

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00092

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: The Board grants the requested relief.

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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for misconduct. The misconduct included attempted unlawful entry, without authority left place of duty, failed to report vandalism of military property, and damaged military property. After a thorough and complete consideration of the information submitted by applicant and contained in the records, the Board concluded there was sufficient mitigation to substantiate upgrade of the discharge. Specifically, the Board found the characterization too harsh. The chain of command never offered the applicant a chance to rehabilitate himself. However, the Board did not condone the applicant's misconduct.

CONCLUSIONS: In view of the foregoing findings, the Board concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. The applicant's reason for discharge should be changed to Secretarial Authority under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

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

[REDACTED]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Keesler AFB, MS on 6 Jul 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Sep 79. Enlmt Age: 18 5/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-82, E-71, G-70, M-56. PAFSC: 3P031 - Security Apprentice. DAS: 1 Sep 98.

b. Prior Sv: (1) AFRes 10 Mar 98 - 28 Apr 98 (1 month 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Apr 98 for 4 yrs. Svd: 2 Yrs 2 Mo 8 Das, all AMS.

b. Grade Status: Amn - 1 Jun 00 (Article 15, 1 Jun 00)
A1C - 29 Aug 99
Amn - 29 Oct 98

c. Time Lost: None.

d. Art 15's: (1) 1 Jun 00, Keesler AFB, MS - Article 80. You, did, on or about 23 Apr 00, attempt to unlawfully enter the Officers Shack of Building 0255. Article 86. You, did, on or about 23 Apr 00, without authority, go from your appointed place of duty. Article 92. You, who knew of your duties, on or about 23 Apr 00, were derelict in the performance of those duties in that you willfully failed to report vandalism of military property, to wit: the windshield of a government vehicle, by a Security Forces member, as it was your duty to do. Article 108. You, did, on or about 23 Apr 00, without authority, willfully damage by kicking the 815th Airlift Squadron mascot statue, of a value of about \$300.00, military property of the United States, the amount of the said damage being in the sum of about \$300.00. Reduction to Airman, forfeiture of \$263.00, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

- g. Record of SV: 29 Apr 98 - 28 Feb 00 Keesler AFB 5 (Initial)
 - h. Awards & Decs: AFAM W/1 DEV, AFTR, AFEM, AFOUA.
 - i. Stmt of Sv: TMS: (2) Yrs (3) Mos (27) Das
TAMS: (2) Yrs (2) Mos (8) Das
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Mar 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BREIF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Two Air Force Achievement Medals.
4. Armed Forces Expeditionary Medal.
5. Superior Performance Letter.
6. Letter of Evaluation.
7. Three Training Certificates.

11MAY05/ia

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: POST-SERVICE ACCOMPLISHMENTS

b. DOCUMENT 2: MILITARY AWARDS

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, [REDACTED] FEEL THAT MY DISCHARGE WAS INEQUITABLE BECAUSE IT WAS BASED ON ONE ISOLATED INCIDENT IN MY 28 MONTHS OF SERVICE WITH NO OTHER ADVERSE ACTION. I WAS A EXCELLENT AIRMAN WITH 2 AIR FORCE ACHIEVEMENT MEDALS, AN ARMED FORCES EXPEDITIONARY MEDAL FOR MY TOUR IN SAUDI ARABIA (PRINCE SULTAN AIRBASE), AND THE AIR FORCE OUTSTANDING UNIT AWARDS. I WAS ALSO CHOSEN FOR THE OUTSTANDING AIRMAN AWARDS DURING MY TDY AT PSAB, SAUDI ARABIA. PLEASE REVIEW MY RECORDS AND UPGRADE MY DISCHARGE TO HONORABLE. I WANT TO KNOW THAT I SERVED MY COUNTRY WITH HONOR AND BE PROUD.

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)

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	Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 901 M Street, S.E. Washington, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (WPM-60) U.S. Coast Guard Headquarters Washington, DC 20593-0001

CONT.

OF WHAT I HAD ACCOMPLISHED. I KNOW THAT WHAT I DID TO RECEIVE MY ARTICLE 15 WAS WRONG AND I FULLY ADMIT TO MY MISTAKE. I WANT TO REDEEM MYSELF AND BE ABLE TO TELL MY FAMILY THAT I SERVED MY COUNTRY HONORABLY. SINCE I WAS DISCHARGED, I HAVE WENT THROUGH THE LOUISIANA STATE UNIVERSITY FIRE FIGHTER ACADEMY, FIRE EQUIPMENT OPERATOR CLASS, AND AM NOW A CERTIFIED EMERGENCY MEDICAL TECHNICIAN. I HAVE BEEN WORKING WITH [REDACTED] PARISH FIRE DEPT. FOR 3 1/2 YEARS. I ATTACHED MY CERTIFICATIONS IN HOPE ^{THAT} YOU WILL SEE THAT I HAVE OVERCOME MY MILITARY ISSUES AND THAT I LEARNED A VALUABLE LESSON FROM IT. I AM MARRIED WITH 2 CHILDREN AND IT WOULD MEAN SO MUCH TO HAVE MY DISCHARGE UPGRADED. PLEASE LOOK AT WHAT I HAD ACCOMPLISHED WHILE I WAS IN THE SERVICE AND WHAT I HAVE DONE SINCE. THANK YOU FOR LISTENING. END OF STATEMENT

FD 2005-80092



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR AMN [REDACTED]

15 Jun 00

FROM: 81 SFS/CC

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 AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. If my recommendation is approved, your discharge will be described 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 23 Apr 00, you attempted to unlawfully enter the Officer's Shack of Building 0255, for which you were punished under Article 15, UCMJ on 1 Jun 00. (Atch 1, Appendix A w/atchs);

b. On or about 23 Apr 00, you did, without authority, go from your appointed place of duty, to wit: the zone 4 patrol area at Keesler AFB, MS, for which you were punished under Article 15, UCMJ on 1 Jun 00. (Atch 1, Appendix A w/atchs);

c. On or about 23 Apr 00, you were derelict in the performance of your duties in that you willfully failed to report vandalism of military property, to wit: the windshield of a government vehicle, by another Security Forces member, as it was your duty to do so, for which you were punished under Article 15, UCMJ on 1 Jun 00. (Atch 1, Appendix A w/atchs);

d. On or about 23 Apr 00, you willfully damaged the 815th Airlift Squadron mascot statue, military property of the United States, the amount of damage being in the sum of about \$300.00, for which you were punished under Article 15, UCMJ on 1 Jun 00. (Atch 1, Appendix A w/atchs).

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 higher 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. Any special pay, bonuses, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] at Bldg 0701, Room 102, on _____ at _____ hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 20 Jun 2000 by 1630 hours 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 81st Medical Group, Physical Exams on 19 Jun _____, 2000 at ~~0700~~ 1300H 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 Bldg _____, CQ.

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



Attachments:

1. Supporting Documents
 - a. AF Form 3070 dated 1 Jun 00 w/atchs
2. Airman's Receipt of Notification Memorandum
3. Airman's Statements.