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RANDOLPH AFB	3, TX 78150-4742		S AFB, MD		250K			

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2005-00225

**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. The records indicated the applicant received an Article 15 for assaulting his wife and for damaging a wall in base housing. He also received three Letters of Reprimand and seven Records of Individual Counseling for various acts of misconduct to include failure to return to duty, failure to obey instructions, bringing a weapon (BB Gun) into the work center and placing it to the temple of another airman, late for duty, dereliction of duty, unacceptable duty performance, speeding, violating a no-contact order, and assaulting his wife. 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



(Former AB) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Elmendorf AFB, AK on 19 Feb 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

#### 2. BACKGROUND:

a. DOB: 1 Nov 78. Enlmt Age: 17 5/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-35, E-50, G-62, M-48. PAFSC: 2A651A - Aerospace Propulsion Journeyman. DAS: 13 Mar 97.

b. Prior Sv: (1) AFRes 18 Apr 96 - 30 Jul 96 (3 months 13 days) (Inactive).

#### 3. SERVICE UNDER REVIEW:

- a. Enlisted as AB 31 Jul 96 for 4 yrs. Svd: 2 Yrs 6 Mo 19 Das, all AMS.
- b. Grade Status: AB 13 Jan 99 (Article 15, 13 Jan 99) A1C - 30 Nov 97 Amn - 31 Jan 97
- c. Time Lost: None.
- d. Art 15's: (1) 13 Jan 99, Elmendorf AFB, AK Article 128. You did, on or about 7 Dec 98, assault by grabbing her, pushing her down, and putting a knife to her throat. Article 108. You did, on or about 7 Dec 98, without proper authority, willfully damage by punching a hole in the wall of your on-base housing unit, military property of the United States Government, the amount of said damage being in the sum of about \$117.98. Reduction to AB. (No appeal) (No mitigation)
- e. Additional: LOR/UIF, 18 DEC 98 Speeding, failure to stop at a stop sign, failure to stop for security forces vehicle, and becoming non-compliant and argumentative with patrolman.

RIC, 30 NOV 98 - Traffic ticket for speeding.

LOR/UIF, 22 SEP 98 - Assaulting wife and violation of verbal order of non-contact.

RIC, 02 SEP 98 - Unacceptable duty performance and late for work.

RIC, 24 AUG 98 - Dereliction of duty.

RIC, 24 AUG 98 - Late for duty.

RIC, 13 MAY 98 - Late for work.

LOR, 31 OCT 97 - Bringing a weapon (BBgun/Pistol) into the work center and placing it to the temple of another Airman.

RIC, 23 OCT 97 - Failure to obey instructions.

RIC, 12 MAY 97 - Failure to return to duty.

- f. CM: None.
- g. Record of SV: 31 Jul 96 30 Mar 98 Elmendorf AFB 3 (Initial)
- h. Awards & Decs: AFTR, AFOSLTR.
- i. Stmt of Sv: TMS: (2) Yrs (10) Mos (2) Das TAMS: (2) Yrs (6) Mos (19) Das
- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 Jun 05 (Change Discharge to Honorable)

Issue 1: Because I didn't feel I deserved that type of discharge and it's not allowing me to advance in my employment.

#### ATCH

None.

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FD 2005-00225

# DEPARTMENT OF THE AIR FORCE PACIFIC AIR FORCES

JAN 28 1999

MEMORANDUM FOR 3 CRS/LGMPJ (AB	
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FROM: 3 CRS/CC

SUBJECT: Notification Memorandum

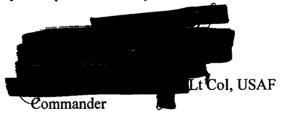
1. I am recommending your discharge from the United States Air Force for misconduct based on minor disciplinary infractions. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

## 2. My reasons for this action are:

- a. On or about 7 Dec 98, you assaulted at Elmendorf Air Force Base, by grabbing her, pushing her down and putting a knife to her throat. On or about 7 Dec 98 you willfully damaged the military property of the United States by punching a hole in the door of your on-base housing unit, the amount of said damage being in the sum of about \$117.98. For these offenses, you received an Article 15, dated 7 Jan 99, an Unfavorable Information File (UIF) entry, and were reduced to the rank of Airman Basic with a new date of rank of 13 Jan 99.
- b. On or about 5 Dec 98, you drove your vehicle in a reckless manner, on Elmendorf AFB, by exceeding the posted speed limit, failing to stop at a stop sign, and failing to stop for a security forces vehicle. For these offenses you received a Letter of Reprimand (LOR), dated 18 Dec 98, and an UIF entry.
- c. On or about 29 Aug 98, you assaulted by pushing her into walls and grabbing her neck. On or about 30 Aug 98, you failed to obey a lawful order given by SMSgt than by returning to your residence and contacting when you were ordered not to. For these offenses you received a LOR, dated 22 Sep 98, and an UIF entry.
- d. On or about 21 Oct 97, you communicated a threat by placing a weapon (BB Gun) against the head of Amn (Constant of CMSgratus of In that you stated you did not hold a weapon to Amn (Constant of International CMSgratus of International
- 3. 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 are 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, and any special pay, bonus, or education assistance funds may be subject to recoupment.

FD2005-00225

- 4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capture 552-3887, at Bldg 6-920, Rm 330 on 28 Jan 99 at 1200. You may consult civilian counsel at your own expense.
- 5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide to the separation authority.
- 6. 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.
- 7. You have been scheduled for medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 24-850, at <u>O700</u> on <u>A fee 99</u> for your first exam, at which time you will be notified of the time for your second exam. You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.
- 8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 1445 on 28 Jro 99. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 2-900 (People Center), Rm 247 at 1530 on 4 Feb 99. You must be in uniform for all appointments.
- 9. 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 your Squadron Orderly Room.



### Attachments:

- 1. Article 15, 7 Jan 99
- 2. LOR, 18 Dec 98
- 3. LOR, 22 Sep 98
- 4. LOR, 31 Oct 97
- 5. 3 CRS/CC Memo, 15 Jan 99
- 6. 3 MDOS/SGOH Memo, 21 Dec 98
- 7. AF Form 174, 30 Nov 98
- 8. AF Form 174, 2 Sep 98
- 9. AF Form 174, 24 Aug 98
- 10. AF Form 174, 24 Aug 98
- 11. AF Form 174, 13 May 98
- 12. AF Form 174, 23 Oct 97
- 13. AF Form 174, 12 May 97