

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)  ██████████	GRADE  A1C	AFSN/SSAN  ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW							
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YES	No									
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MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
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					X

ISSUES <b>A94.53</b>	INDEX NUMBER <b>A67.30</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 5px; text-align: center;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </tbody> </table>	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
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HEARING DATE <b>08 Nov 2005</b>	CASE NUMBER <b>FD-2005-00178</b>
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 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.

SIGNATURE OF RECORDER  THOMAS C. JASTER, COL, USAF	SIGNATURE OF BOARD PRESIDENT  THOMAS E. HAMMEN, COL, USAF
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<b>INDORSEMENT</b>		<b>DATE: 11/9/2005</b>
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-2005-00178**

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable.

The applicant requested and was offered a personal appearance before the Discharge Review Board (DRB) but failed to appear. In light of this waiver to the right of hearing, the DRB conducted a records review of the applicant's discharge. Further opportunity for a hearing shall not be made available to the applicant.

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 the neither the evidence of record nor that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

**ISSUE:** Applicant contends that it has been hard "living in the shadow of a general discharge for six months;" that it will be difficult for him to continue his schooling without G.I. Bill benefits; and that he will not be able to succeed if his "general" discharge precludes him from obtaining employment. The Board was sympathetic to the impact the applicant's general discharge was having on his ability to obtain employment and G.I. Bill benefits, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Eglin AFB, FL on 29 Oct 04 UP AFI 36-3208, para 5.52 (Pattern of Misconduct - Commission of a Serious Offense - Other Serious Offenses). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Sep 79. Enlmt Age: 18 0/12. Disch Age: 25 1/12. Educ: HS DIPL. AFQT: N/A. A-72, E-55, G-36, M-35. PAFSC: 3P051 - Security Forces Journeyman. DAS: 21 Jul 03.

b. Prior Sv: (1) AFRes 7 Oct 97 - 17 Feb 98 (4 months 11 days) (Inactive).

(2) Enlisted as AB 18 Feb 98 for 4 yrs. Svd: 4 yrs 0 months 25 days, all AMS. AMN - 18 Aug 98. A1C - 18 Jun 99. SrA - 18 Feb 01. EPRs: 5,4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 9 Nov 01 for 6 yrs. Svd: 2 Yrs 11 Mo 20 Das, of which AMS is 2 yrs 10 months 25 days (excludes 25 days lost time).

b. Grade Status: A1C - 15 Jul 04 (SPCM, 21 Jun 04)

c. Time Lost: 21 Jun 04 thru 15 Jul 04 (25 days).

d. Art 15's: (1) 15 Jan 04, Eglin AFB, FL - Article 92. You, having knowledge of your duties, on or about 31 Oct 03, were derelict in the performance of those duties in that you willfully failed to notify the proper authorities of damages caused to a government vehicle as it was your duty to do. Forfeiture of \$408.00 pay, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: Special Court Martial - 21 Jun 04.

CHARGE I: Article 92. Plea: Guilty. Finding: Guilty.

Specification: Who knew or should have known of his duties at or near Eglin AFB, FL, on divers occasions between on or about 1 Jan 04 and on or about 7 Mar 04, was derelict in the performance of those duties in that he willfully failed to follow 96th Security Forces Squadron Operating Instruction 31-101, dated 15 Sep 03, by

going to Dorm 19, Room 107 and loitering while on patrol, as it was his duty to do.

CHARGE II: Article 134. Plea: Not Guilty. Finding: Guilty.

