

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE AIC	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		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 A67.10	INDEX NUMBER A94.05	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-2005-00136	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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-2005-00136

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 discharge was inequitable because it was too harsh considering his service accomplishments. The records indicated the applicant received an Article 15 for attempting to develop a personal relationship with a trainee within the same training organization. In addition, he received one Letter of Reprimand, one Letter of Counseling, and two Memorandums for Record for various acts of misconduct. 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. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 A1C) (HGH SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Lackland AFB, TX on 9 May 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Aug 67. Enlmt Age: 26 2/12. Disch Age: 29 8/12. Educ: HS DIPL. AFQT: N/A. A-89, E-80, G-76, M-98. PAFSC: 3P151A - Combat Arms Training and Maintenance Gunsmith Journeyman. DAS: 15 Apr 94.

b. Prior Sv: (1) AFRes 15 Oct 93 - 7 Dec 93 (1 month 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Dec 93 for 4 yrs. Svd: 3 Yrs 4 Mo 29 Das, all AMS.

b. Grade Status: A1C - 10 Dec 96 (Article 15, 10 Dec 96)
SrA - 08 Jun 96
AMN - 08 Apr 95

c. Time Lost: None.

d. Art 15's: (1) 10 Dec 93, Lackland AFB, TX - Article 92. You, who knew of your duties, on or about 5 Oct 96, were derelict in the performance of those duties in that you attempted to develop a personal relationship with a trainee within the same training organization, as it was your duty not to do. Reduction to A1C. (Appeal/Denied) (No mitigation)

e. Additional: LOC, 30 JUL 96 - Failure to go.
LOR/UIF, 5 APR 96 - Conduct of an unprofessional manner.
MFR 19 JAN 96 - Communicating a racial slang.
MFR, 17 OCT 95 - Harassment and improper behavior in the work center.

f. CM: None.

g. Record of SV: 8 Dec 93 - 7 Aug 95 Lackland AFB 5 (Initial)
8 Aug 95 - 7 Aug 96 Lackland AFB 3 (Annual)

h. Awards & Decs: AFOUA, AFGCM, NDSM, SAEMR W/BSS, AFTR.

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (22) Das

TAMS: (3) Yrs (4) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 Mar 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

12MAY05/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:

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.

Issue 1.

The justification for my discharge doesn't appear equitable considering my service accomplishments.

See attached Issue document: [REDACTED] Discharge Appeal.doc

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)

20050329

b. SIGNATURE

[REDACTED 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

To Whom It May Concern:

March 29, 2005

For the last eight years, I have worked in the civilian sector providing training for the different branches of the military and federal government. Often during that time, I have thought of my years of military service and considered the disposition of my discharge. Recently, I decided that I cannot continue to accept the status quo and that I must request a re-evaluation of my discharge status. This statement is an attempt to offer you my perspective on this situation and in doing so move you to grant an upgrade of my discharge status to honorable.

As an airman I actively participated in flight and squadron events and initiatives. Amongst those events was my membership on the squadron Quality Air Force board (I was the QAF representative for my organization), organizing blood drives for the squadron, volunteering to build homes with Habitat for Humanity and campaigning for the CFC I was quite involved in community service. In addition to my volunteer status and community involvement you will also notice that I was the valedictorian of my tech school class and that my EPR ratings were consistently high. I contend that my contribution to the flight, squadron and the USAF was evaluated inappropriately and that my discharge status is an excessive measure given the circumstances. Additionally I offer my step promotion to Senior Airman as proof of my recognized contribution to the USAF. It is in receiving this honor, that I question a "pattern of misconduct": for wouldn't that "pattern" have precluded me from this honor? The discharge status assigned to me was considered based on a "pattern of misconduct" as defined by the squadron commander. I believe that the punishment was not appropriate based on my service record.

Since my discharge, I have participated in many community events for example I have continued to volunteer for Habitat For Humanity, but the most rewarding endeavor that I have participated in was hiring, training, and organizing instructors for a inter-service (USN, USARMY, USAF) training initiative based at Fort Carson, Colorado. I utilized the skills learned in the USAF to help me prepare Instructors for training of DOD personnel in Combat Weapons Skills, Lifesaving, Troop Leadership and general "Mobility" training (for deployment to Iraq). Much of my time was spent on this initiative and it was a privilege to help prepare military members for deployments to a hostile environment.

I have to say that waited many years to fill out this form and in truth avoided it for some time, but during instructor hiring process (for the mobility training mentioned above), I had the opportunity to view many DD214's and interview many qualified candidates. The pride and sense of accomplishment that these men displayed in regards to their military service caused me to take stock of myself and my service history. It is because of these events that I now address this discharge review.

I do not discount that I had made mistakes during my time in service but, with the comfort of many years between then and now, I look back fondly on my Air Force service and know that my I learned extremely important lessons of self reliance and worth that I mightn't had I not sacrificed myself in the service of my country. I only ask that the Air Force would allow me this one adjustment in its disposition of my service record.





DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD2005-00136

90 JAN 1997

MEMORANDUM FOR [REDACTED]

FROM: 343 TRS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Paragraph 5.49. If my recommendation is approved, your service will be characterized as Under Honorable Conditions (General). I am recommending your service be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

a. Over the course of several months, you conducted yourself in an unprofessional manner by making inappropriate comments and displaying inappropriate behavior at the duty section, for which you received a Letter of Reprimand, dated 5 Apr 96, and an Unfavorable Information File was established on 8 Apr 96.

b. On or about 22 Jul 96, you failed to meet your obligation to perform security detail, as part of your assigned duties, by your inattention to the letter posted on the bulletin board, for which you received a Letter of Counseling dated 30 Jul 96.

c. On or about 5 Oct 96, you were derelict performance of your duties in that you attempted to develop a personal relationship with a trainee within the same training organization, for which you received an Article 15 dated, 10 Dec 96, with punishment consisting of reduction to the grade of Airman First Class, with a new date of rank of 19 Dec 96.

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. 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 the Area Defense Counsel (ADC) at Bldg 7024 2nd floor on 21 JAN 97 at 0900. 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 (allow 3 workdays) 15 JAN 97 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. 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 Personnel Office.

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



Attachments:

1. Letter of Reprimand, dated 5 Apr 96
2. Memo For Record by [REDACTED], dated 17 Oct 95
3. Memo For Record by [REDACTED], dated 19 Jan 96
4. UIF, AF Form 1058, dated 8 Apr 96
5. Letter of Counseling, dated 30 Jul 96
6. Article 15, dated 10 Dec 96
7. Statement of Understanding Regarding Recoupment of Education Assistance, Special Pay, or Bonuses