



**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00138**

**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 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. The records indicated the applicant received an Under Other Than Honorable Discharge from the Indiana Air National Guard for misconduct. The misconduct included unsatisfactory participation. The applicant missed more than nine unexcused unit training assemblies. He was properly notified that his actions could result in discharge. The applicant also had over 18 years of satisfactory service and knew about his duty and responsibility to the Air National Guard. 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.

**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]  
[REDACTED]  
(Former SSGT) (HGH TSgt)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr HQ Indiana Air National Guard on 24 Jan 03 UP AFI 36-3209, para 3.13.2 (Unsatisfactory Participation). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 Sep 60. Enlmt Age: 18 0/12. Disch Age: 42 4/12. Educ: HS DIPL. AFQT: N/A. A-37, E-68, G-50, M-80. PAFSC: 1N071 - Intel Craftsman. DAS: 30 Jan 97.

b. Prior Sv: (1) AFRes Enlisted USMCR as E-1 13 Sep 78 for 6 yrs. Svd: 5 mos 20 days, of which AMS is 1 month 3 days.

(2) Enlisted ANG as AB 8 Sep 81 for 4 yrs. Reenlisted ANG as SSgt 8 Aug 85 for 6 yrs. Extended 14 Jul 91 for 72 months. Svd: 13 yrs 5 months 14 days, of which AMS is 4 yrs 0 months 0 days. AMN - Unknown. A1C - Unknown. SrA - 1 Aug 83. Sgt - 1 Aug 84. SSgt - 1 Nov 84. TSgt - 14 Sep 87. APRS/EPRS: 0.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted ANG as TSgt 30 Jan 97 for 6 yrs. Svd: 5 Yrs 11 Mo 25 Das, of which AMS is 4 months 2 days (excludes 1 month 11 days lost time).

b. Grade Status: SSgt - 16 May 95 (Voluntary Demotion)

c. Time Lost: 14 Apr 02 thru 22 Apr 02 & 15 May 02 thru 16 Jun 02 (1 month 11 days).

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM, AFLSAR, SAEMR.

i. Stmt of Sv: TMS: (19) Yrs (3) Mos (28) Das  
TAMS: (4) Yrs (3) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Mar 05.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Copy of Military Personnel Record.

8JUN05/ia .

MAY - 6 2005

FD 2005-00138

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. NAME (Last, First, Middle Initial) c. GRADE/RANK AT DISCHARGE d. SOCIAL SECURITY NUMBER

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)

20030124 X UNDER OTHER THAN HONORABLE CONDITIONS X CHANGE TO HONORABLE CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) CHANGE NARRATIVE REASON FOR SEPARATION TO:

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) THAT WITH FULL KNOWLEDGE AND SUPPORT OF MY IMMEDIATE SUPERVISOR, ACCEPTED AN MOBILE INSTRUCTOR POSITION WITH THE DEPT OF HOMELAND SECURITY'S TRANSPORTATION SECURITY ADMINISTRATION, SO WHILE I WAS WORKING UNDER ORDERS FROM ONE BRANCH OF THE GOVERNMENT ACTIVE DUTY, WAS PUNISHED BY

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.) Copies ARE INCLUDED WITH PACKAGE

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. I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (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 X 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 OF APPLICANT OR PERSON IN ITEM 11 ABOVE b. DATE SIGNED - REQUIRED (YYYYMMDD) CASE NUMBER (Do not write in this space.)

14. CONTINUATION OF ITEM 6, ISSUES (If applicable) THE TSA FAXED TIME SHEETS TO HOME UNIT FOR POINTS (RETIREMENT). WE ALL KNOW NOW WE FELT AFTER 9/11 I HAD BEEN REQUESTING TO BE RELEASED TO THE AIR FORCE RESERVE TO GO BACK INTO THE INTELLIGENCE COMMUNITY PRIOR TO 9/11 I BELIEVE THAT WAS MY SCHOOL DATE WAS PUSHED TO THE END OF MY ENLISTMENT. SO I WOULD HAVE SET FOR 2 1/2 YEARS AS A THREE LEVEL WAITING TO GO TO SCHOOL. IN THE DISCHARGE PACKAGE IT WAS STATED THAT I WAS BEING DISCHARGED FOR MISSING 9 DRILLS IN ONE YEAR, OUR UNIT ALLWAY WENT BY FISCAL YEAR SO THIS WOULD NOT BE TRUE. BUT THE UNOFFICIAL RULE WITH MY ORD UNIT WAS NO MATTER HOW MUCH ACTIVE DUTY DEPLOYMENTS YOU PULLED ALL UTR'S MUST BE MADE UP AT THE UNIT. IT HAS SOMETHING TO DO WITH ATTENDANCE FOR THE UNIT FUNDING FROM STATE HQ'S

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

16. REMARKS (If applicable)

I NEVER HAD A MARK IN MY RECORD EVER UNTILL I BECAME A [REDACTED] TRANSPORTATION SECURITY ADMINISTRATION. BUT I TRAINED HUNDREDS OF [REDACTED] ACROSS THIS COUNTRY AND NEVER GOT TO COME HOME BUT ONE TIME FOR A DAY IN A ENTIRE YEAR. THE JOB HAD TO BE DONE FOR THE SAFETY OF AMERICANS AND MYSELF AND SOME REALLY GOOD PEOPLE DID THE JOB.