Specification: Did, at or near Eglin AFB, FL, on or about 7 Mar 04, wrongfully and recklessly engage in conduct, to wit: he pointed a loaded handgun at [REDACTED] head while holding [REDACTED] down, and that his conduct was likely to cause death or serious bodily harm to [REDACTED].  
Sentence adjudged 21 Jun 04: Reprimand, reduction to A1C, forfeiture of \$528.49 pay per month for 3 months, hard labor without confinement for 3 months (Remitted), and confinement for 30 days.

g. Record of SV: 02 Apr 01 - 31 Jan 02 Clear AFS 3 (CRO)  
01 Feb 02 - 10 Feb 03 Clear AFB 4 (Annual)  
11 Feb 03 - 12 Feb 04 Eglin AFB 4 (Annual)

h. Awards & Decs: AFTR, AFLSAR W/OLC, NDSM, AFOUA W/2 OLCS.

i. Stmt of Sv: TMS: (6) Yrs (11) Mos (28) Das  
TAMS: (6) Yrs (7) Mos (17) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Apr 05.  
(Change Discharge to Honorable)

Issue 1: I have been living in the shadow of a general discharge for six months, and it has not been easy. I started taking classes at the local community college, but if I cannot get my G.I. Bill I (sic) will be hard for me to continue. Finding a job has been the hardest thing, every time I have to tell someone that I was discharged from the military they tell me there are no jobs available. I am trying to start a new life as I have a general discharge I will not be able to succeed.

**ATCH**  
None.

14JUN05/ia



DEPARTMENT OF THE AIR FORCE  
96TH SECURITY FORCES  
EGLIN AFB FLORIDA 32542

FD 2005-00178

8 Sep 04

MEMORANDUM FOR [REDACTED]

FROM: 96 SFS/CC

SUBJECT: Notification Memorandum --Board Hearing

1. I am recommending your discharge from the United States Air Force for misconduct, specifically commission of a serious offense, other serious offenses. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.52.3. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action is:

You, who knew or should have known of his duties at or near Eglin Air Force Base, Florida, on divers occasions between on or about 1 January 2004 and on or about 7 March 2004, was derelict in the performance of those duties in that you willfully failed to follow 96<sup>th</sup> Security Forces Squadron Operating Instruction 31-101, dated 15 September 2003, by going to Dorm 19, [REDACTED] and loitering while on patrol, as it was your duty to do. You did at or near Eglin Air Force Base, Florida, on or about 7 March 2004, wrongfully and recklessly engage in conduct, to wit: point a loaded handgun at [REDACTED] head while holding [REDACTED] head down, and this conduct was likely to cause death or serious bodily harm to [REDACTED]. For this offense you were convicted by a Special Court-Martial on 21 June 2004. Your sentence consisted of a reduction to the grade of Airman First Class, forfeiture of \$528.00 a month for 3 months and confinement for 30 days.

3. I am also forwarding the following information to the separation authority for consideration when determining your service characterization.

You having knowledge of your duties at Eglin Air Force Base, Florida, on or about 31 October 2003, were derelict in the performance of those duties in that you willfully failed to notify the proper authorities of damages caused to a government vehicle, as it was your duty to do. For this offense you received nonjudicial punishment, dated 15 January 2004.

4. This action could result in your separation with an honorable or general discharge. I am recommending that you receive a general discharge. The commander exercising special court-martial 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 United States Air Force and will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subjected to recoupment.

5. You have the right to:

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- 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 on your 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.
6. You have been scheduled for a medical examination. You must report to 96 MDG Force Health Management, 307 Boatner Rd. on ~~16 August 2004~~ <sup>SEPT</sup> at 0715 hours for the examination.
7. 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 ~~at 904 N. 2nd Street, on \_\_\_\_\_, at \_\_\_\_\_ hours.~~ 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 AFI 51-201, *Administration of Military Justice*.
8. In addition to military counsel, you have the right to employ civilian counsel. The Military Component does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
9. Confer with your counsel and reply, in writing, **within 7 workdays**, 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 on your 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.
10. 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 at 96 SFS/CSS.
11. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.
12. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.
13. Execute the attached acknowledgment and return it to me immediately.



Commander

- Attachments:
- 1. Supporting Documents
  - 2. Receipt of Notification Memorandum