

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION [REDACTED]	ADDRESS AND OR ORGANIZATION OF COUNSEL [REDACTED]				
YES	No						
X							
MEMBER SITTING			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
			X+				
			X+				
			X+				
			X+				
ISSUES		INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A94.06	A93.02		A67.30	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					
29 Sep 2005		FD-2005-00121					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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> <p>+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY</p>							
INDORSEMENT							
TO:			DATE: 10/3/2005				
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-2005-00164**

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 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.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh and he was immature. The records indicated the applicant received a general discharge for a pattern of misconduct and failure in the alcohol abuse treatment. For his misconduct he received the following: an Article 15 for being disrespectful in language to a noncommissioned officer, underage drinking, and driving while under the influence of alcohol; seven Letters of Reprimand for failure to go and obey a lawful order, drinking and possession of alcoholic beverages underage, disrespect to a superior commissioned officer and superior noncommissioned officer, lying, uniform not within standards, late returning from breakfast and lunch, improper conduct in the duty area, and a civil arrest for assault; and a Letter of Counseling for dereliction of duty. 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.

Issue 2. Applicant states that the charges of his civil arrest were dropped and if the incident had been looked into he would still be in the military. This issue is without merit as the applicant did not provide any documentation to support this issue. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 3 applies to the applicant's post-service activities and desires for a government job or a job in law enforcement. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

If the applicant can provide additional documented information to substantiate an issue, he 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

FD2005-00121A



(Former AB) (HGH A1C) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a Gen Dish fr Loring AFB, ME on 9 Feb 88 UP AFR 39-10, para 5-49d (Misconduct - Commission of a Serious Offense) Appeals for Honorable Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 19 Mar 03.

b. The AFDRB reviewed case on 9 Apr 03 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 15 Mar 05. (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

Atch

None.

11MAY05/ia

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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 9 Feb 88 UP AFR 39-10, para 5-49d (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 3 Oct 66. Enlmt Age: 19 5/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-28, E-62, G-44, M-71. PAFSC: 42652 - Jet Engine Mechanic. DAS: 7 Oct 86.

b. Prior Sv: (1) AFRes 4 Mar 86 - 22 May 86 (2 Months 19 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 23 May 86 for 4 yrs. Svd: 1 Yrs 8 Mos 18 Das, all AMS.

b. Grade Status: AB - 30 Nov 87 (Article 15, 30 Nov 87)
A1C - 23 Sep 87
AMN - 23 Nov 86

c. Time Lost: None.

d. Art 15's: (1) 30 Nov 87, Loring AFB, ME - Article 134. You, did, between on or about 19 Aug 87 and on or about 18 Oct 87, with intent to defraud, falsely pretend to ----- Communications Operators either that the Government telephone numbers [REDACTED] and [REDACTED] were your home telephones or that you were authorized to charge long distance telephone calls to these numbers, then knowing that the pretenses were false, and by means thereof did wrongfully obtain ----- Communications services of a value in excess of \$100.00, to wit: long distance telephone calls. Reduction to AB, forfeiture of \$150.00 pay per month for two months, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LTR, 29 SEP 87 - Revocation of On-Base driving privileges due to driving with a suspended license.
LOR, 27 SEP 87 - Drunk on station and disorderly conduct.

f. CM: None.

g. Record of SV: 23 May 86 - 22 May 87 Loring AFB 8 (Annual)

(Discharged from Loring AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (11) Mos (6) Das
TAMS: (1) Yr (8) Mos (18) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 10 Jan 03
(Change Discharge to Honorable)

Issue 1: I am requesting that my discharge from the Air Force be upgraded from General to Honorable. At the time of my discharge, I was a 20 year old kid away from home for the first time. There was nothing in my background or upbringing to prepare me for service life in the desolate conditions of Loring A.F.B. in Maine. I was a flight line get engine mechanic working out in the harsh elements. I made several attempts to get a transfer out of that area but was denied. I was young and immature, and that is reflected (sic) in the decision that I made at the time to leave the Air Force.

Issue 2: I have spent the past 6 years as a civilian contract mechanic to the Army National Guard. I regret the decision I made years ago not to satisfy the terms of my enlistment. It is embarrassing to have the mistake I made as an immature kid follow me around to this day. My success today is direct result of the tools that the Air Force provide (sic) me back then. It is my regret that I was too young to appreciate it at the time. My record will show that I was an outstanding and hard working Airman. My dissatisfaction with my location never affected my work product or work ethic. I have learned alot (sic) since then and would change the past if I could, but since that is not an option, I am asking for my discharge to be upgraded.

Issue 3: I greatly appreciate the time that will be taken to review my request.

ATCH
None.

