

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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|--|----|-------------------------------------|--|--|--|
| (IAL) | | X | | RECORD REVIEW | |
| TYPE GEN | | PERSONAL APPEARANCE | | | |
| 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 |
| | | | 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 | | CASE NUMBER | | | |
| 21 Jul 2005 | | FD-2005-00037 | | | |
| APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> | | | | | |
| SIGNATURE OF RECORDER | | | SIGNATURE OF BOARD PRESIDENT | | |
| | | | | | |
| 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 | | |

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|--|-----------------------------|--|
| AIR FORCE DISCHARGE REVIEW BOARD | DECISIONAL RATIONALE | CASE NUMBER FD-2005-00037 |
| <p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: The Board grants the requested relief.</p> <p>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.</p> <p>ISSUE: Applicant does not contest his discharge. He states that since his discharge, he has been a law-abiding citizen and free of any criminal convictions and that he is advancing his professional career. The records indicated the applicant received three Letters of Reprimand and a Record of Counseling for failing a dormitory inspection, failure to obey a lawful order, unsatisfactory progress in training and for being disrespectful to an NCO. The DRB opined that this misconduct was indeed minor in nature and considered the fact that the applicant had already served four years successfully without any misconduct. They found this discharge to be too harsh.</p> <p>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.</p> <p>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 under the provisions of Title 10, USC 1553.</p> <p>Attachment: Examiner's Brief</p> | | |

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

[REDACTED]
(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Travis AFB, CA on 24 Sep 90 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Dec 67. Enlmt Age: 18 2/12. Disch Age: 22 9/12. Educ: HS DIPL. AFQT: N/A. A-63, E-62, G-64, M-76. PAFSC: 64550 - Inventory Management Specialist. DAS: 4 Aug 89.

b. Prior Sv: (1) AFRes 28 Feb 86 - 3 Aug 86 (5 months 6 days) (Inactive).

(2) Enlisted as AB 4 Aug 86 for 4 yrs. Svd: 3 yrs 2 months 14 days, all AMS. AMN - 4 Feb 87. A1C - 4 Dec 87. SrA - 4 Aug 89. APRs: 8,8.

ART 15: (1) 29 Jan 88, Grissom AFB, IN - Article 108. You did, on or about 1 Jan 88, without proper authority through neglect, break a light fixture located in Building 331 on the 2nd floor, by hitting it with your hand, military property of the United States Air Force, the amount of said damage being in the sum greater than \$50.00. Suspended reduction to Airman. Forfeiture of \$150.00 pay per month for two months. Thirty days correctional custody (suspended). (No appeal) (No mitigation).

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 18 Oct 89 for 4 yrs. Svd: 0 Yrs 11 Mo 6 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 12 JUN 90 - Failure to obey a lawful order.
ROC, 15 FEB 90 - Unsatisfactory progress in training.
LOR, 08 JAN 90 - Disrespect to an NCO.
LOR, 27 OCT 89 - Failed dormitory inspection.

f. CM: None.

g. Record of SV: 15 Jan 89 - 14 Jan 90 Osan AB 4 (Annual)
15 Jan 90 - 21 Jun 90 Osan AB 2 (Cmdr Dir) REF

h. Awards & Decs: AFTR, AFGCM, AFOSSTR, AFLSAR.

i. Stmt of Sv: TMS: (4) Yrs (6) Mos (28) Das
TAMS: (4) Yrs (1) Mos (21) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 18 Jan 05.
(Change Discharge to Honorable)

Issue 1: Since my seperation (sic) from the Air Force in September 1990, I have maintained a law-abiding lifestyle free of any criminal convictions. I am now advancing in my professional career and an upgrade in the characterization (sic) of my discharge would be beneficial to me both personally and professionally. Your consideration would be appreciated.

ATCH

None.

9MAR05/ia



DEPARTMENT OF THE AIR FORCE
51 AIRCRAFT GENERATION SQUADRON (PACAF)
APO SAN FRANCISCO 96370-5000

FD 2005-00037

REPLY TO

ATTN OF: CC

27 Aug 90

SUBJECT:

Notification Letter

TO:

SrA [REDACTED]

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 8-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. You, having knowledge of a lawful order to assist SSgt [REDACTED] with issuing tool boxes to maintenance personnel, at Kunsan Air Base, Republic of Korea, an order it was your duty to obey, did, at Kunsan Air Base, Republic of Korea, on 8 June 1990, fail to obey the same by telling SSgt [REDACTED] "No", and also walking out on him while he was counseling you for your actions. Reference AF Form 1058, Control Roster Action, dated 22 June 1990 and Letter of Reprimand dated 12 June 1990 with attachment.

b. You, did, at Osan Air Base, Republic of Korea, from August 1989 thru 15 February 1990, fail to progress satisfactorily in your training requirements within your assigned duties, to wit: the 36 Aircraft Maintenance Unit COSO Section. Reference Record of Individual Counseling dated 15 February 1990.

c. You did, at Osan Air Base, Republic of Korea, on or about 3 January 1990, exhibit an extreme display of disrespect towards a noncommissioned officer to wit: you had a verbal altercation with SSgt [REDACTED] concerning his NCOIC, TSgt [REDACTED], in violation of Article 91, UCMJ. Reference Letter of Reprimand dated 8 January 1990.

d. You did, at Osan Air Base, Republic of Korea, on or about 26 October 1989, fail to maintain minimum dormitory standards of cleanliness as required in 51 TFW regulation 90-1 and 51 Aircraft Generation Squadron dormitory standards letter dated 1 September 1989. Reference Letter of Reprimand dated 27 October 1989 with attachment.

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.

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 Capt [REDACTED] Area Defence Counsel, bldg 937, room 101, on 28 Aug 90 at 0930. You may obtain 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 30 Aug 90, 0900, 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. You must report to the Osan Air Base Hospital, on 30 Aug 90 at 0700.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the 51 ABS Orderly Room.

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

[REDACTED]
aj, USAF

Commander

3 Atch

1. Supporting Documents

- AF Form 1058, dtd 22 Jun 90
and LOR dtd 12 Jun 90 w/atch
- AF Form 174, dtd 15 Feb 90
- LOR, dtd 8 Jan 90
- LOR, dtd 27 Oct 89 w/atch

2. Other Derogatory Data not listed
in Letter of Notification

- Memo for Record dtd 5 Jan 90

3. Airman's Receipt of Notification Ltr