I LOVE THE MILITARY I NEVER WANTED OUT AND I ALWAYS THOUGHT I WOULD DIE IN UNIFORM. BUT IN INDIANA THE BIG PICTURE WASN'T IMPORTANT ONLY UNIT FUNDING. BUT IF I MYSELF OR SOMEONE I TRAINED FOILED ONE ATTEMPT TO HARM AN AMERICAN THEN MY LOSING MY 19 1/2 YEARS OF SERVICE WASN'T IN VAIN.

I SUPPOSE I SHOULD HAVE STAYED IN THE INTELLIGENCE FIELD INSTEAD OF GOING INTO THE MEDICAL UNIT TO MAKE A HIGHER GRADE FOR RETIREMENT.

THANK YOU FOR YOUR TIME, AND JUST KNOW I STILL WANT TO SERVE  
[REDACTED]

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

INDIANA AIR NATIONAL GUARD  
Hq 122d FIGHTER WING (ACC)  
FORT WAYNE INTERNATIONAL AIRPORT (IAP)  
FORT WAYNE INDIANA

8 December 2002

MEMORANDUM FOR SSgt [REDACTED]

FROM: 122MDS/CC  
3005 Ferguson Road  
Fort Wayne, IAP, IN 46809-0122

SUBJECT: Letter of Notification of Involuntary Discharge Action


1. I am recommending your discharge from the Air National Guard of the United States and as a Reserve of the Air Force. The authority for this action is AFI 36-3209, Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members, paragraph 3.13.2, for the specific reason of: Unsatisfactory Participation. I am recommending that your service be characterized as Under Other Than Honorable Conditions. The State Adjutant General is the final discharge authority for this action.
2. My reason for this action is as follows: Your failure to attend 24 and 25 August 2002, 7 and 8 September 2002, 5 and 6 October 2002, 2 and 3 November 2002, 7 and 8 December 2002, periods 1,2,3,4.
3. You have the right to consult with military legal counsel: 181FW/JA, [REDACTED], DSN [REDACTED]. You may also consult with civilian counsel, retained at your own expense, or request specific military counsel of your choice if such counsel is serving in an active status in any branch of the armed forces of the United States, and is reasonably available in accordance with AFI 51-201, Administration of Military Justice.
4. You have the right, at any time, to submit any statements or documents to be considered by the discharge authority in the disposition of this case. A request for or waiver of a board hearing does not affect your right to submit such statements or documents at any time.
5. You may waive your right to consult with counsel, your right to an administrative discharge board hearing, and your right to submit any statements or documents to the discharge authority, after you have had the opportunity to consult with counsel. Within fifteen (15) days after the receipt of this Letter of Notification, you (or your counsel) must sign, date and return Attachment 2, "Member's Election of Rights," to me, indicating your decision on each of the rights stated therein. Either you, or your counsel, may submit a written request for an extension of time in which to submit your reply; the request for an extension of time must state the reasons for the requested delay and how much additional time is needed to deliver your reply. The decision whether to grant the additional time is discretionary with the appropriate authority.

6. Within 24 hours of receipt of this Letter of Notification, you must execute and return Attachment 1 to this Letter, acknowledging your receipt of this Letter of Notification and the attachments.
7. Within fifteen (15) days of receipt of this Letter of Notification, you must return Attachment 2 to this letter, to my attention, electing one of the following: (a) You may request an administrative discharge board hearing; or (b) You may waive your right to an administrative discharge board hearing; or (c) If you are eligible, you may make application for transfer to the Retired Reserve.
8. If you request an administrative discharge board hearing, you must indicate upon Attachment 2 the following: (a) whether you want representation by military counsel, or whether you request representation by military counsel of your choice (in which case you must identify the military counsel by name, grade, organization and telephone number), or whether you will be represented by civilian counsel (in which case you will identify the civilian counsel by name, address and telephone number); (b) provide a summary of the expected testimony of the witnesses on the issue of separation or characterization, and an explanation why written or recorded testimony of the witnesses could not be presented to the board hearing for a fair determination of the case.
9. If you fail to appear at a scheduled administrative discharge board hearing after having indicated your intention to make a personal appearance at such hearing, the administrative discharge board hearing may be heard in your absence. If you request an administrative discharge board, and if you are in civilian confinement and unable to attend the board hearing, the board hearing will proceed in your absence and your legal counsel may present your case to the board on your behalf.
10. If either you, or your legal counsel, need additional time to prepare for the board hearing, you, or your legal counsel, may submit to the Legal Advisor for the Board Hearing a written request for delay of the board hearing, stating the reasons for the delay and how much additional time is requested. The Legal Advisor for the Board Hearing is the authority for approval or disapproval of such requests.
11. If you fail to acknowledge receipt of the letter, or, if within fifteen (15) days after receipt of the letter you fail to respond to this letter regarding your decision of selection as to each of your rights, such failure constitutes a waiver of all of your rights, with the result that this case will be processed without an administrative discharge board hearing based on the information available, and without further notice to you.



FD2005-00138

12. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974 (AFI 36-3209, Attachment 14). A copy of AFI 36-3209, Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members, is available for your use in the 122MSF, Room 129, Fort Wayne IAP, IN.

  
Commander, 122MDS

Attachments:

1. Member's Acknowledgment of Receipt of Notice
2. Member's Election of Rights
3. Supporting Documents
4. Privacy Act Statement