19Mar03/cr

17 MAR 2005

AA

FD2005-00121A

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL 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.

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.

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 X AIR FORCE COAST GUARD
b. MIDDLE INITIAL
c. GRADE/RANK AT DISCHARGE AB
d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 19880209
4. DISCHARGE CHARACTERIZATION RECEIVED (X one) X HONORABLE
5. BOARD ACTION REQUESTED (X one) X CHANGE TO HONORABLE

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

I request an upgrade of my GENERAL discharge to HONORABLE on the ground of equity. The specific issues relevant to my case are listed in Block 14.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) 20030110 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.)

I attach for reference my previous Form 293, dated January 10, 2003, and request reconsideration of the Board's decision of April 9, 2003 (Docket No. FD-2003-00037). I now am represented by counsel and desire a hearing in Washington, DC. See DODD 1332.28 E3.2.8.2-5.

9. TYPE OF REVIEW REQUESTED (X one)

X 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.

10.a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS
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.

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE
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) 2005/03/15
CASE NUMBER (Do not write in this space.) PD 2005-00121

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

1. I was discharged following one Article 15 (for making collect calls with a government phone) and two less serious offenses. All of these errors of judgment arose out of difficulties I was having in my personal relationships. I took responsibility for my errors - none of which involved the performance of my military duties - when they occurred, and I regret them to this day. I believe that my discharge was inconsistent with the standards of discipline prevalent in the Service at the time of my discharge. See DODD 1332.28 E4.3.2.

2. Following my Article 15, I sought medical attention for my ensuing depression. I was discharged from the Service shortly after I was diagnosed as suffering from an adjustment disorder that impaired my ability to function in a military environment. Under current policies and procedures, it is doubtful that I would have received a general discharge. See DODD 1332.28 E4.3.1.

3. Even if my discharge was equitable and proper at the time of its issuance, the relief I seek is warranted based on my capability to serve, as demonstrated by my service record and other evidence, including my recent one-year deployment to Iraq as a civilian military contractor, were I proudly served alongside and under the same conditions as uniformed military personnel. See DODD 1332.28 E4.3.3.

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

16. REMARKS (If applicable)

I thank the Board for its reconsideration of this matter.

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

Army Review Boards Agency
 Support Division, St. Louis
 9700 Page Avenue
 St. Louis, MO 63132-5200
 (See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
 720 Kennon Street, S.E.
 Room 309 (NDRB)
 Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
 SAF/MRBR
 550-C Street West, Suite 40
 Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
 Commandant (G-WPM)
 2100 Second Street, S.W. Room 5500
 Washington, DC 20593



DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS 42D BOMBARDMENT WING (SAC)
 LORING AIR FORCE BASE, MAINE 04751-5000

FD 2005-00/21A

REPLY TO
 ATTN OF:

42 OMS/CC

26 JAN 1988

SUBJECT:

Letter of Notification

TO:

AB [REDACTED]

1. I am recommending your discharge from the United States Air Force for the Commission of a Serious Offense, Other Serious Offenses. The authority for this action is AFR 39-10, paragraph 5-49d. 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 reason for this action is your commission of a serious offense and minor disciplinary infractions:

a. You did, at Loring Air Force Base, Maine, between on or about 19 August 1987 and on or about 18 October 1987, with intent to defraud, falsely pretend to AT&T Communications Operations either that the Government telephone numbers [REDACTED] and [REDACTED] were your home telephones or that you were authorized to charge long distance telephone calls to these numbers, then knowing that the pretenses were false, and by means thereof did wrongfully obtain AT&T Communications services of a value in excess of \$100.00, to wit: long distance telephone calls. This is evidenced by the Article 15 you received on 30 Nov 87, and the attached Security Police Report of Investigation #245/G-9, at attachment 1.

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] at Building 6000 on 27 JAN 88 at 0800. You may consult civilian counsel at your own expense.

UNITED STATES AIR FORCE



SEPTEMBER 18, 1947

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 29 JAN 88 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 Physical Exam Unit, USAF Hospital, Loring 0700 on 26 JAN 88 for the examination.

7. Any personal information you submit in rebuttal is covered by the Privacy Act as explained in AFR 39-10, Atch 6. A copy of AFR 39-10 is available for your use at 42d OMS Orderly Room.

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


Commander, 42 OMS

3 Atchs

1. Article 15, dated 30 Nov 87, w/Report of Investigation #245-G9.
- 2a. Letter of Reprimand, dtd 27 Feb 87, w/Incident Report #02-177-87.
- 2b. Ltr, 42 CSG/CD, acknowledged 29 Sep 87, with Incident Report #09-830-87.
3. Airman's Receipt of Letter of Notification.