

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE A1C		AFSN/SSAN																																				
TYPE GEN		PERSONAL APPEARANCE			X		RECORD REVIEW																																			
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<p style="text-align: center; font-size: small;">APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</p> <p>Case heard at Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>																																										
SIGNATURE OF RECORDER				SIGNATURE OF BOARD PRESIDENT																																						
INDORSEMENT				DATE: 12/8/2005																																						
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-2005-00152

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 does not contest his discharge. He states that he made some bad decisions concerning his personal life of which both he and his family paid a heavy price. The records indicated the applicant received three Article 15s for writing bad checks, being found drunk on duty, failure to go and DWI. 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 TSGT)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr George AFB, CA on 23 Jun 92 UP AFR 39-10, para 5-47a (Pattern of Misconduct - Discreditable Involvement With Military Authorities). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 28 Nov 54. Enlmt Age: 22 9/12. Disch Age: 37 6/12. Educ: HS DIPL. AFQT: N/A. A-79, E-41, G-50, M-74. PAFSC: 45255 - Tactical and Electrical Environmental Systems Specialist. DAS: 18 May 91.

b. Prior Sv: (1) AFRes 20 Sep 77 - 20 Dec 77 (3 months 1 day) (Inactive).

(2) Enlisted as AB 21 Dec 77 for 4 yrs. Reenlisted as SrA 30 Dec 80 for 6 yrs. Svd: 8 yrs 1 month 6 days, all AMS. AMN-(APR Indicates): 21 Dec 77-23 Jun 78. A1C-(APR Indicates): 23 Dec 78-22 Dec 79. SrA - 1 Sep 80. Sgt - 1 Nov 81. SSgt - 1 Apr 83. APRs: 8,8,8,9,9,9,9,9,9.

3. SERVICE UNDER REVIEW:

a. Reenlisted as SSgt 28 Jan 86 for 6 yrs. Extended 27 Feb 90 for 21 months. Svd: 6 Yrs 4 Mo 26 Das, all AMS.

b. Grade Status: A1C - 03 Apr 92 (Article 15, 03 Apr 92)
SrA - 20 Mar 92 (Article 15, 20 Mar 92)
SSgt - 06 Aug 90 (Vacation of Article 15, 5 Nov 90)
TSgt - 01 Dec 89

c. Time Lost: None.

d. Art 15's: (1) 03 Apr 92, George AFB, CA - Article 111. You, did, on or about 14 Mar 92, on Nevada Street near the Temporary Lodging Facilities, operate a vehicle, to wit: a passenger car, while drunk with a blood alcohol content of .220 g/dl. Reduction to A1C. (No appeal) (No mitigation)

(2) 20 Mar 92, George AFB, CA - Article 112. You, were, on or about 28 Feb 92, found drunk while on duty as an Electro-Environmental System Specialist. Article 86. You, did, on or about 28 Feb 92, without authority, go from your appointed place of duty. Reduction to SrA, and 7 days extra duty. (No appeal) (No mitigation)

(3) 5 Nov 90, Vacation, Spangdahlem AB, Germany - Article

134. In that you did, within the Federal Republic of Germany, on divers occasions from on or about 5 Aug 90 to on or about 18 Aug 90, make and utter to the Bitburg AB Accounting and Finance Office, drafts numbered 556, 558, and 560, for a total of one hundred fifty-seven dollars and fourty-four cents (\$157.44), more or less, for the purpose of obtaining lawful currency or other things of value, and did thereafter dishonorably fail to maintain sufficient funds in your account with the Service Federal Credit Union for payment of such drafts in full upon their presentment for payment. Reduction to SSgt. (No appeal) (No mitigation)

- (4) 6 Aug 90, Spangdalem AB, Germany - Article 134. In that you, being indebted to the German Bundespost in the sum of about DM 1442,03 for telephone fees, which amount became due and payable on or about 22 Jun 89, did, within the Federal Republic of Germany, from on or about 22 Jun 89 to on or about 26 Jun 90, dishonorably fail to pay said debt. Suspended reduction to SSgt. Fourteen days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 06 FEB 92 - Failure to pay just debt.

f. CM: None.

g. Record of SV:

