

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AB	AFSN/SSAN ████████████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No	NAME OF COUNSEL AND OR ORGANIZATION	
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A93.01 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 21 Jul 2005	CASE NUMBER FD-2005-00039			

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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-2005-00039

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 was immature and selfish, had a hard time adjusting to military life and would like to get a job on a military installation. The records indicated the applicant received an Article 15 for making an unofficial toll call on a government phone. In addition, he received one Letter of Reprimand and six Records of Individual Counseling for failure to progress in his CDCs and poor duty performance. 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. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl. rec'd a GEN Disch fr Grand Forks AFB, ND on 16 Jan 92 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Dec 72. Enlmt Age: 17 7/12. Disch Age: 19. Educ: HS DIPL. AFQT: N/A. A-68, E-60, G-46, M-41. PAFSC: 70250 - Information Management Specialist. DAS: 13 Mar 91.

b. Prior Sv: (1) AFRes 25 Jul 90 - 10 Dec 90 (4 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Dec 90 for 6 years. Svd: 1 Yrs 1 Mo 6 Das, all AMS.

b. Grade Status: Amn - 03 Jan 92 (Article 15, 3 Jan 92)
A1C - 26 Jan 91

c. Time Lost: None.

d. Art 15's: (1) 3 Jan 92, Grand Forks AFB, ND, Article 92. You, who knew of your duties, on or about 11 Dec 91, were derelict in the performance of those duties in that you willfully failed to refrain from placing an unofficial toll call on a government telephone, as it was your duty to do. Reduction to AB and 45 days extra duty. Reduction below the grade of Amn is suspended. (No appeal) (No mitigation)

Additional: ROC, 16 DEC 91 - Deficiency and poor work accomplishment.
ROC, 13 DEC 91 - Poor duty performance.
ROC, 20 NOV 91 - Failure to progress in Career Development Courses and failure to complete assigned tasks in timely manner.
LTR, 06 NOV 91 - Request for Payment of Overdue NCO Club bill.
LOR, 23 SEP 91 - Apprehended for Speeding on Base.
ROC, 24 JUL 91 - Poor effort in completing CDC Vol I.
ROC, 24 Jul 91 - Poor effort in completing CDC Vol II.
ROC, 02 JUL 91 - Substandard work performance and unsatisfactory CDC completion.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (01) Yrs (05) Mos (22) Das
TAMS: (01) Yrs (01) Mos (06) Das

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

Issue 1: ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issue.

8Mar05/day

24 JAN 2005

AA

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES

(Please read attached instructions before completing this form.)

Form Approved OMB No. 0704-0004 Expires Nov 30, 2003

The public reporting burden for this collection of information is estimated to average 45 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.

PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

FD2005-00039

PRINCIPAL PURPOSE(S): To apply for a change in the type of 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.

REQUESTING COPIES OF MILITARY RECORDS

Prior to applying for discharge review, potential applicants or their designated representatives may obtain copies of their military personnel records by submitting a Standard Form (SF) 180, Request Pertaining to Military Records, to the National Personnel Records Center (NPRC), 9700 Page Boulevard, St. Louis, MO 63132-5200.

1. DATA PERTAINING TO INDIVIDUAL (APPLICANT) TO BE REVIEWED

a. NAME (Last, First, Middle Initial) b. SOCIAL SECURITY NUMBER

c. ADDRESS (1) STREET (Include apartment number) (2) CITY (3) STATE (4) ZIP CODE

d. SERVICE NUMBER (If different from SSN) e. TELEPHONE NUMBER (Include Area Code) f. E-MAIL ADDRESS

g. BRANCH OF ARMED SERVICE (X one) h. DISCHARGE RECEIVED (X one) i. DATE OF DISCHARGE (YYYYMMDD)

2. APPEAL FILED IN BEHALF OF INDIVIDUAL TO BE REVIEWED (If the reviewee is deceased or incompetent, complete this section. Appropriate evidence, e.g., death certificate, medical statement of incompetency, must accompany this form.)

