

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

ITIAL)

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
A92.21
A93.01

INDEX NUMBER
A6/.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

16 Sep 2005

CASE NUMBER

FD-2005-00060

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.

INDORSEMENT

DATE: 9/16/2005

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-2005-00060

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 contends that his discharge was based on two incidents involving bad judgment and anger management. Since discharge, member states he self-enrolled in anger management and has supported our troops as a DoD civilian employee for the past three years. The records indicated the applicant received two Article 15s and a Letter of Reprimand for misconduct. His misconduct included failure to go, willfully damaging government property on two occasions, found drunk while on stand-by for Security Forces guard duty, and drunk and disorderly on two occasions. DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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 applicant states in his application that he asked for help from the chaplain, his first sergeant, and from his commander. These issues are without merit as the record does not indicate that such help was asked for. 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 this 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. 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

[REDACTED]
(Former A1C) (HGH SRA)

MISSING SOME DISCHARGE DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Andrews AFB, MD on 8 Feb 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 30 Sep 80. Enlmt Age: 17 8/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-60, E-50, G-48, M-26. PAFSC: 3P051 - Security Forces Specialist. DAS: 6 Jan 99.

b. Prior Sv: (1) AFRes 23 Jun 98 - 19 Aug 98 (1 month 27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 20 Aug 98 for 6 yrs. Svd: 3 Yrs 5 Mo 20 Das, all AMS.

b. Grade Status: A1C - 13 Dec 01 (Article 15, 13 Dec 01)
SrA - 20 Dec 00

c. Time Lost: None.

d. Art 15's: (1) 13 Dec 01, Rhein-Main AB, Germany - Article 108. You, did, at or near Rhein-Main AB, Germany, on or about 27 Oct 01, without proper authority, willfully damage by kicking the doors of housing units in Building 605F and break the glass window on the door of the rear entrance to Building 605F, military property of the United States, the amount of said damage being in the sum of about \$524.84. Article 112. You were, at or near Rhein-Main AB, Germany, between on or about 26 Oct 01 and on or about 27 Oct 01, found drunk while on stand-by for Security Forces guard duty. Article 134. You, were, at or near Rhein-Main AB, Germany, on or about 27 Oct 01, drunk and disorderly. Reduction to A1C, and 7 days extra duty. (No appeal) (No mitigation)

(2) 21 Dec 00, Rhein-Main AB, Germany - Article 108. You, did, at or near Rhein-Main AB, Germany, on or about 5 Nov 00, without proper authority, willfully damage by breaking a medicine cabinet, door and window, military property of the United States the amount of said damage being in the sum of more than \$100.00. Article 134. You, were, at or near Rhein-Main AB, Germany, on or about 5 Nov 00, drunk and disorderly. Reduction to

Airman (Remitted by AF Form 3212, 19 Apr 01). Seven days extra duty, and forfeiture of \$250.00. (No appeal) (No mitigation)

- e. Additional: LOR, 19 MAR 99 - Failure to go. (Document missing from file).
- f. CM: None.
- g. Record of SV: 20 Aug 98 - 15 Jan 00 Rhein-Main AB 5 (HAF Dir)
16 Jan 00 - 15 Jan 01 Rhein-Main AB 3 (Annual)
- h. Awards & Decs: AFTR, AFOUA, AFOEA, AFOSLTR.
- i. Stmt of Sv: TMS: (3) Yrs (7) Mos (17) Das
TAMS: (3) Yrs (5) Mos (20) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 1 Feb 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

- 1. Applicant's Issues.

20APR05/ia

04 FEB 2005

AR

FD 2005-00060 "66"

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

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 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 the Department of Defense, Executive Services and Communications Directorate (0704-0004). 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 ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

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

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for 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.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one) ARMY MARINE CORPS NAVY AIR FORCE COAST GUARD

b. NAME (Last, First, Middle Initial) c. GRADE/RANK AT DISCHARGE d. SOCIAL SECURITY NUMBER
[Redacted] A1C [Redacted]

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) 5. BOARD ACTION REQUESTED (X one)

2002 02 08	<input type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)	CHANGE NARRATIVE REASON FOR SEPARATION TO:
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 469 ABG/SF (USAFE)	<input type="checkbox"/> UNCHARACTERIZED	
	<input type="checkbox"/> OTHER (Explain)	

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

My discharge was based two incidents both involving bad judgements, on my part which I apologize to US military for. These incidents were a result of bad anger management. And since then I have self enrolled myself in anger management. Also I have spent 3 years supporting our troops overseas as a DOD employee.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD). AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)

9. TYPE OF REVIEW REQUESTED (X one)

CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.