12 Nov 85 - 11 Nov 86	Cannon AFB	9	(Annual)
12 Nov 86 - 16 Aug 87	Cannon AFB	9	(CRO)
17 Aug 87 - 01 Jun 88	Spangdahlem AB	9	(CRO)
02 Jun 88 - 01 Jun 89	Spangdahlem AB	9	(Annual)
02 Jun 89 - 01 Jun 90	Spangdahlem AB	3	(Annual) REF
02 Jun 90 - 29 Oct 91	George AFB	5	(Annual)

h. Awards & Decs: NDSM, AFTR, AFGCM W/2 OLCS, AFOUA W/1 OLC, SAEMR, AFOSSTR, AFLSAR W/2 OLCS, AFOSLTR.

i. Stmt of Sv: TMS: (14) Yrs (9) Mos (4) Das
TAMS: (14) Yrs (6) Mos (3) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 07 Apr 05
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

24MAY05/ia

[REDACTED]

I spent 14 years 6 months and 3 days in the United States Air Force and loved every minute of it, unfortunately late in my career I made some bad decisions concerning my personal life of which both myself and my family paid a heavy price. Since that time I have managed to straighten out my personal life and continued on in the civilian aviation industry working and supervising Avionics/Electrical shops doing modification for both civilian and government agencies. I think about what it would have been like to have completed my twenty or even more. When I read about soldiers denying to defend our country, going as far as to take drugs to keep from being deployed, it sickens me, especially when I'd have gone if I were asked. What I'm trying to say is I loved the military and I still consider myself a part of the family and always will. I have a daughter on active duty right now USAF! I don't want privileges or anything of the sort, I just want my discharge paper work to reflect what I did on the job, an honorable job twenty four seven for 14 years 6 months and three days, never wavering never whining and never in general terms. At fifty years of age I'd get up and go at a moments notice if it were possible! Whatever your decision I'll always bleed blue!!! Thanks for taking the time to read this correspondence.

[REDACTED]



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 35th FIGHTER WING
GEORGE AIR FORCE BASE, CA. 92394-5000

FD 2005-00152

REPLY TO
ATTN OF: 35 AGS/CC

15 Apr 92

SUBJECT: Letter of Notification - Board Hearing

TO: A1C [REDACTED]

1. I am recommending your discharge from the United States Air Force for Misconduct - Discreditable Involvement with Military Authorities, according to AFR 39-10, under the provisions of paragraph 5-47a. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. You did, on or about 14 Mar 92, operate a vehicle while drunk with a blood alcohol content of .220 g/dl, as evidenced by an Article 15 dated 3 Apr 92.

b. You were, on or about 28 Feb 92, found drunk while on duty as an Electro-Environmental Systems Specialist, further, you did, on or about 28 Feb 92, without authority, go from your appointed place of duty, as evidenced by an Article 15 dated 20 Mar 92.

c. You did, on or about 6 Feb 92, fail to pay a just debt owed by you in the amount of \$503.15 to the George AFB NCO Club, as evidenced by a Letter of Reprimand dated 6 Feb 92.

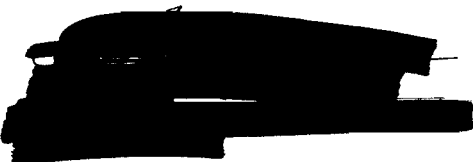
d. You did, between on or about 5 Aug 90 and 18 Aug 90, on divers occasions make and utter personal checks for a total of \$157.44, more or less, for the purpose of obtaining lawful currency or other things of value with insufficient funds in your account to cover said checks, as evidenced by a Record of Proceedings of Vacation of Suspended Nonjudicial Punishment dated 20 Nov 90.

e. You did, between on or about 22 Jun 89 and 26 Jun 90, dishonorably fail to pay a debt owed to the German Bundespost in the sum of about DM 1442,03 for telephone fees, as evidenced by an Article 15 dated 6 Aug 90.

3. This action could result in your separation with a Under Other Than Honorable Conditions discharge. I am recommending that you receive an Under Other Than Honorable Conditions discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

Readiness is our Profession

4. You have the right to:
 - a. Consult legal counsel.
 - b. Present your case to an administrative discharge board.
 - c. Be represented by legal counsel at a board hearing.
 - d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
 - e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.
5. You will have a medical examination at the USAF Hospital, Physical Exam Section at 0700 hours on 16 Apr 92.
6. Military legal counsel has been obtained to assist you. An appointment has been scheduled for you to consult him at 1600 hours on Friday, 17 Apr 92. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
7. Confer with your counsel and reply, in writing within seven (7) workdays (24 Apr 92, 0900), specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 6. A copy of AFR 39-10 is available for your use in the Unit Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.



1 Atch
Supporting documents for reasons
for discharge