEF.

**ATCH**

- 1 - Applicant's Issues.  
2 - DD Form 214.

15FEB05/day

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and social security number on each document.)

FD2004-00509

- a. Will not be submitted. Please complete review based on available service records.
- b. Will be submitted within 60 days.
- c. Will be submitted within \_\_\_\_\_ days.
- d. Are listed below and are attached to this application: (Continue on a plain sheet of paper if more space is needed.)

(1) DOCUMENT 1:

DD Form 214

(2) DOCUMENT 2:

Letter 3 of 3 pages - Attachment

(3) DOCUMENT 3:

8. **ISSUES.** The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board also will review the case to determine whether there are any issues which 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. Read the instructions carefully that pertain to block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

ISSUE 1: My (General) Under Honorable Conditions Discharge from Active Duty Service should be changed to Honorable Discharge because at the time of discharge I didn't know what I was doing, I didn't make good choices, I was young-minded, had a new life presented to me, and without directions, informed my superiors that I wanted out of service. I was guilty of being misguided, my thinking process was unstable. I had a new wife and child, and was a child myself in mind.

ISSUE 2: The General Discharge should be changed also because it has effected or should I say prohibited me from getting certain employment opportunity. With an Honorable Discharge I can get jobs on military installations or Federal Jobs that can help me provide for my wife and daughter, I'm still young and need development to provide for the child I have now and my unborn child on the way. It will also open up doors that will help me achieve a higher education. Stability in my life is vital.

ISSUE 3: The General Discharge has prohibited me in re-enlistment in the military as well. I really would like a second chance at a military life. I wasn't completely reformed and feel that with a little more rehabilitation in the past I know I wasn't far from being a model airman, I would make an excellent sergeant or officer in the service or a great civilian manager somewhere. I make better choices now, and and take full responsibility for what I do. Like I mentioned before I was young but I'm now matured.

ISSUE 4: My General Discharge wasn't followed up 6 months afterwards because I didn't know how to go about getting it done and I didn't try hard enough. I Love God and my country. Service Before Self is important to me more than ever now. I still have been in a military environment and I stay out of trouble, I did small things in the past that built up to self-destruction. I not bad and deserve a second change. I've made mistakes like everyone else and I've been paying for years. Help me to re-assert my future.

- a. Mark this block if you have listed additional issues as an attachment to this application.
- b. I previously submitted an application on (Enter date) and I am completing this form in order to submit additional issues.
- c. 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 a penalty as follows: A maximum fine of \$10,000 or maximum imprisonment of 5 years, or both)

a. DATE (Year, Month, Day)

b. SIGNATURE

2004, December 28



UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY

NAVY & MARINE CORPS

AIR FORCE

COAST GUARD

CO, USARCPAC  
9700 Page Blvd  
St. Louis, MO 63132-5200

NAVAL Discharge Review  
801 No. Randolph St.  
Arlington, VA 22203-1991

AFMPC/MPCDOA1  
Randolph AFB, TX 78150-6001

Commandant (G-PE-1)  
U.S. Coast Guard Headq  
Washington, DC 20593-0001



FD 1004-00509

**DEPARTMENT OF THE AIR FORCE**  
20th FIGHTER WING (ACC)  
SHAW AIR FORCE BASE, SOUTH CAROLINA

8 Feb 01

MEMORANDUM FOR AB [REDACTED]

FROM: 20 EMS/CC  
526 Houston Ave.  
Shaw AFB, SC 29152

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct – conduct prejudicial to good order and discipline, under the provisions of AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are:
  - a. On or about 31 Aug 99, at or near Robins Air Force Base, Georgia, you unlawfully consumed alcoholic beverages while under the age of twenty-one years, and you lied about consuming alcoholic beverages when confronted about it. For this misconduct, you received a letter of reprimand (LOR), dated 13 Sep 99. An Unfavorable Information File was also established.
  - b. On or about 10 Feb 00, you were derelict in the performance of your duties by not paying attention to detail. For this misconduct, you received a letter of counseling (LOC), dated 10 Feb 00.
  - c. On or about 15 Feb 00, you were derelict in the performance of your duties by not wearing your seat belt and acting in an unprofessional manner when instructed to follow guidance. For this misconduct, you received an LOC, dated 15 Feb 00.
  - d. On or about 25 Feb 00, you failed to report to your appointed place of duty at the prescribed time. For this misconduct, you received an LOC, dated 25 Feb 00.
  - e. Between on or about 8 Mar 00 and on or about 10 Mar 00, an investigation disclosed that you left your duty section without turning in the vehicle keys and the flightline radio; you arrived for duty with muddy boots when your boots are required to be clean and in good repair; and you were horseplaying in the work area, on top of a gas container. For these acts of misconduct, you received an LOR, dated 10 Mar 00.
  - f. On or about 10 April 00, you failed to have all required items in your mobility bag as outlined in AFI 10-403 and the squadron recall roster. For this misconduct, you received an LOR, dated 13 Apr 00.
  - g. Between on or about 10 Apr 00 and on or about 11 Apr 00, you were out of uniform by wearing the rank of Airman and not Airman First Class. For this, you received an LOR, dated 13 Apr 00.
  - h. On or about 16 Aug 00, you failed to notify your duty section as to your whereabouts on two occasions. For this misconduct, you received an LOC, dated 16 Aug 00.

i. On or about 14 Dec 00, at or near Shaw AFB South Carolina, you did unlawfully possess beer while under the age of twenty-one years. For this misconduct, you received an Article 15 nonjudicial punishment action, dated 29 Dec 00. Punishment consisted of a reduction to the grade of Airman Basic, forfeiture of \$300.00 pay per month for two months, 45 days extra duty, and a reprimand. Reduction to the grade of Airman Basic, forfeiture in excess of \$100.00 pay per month for two months and 30 days extra duty suspended through 28 Jun 01, unless sooner vacated.

j. On or about 7 Jan 01, you failed to obey a lawful order issued by your unit commander. For this misconduct, the suspension of the reduction to Airman Basic and 15 days extra duty was vacated on 12 Jan 01.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial 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 and will probably not be allowed to enlist in any other branch of the armed services.

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], Area Defense Counsel, 895-9530, on 08 Feb 01, at 1100 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 within three days after receipt of the notification memorandum, 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.

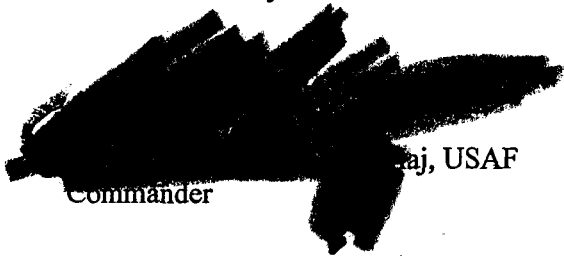
7. You must report, in uniform, to the Shaw AFB Hospital, Physical Examinations Section, between the hours of 1100 – 1300, Mon – Thur, for a medical examination.

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.

9. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge if the reason is not homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

FD 2004-02509

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



Commander

aj, USAF

**Attachments:**

1. LOR, 13 Sep 99
2. LOC, 10 Feb 00
3. LOC, 15 Feb 00
4. LOC, 25 Feb 00
5. LOR, 10 Mar 00
6. LOR, 13 Apr 00
7. LOR, 13 Apr 00
8. LOC, 16 Aug 00
9. AF Form 3070, w/Atch
10. AF Form 366, w/Atch
11. Receipt of Notification