I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS (See item 10 of the instructions about counsel/representative.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)
2005 02 01

CASE NUMBER
(Do not write in this space.)
FD 2005-00060

<p>AIR FORCE Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p>COAST GUARD U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W., Room 5500 Washington, DC 20593</p>
<p>ARMY Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)</p>	<p>NAVY AND MARINE CORPS Naval Council of Personnel Boards 720 Kennon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023</p>

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

16. REMARKS (if applicable)

Thank You for your review.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (if applicable)

14. CONTINUATION OF ITEM 6, ISSUES (if applicable)

At that particular point of time my immaturity would not help me handle life's pressures. Since then I have grown into a law abiding citizen. Before my second article fifteen I asked for help from my chaplain my first sergeant and my Commander. All are signs that I was not intending to cause trouble. On duty I was a model Airman. (downrated for below the zone step promotion and a finalist. Received the Commanders coin for going above and beyond the call of duty during hostile situations.

FD 2005-0060



DEPARTMENT OF THE AIR FORCE
86TH AIRLIFT WING (USAFE)

9 January 2002

MEMORANDUM FOR A1C [REDACTED] 469 ABG

FROM: 469 ABG/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFDP 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, paragraph 5.49, Minor Disciplinary Infractions. 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. On or about 18 Mar 99, you failed to report to a mandatory appointment on two separate occasions. For these actions, you received a Letter of Reprimand (LOR) on 19 Mar 99 (Atch 1).

b. You did, at or near Rhein-Main Air Base, Germany, on or about 5 Nov 00, without proper authority, willfully damage by breaking a medicine cabinet, door and window, military property of the United States, the amount of said damage being in the sum of more than \$100.

c. You were, at or near Rhein-Main Air Base, Germany, on or about 5 Nov 00, drunk and disorderly.

For the actions in 2b-c, you received nonjudicial punishment on 21 Dec 00. Punishment consisted of a suspended reduction to the grade of Airman, forfeiture of \$125 pay per month for 2 months and 7 days extra duty. An Unfavorable Information File (UIF) was established for the above offenses on 4 Feb 01 (Atch 2).

d. On 26 Dec 00, you received a notification of Nonrecommendation for Promotion letter for the above action (Atch 3).

e. You did, at or near Rhein-Main Air Base, Germany, on or about 27 Oct 01, without proper authority, willfully damage by kicking the doors of housing units in Building 605F and breaking the glass window in the door of the rear entrance to Building 605F, military property of the United States, the amount of said damage being in the sum of about \$524.84.

f. You were, at or near Rhein-Main Air Base, Germany, between on or about 26 Oct 01 and on or about 27 Oct 01, found drunk while on stand-by for Security Forces guard duty.

g. You were, at or near Rhein-Main Air Base, Germany, on or about 27 Oct 01, drunk and disorderly.

For the actions in 2e-g, you received nonjudicial punishment on 13 Dec 01. Punishment consisted of reduction to the grade of airman first class and 7 days extra duty. For these actions a UIF entry was made on 27 Dec 01 (Atch 4).

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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made a telephonic appointment for you to consult Captain [REDACTED] Area Defense Counsel, 480-2182, at 1000 hours on 11 Jan 02. 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 _____ 2002 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 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 the 469th Air Base Group Clinic, Physical Exam Section, at 0715 hours on 11 Jan 02, 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 unit orderly room.

[REDACTED] Capt, USAF
Group Section Commander

FD 1005-00060

1nd., Notification Memorandum, 9 Jan 02, A1C [REDACTED] 469 ABG

Attachments:

1. LOR, dated 19 Mar 99
2. Art 15, dated 21 Dec 00/ UIF dated 4 Feb 01
3. Notification of Nonrecommendation for Promotion, dated 26 Dec 00
4. Art 15, dated 13 Dec 01/UIF entry, dated 27 Dec 01
5. Receipt of Notification Memorandum
6. Airman's Statement
7. Recoupment Statement