a. RELATIONSHIP OF INDIVIDUAL SUBMITTING THIS APPLICATION TO APPLICANT (X one) b. NAME (Last, First, Middle Initial) 3. BOARD ACTION REQUESTED (X as applicable)

4. TYPE OF REVIEW REQUESTED (X one) I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON NATIONAL CAPITAL REGION.

5. I HAVE ARRANGED TO BE REPRESENTED BY AND AUTHORIZE THE RELEASE OF RECORDS TO (Complete if applicable) a. NAME OF COUNSEL/REPRESENTATIVE b. ORGANIZATION c. TELEPHONE NUMBER

d. ADDRESS (1) STREET (Include apartment or suite number) (2) CITY (3) STATE (4) ZIP CODE

6. WAIVER OF COUNSEL (X if applicable) I HAVE READ ITEM 6 OF THE INSTRUCTIONS PERTAINING TO THE AVAILABILITY OF COUNSEL AND ELECT NOT TO BE REPRESENTED BY COUNSEL/REPRESENTATIVE (Leave Item 5 blank).

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:

b. DOCUMENT 2:

c. DOCUMENT 3:

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.

I am making this appeal because I have been applying for positions at military installations and I feel that when I received my General discharge in 1992 I was extremely immature and selfish. The reason on my DD-214 for discharge is Misconduct, Pattern of disciplinary infractions, but before I was discharged my 1st Sgt. offered me an early out because the military was down sizing. I had problems adjusting to military life and did have discipline problems like making illegal calls on military time, watching T.V. on military time and other minor infractions. I never did anything major, just childish things. I am a grown man now and I want to get on with my life, I have two kids now and I'm trying to live a better life by getting a better job. Thank you in advance.



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)

2005 01 18

b. SIGNATURE

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 319th WING (SAC)
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA 58205-5000

REPLY TO
ATTN OF: 319 CES/CCQ

PJAN 1997

SUBJECT: Notification Letter

TO: [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 5-46. 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. Your placing unofficial toll calls on a government telephone on or about 11 Dec 91 as evidenced by an Article 15 dated 3 Jan 92;
 - b. Your driving your personal vehicle the wrong way down a one way street causing another vehicle to make an unexpected stop to avoid a potential accident as evidenced by a ROC dated 16 Dec 91;
 - c. Your continuing failure to properly complete assigned tasks such as creating a checklist, maintaining files in proper order, etc., as evidenced by a ROC dated 13 Dec 91;
 - d. Your failure to satisfactorily progress in your career development courses and to complete assigned tasks such as filing in a timely manner, proper documentation of routine correspondence, etc. as evidenced by a ROC dated 20 Nov 91;
 - e. Your failure to pay your NCO Club bill in a timely manner as evidenced by a Request for Payment of Overdue Account ltr from the NAF Office dated 6 Nov 91;
 - f. Your driving 48 MPH in a 25 MPH zone on or about 7 Sep 91 as evidenced by a LOR dated 23 Sep 91;
 - g. Your failure to progress in a satisfactory manner towards the completion of your career development courses as evidenced by two ROCs, both dated 24 Jul 91; and,
 - h. Your substandard performance of assigned tasks as well as reporting late for duty on several occasions as evidenced by a ROC dated 9 Jul 91.

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. You have been scheduled an appointment with ~~_____~~ at Building 216 on _____ at _____ 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 13 JAN 92 at 1540 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 319 Medical Group at 0700 hours on 10 JAN 1992 for the examination.
7. Deliver to me immediately your military identification card and those of your dependents. I have requested that temporary identification cards be issued IAW AFR 30-20, paragraph 2-9. You will report to me by COB 8 JAN 92, to verify that issuance of Temporary Identification Card(s) has been accomplished.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Atch 2. A copy of AFR 39-10 is available for your use in the squadron orderly room.
9. Execute the attached acknowledgment and return it to me immediately.

4 Atch

1. Supporting Documents
 - a. Article 15 dated 3 Jan 92
 - b. ROC dated 16 Dec 91
 - c. ROC dated 13 Dec 91
 - d. ROC dated 20 Nov 91
 - e. Request for Payment of Overdue Account dated 6 Nov 91
 - f. LOR dated 23 Sep 91