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550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742

SAF/MRBR

FROM:

INDORSEMENT

SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002

DATE: 12/21/2005

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2005-00237

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 dereliction of duty on two separate occasions. He also received one Letter of Reprimand, one Letter of Counseling, four Records of Individual Counseling and an Unfavorable Information File for being late for duty, operating a vehicle without insurance, speeding, and failure to comply with standards. 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. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Luke AFB, AZ on 08 Sep 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 03 Oct 74. Enlmt Age: 20 4/12. Disch Age: 23 11/12. Educ: HS DIPL. AFQT: N/A. A-92, E-95, G-92, M-88. PAFSC: 2A353B - Tactical Aircraft Maintenance Journeyman. DAS: 05 Jan 96.

b. Prior Sv: (1) AFRes 10 Feb 95 - 16 May 95 (3 months 7 days) (Inactive).

3. SERVICE UNDER REVIEW:

- a. Enlisted as Amn 17 May 95 for 4 yrs. Svd: 03 Yrs 03 Mo 12 Das, all AMS.
- b. Grade Status: A1C 17 Mar 96
- c. Time Lost: None.
- d. Art 15's: (1) 30 Jul 98, Luke AFB, AZ - Article 92. You, who knew of your duties, on or about 16 Jul 98, were derelict in the performance of those duties in that you negligently failed to identify a basic postflight-carded item, to wit: 1F-16CG-6WC-1, card number 1-045, item number 1, the worn left main landing gear tire of aircraft number 90-0765, as it was your duty to do. You, who knew of your duties, on or about 14 Jul 98, were derelict in the performance of those duties in that you negligently failed to identify a basic postflight-carded item, to wit: 1F-16CG-6WC-1, card number 1-022, item number 2, the damage incurred from a bird strike on the lower right strake leading to the ammunition bay, as it was your duty to do. Suspended reduction to Airman. Forteen days extra duty. (No appeal) (No mitigation)
- e. Additional: RIC, 05 JUN 98 Failure to comply with standards.

 LOR/UIF, 14 APR 97 Operating a vehicle without insurance and speeding.

RIC, 30 JAN 97 - Late for duty.

RIC, 16 JAN 97 - Late returning to duty after lunch break.

RIC, 18 SEP 97 - Late for duty.

LOC, 13 FEB 96 - Late returning from lunch.

- f. CM: None.
- g. Record of SV: 17 May 95 16 Jan 97 Luke AFB 3 (Initial) 17 Jan 97 16 Jan 98 Luke AFB 3 (Annual)
- h. Awards & Decs: AFTR, NDSM, AFOUA, AFGCM.
- i. Stmt of Sv: TMS: (03) Yrs (06) Mos (19) Das TAMS: (03) Yrs (03) Mos (12) Das
- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 08 Jun 05 (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

- 1. Applicant's Issues.
- 2. DD Form 214.
- 3. Two Letters of Recommendation.
- 4. Certificate of Recognition.

27JUL05/ia

APPLICATION FOR THE REVIEW OF DISCHARGE 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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON

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14	CONTINUATION	OF ITEM 6	ISSUES (If applicable)

days after I spoke with him privately on the flightline because of my past record. I'll admit that I wasn't the perfect airman and that I made a few personal mistakes during my term, especially in the first year, but I was a good, reliable worker who always obeyed orders and gave respect to my superiors. I was surprised at his attitude toward me. I felt as if he was waiting for an opportunity to burn me. I was probably not the only lower ranking airman in the 63 FS who was "warned" by him. A few weeks later he gave me an L.O.C. for not keeping my jet clean enough for a contest! I was working 12 hours on the night shift changing engines and other repairs but I still tried to squeeze in about an hour a night wiping down my jet's landing gear to keep the dirt and grease off. I was the assistant crew chief on the jet and I did my best to maintain it and keep it running first, then its appearance came in second.

MSgt and didn't care or believe me. A few months later a small birdstrike unknowingly hits a jet that I inspect for a BPO. No one sees it, not the pilot, nor anyone else on the flight line that night. I never happened to ever see it with my own eyes and I sign off the inspection as routine. The next day I hear there was a birdsrike (which caused no real damage) on the jet I inspected. No one else in the whole squadron really made a big deal of it. The other crew chiefs understood that little things like that happened. It is just a reality. Yet the unreasonable and hot tempered MSgt wanted to kick me out of the Air Force against my wishes.

	DRTING DOCUMENTS	

16. REMARKS (If applicable)

Thank you for your time and attention. The Va benefits that I could use would help me greatly with the GI bill and with health insurance. I humbly ask the board to overturn the decision one grade higher from a general/under honorable conditions to an honorable one for my sake. I would have stayed in the Air Force and made a career out of it if it were possible for me but fate led me elsewhere. I don't regret being in the military at all. I would highly recommend it to any young man or woman for many reasons. I am studying to be a High School History teacher at Marywood University in Scranton. I'm sure that I can have a great influence on graduates deciding whether or not to join the Armed Forces in the future. I would like to tell them all the positive aspects of the military. This decision will greatly affect my own opinion and consequentially many others down the road. I hope I will have a pleasing opinion overall rather than a rejection on this matter. Although I would never put the military in a bad light, an upgrade of my discharge status would bring a revolutionary opportunity for me and solidfy my extenuous belief to Aim High for others.

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY	NAVY AND MARINE CORPS
Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023
AIR FORCE	COAST GUARD
Air Force Review Boards Agency	U.S. Coast Guard
SAF/MRBR	Commandant (G-WPM)
550-C Street West, Suite 40	2100 Second Street, S.W. Room 5500
Randolph AFB, TX 78150-4742	Washington, DC 20593

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PMR) FD2605-00 237

On the evening of 14 July, I started my preflight inspection of aircraft 90-0755 at approximately 2000 hours. The jet was all the way out on "Echo Row", where there are no lights available as on the main flightline. The sun was already set over the mountains and the only lighting that I had to rely on to do my inspection was a flashlight out of my toolbox. Once it gets dark at night, there are supposed to be light-alls (NF-2's) out on Echo Row; but on that night, at the time of my inspection, the A.G.E. driver had not brought them out yet.

I did my PR/BPO inspection with my flashlight and T.O. It took me about 35 minutes to complete. I felt that I did a thorough inspection of the entire jet and felt confident that it was ready to fly again tomorrow. Two weapons crews also inspected their systems on the jet that very night too and obviously felt the same way.

The next day, SSgt found a bloodstreak along the right underside of the jet in front of the ammunition rounds counter. It was very noticeable to him in broad daylight. He found the rest of the bird stuffed inside the hole of the ammo rounds counter.

I remember looking up at the rounds counter and looking at the general area of the birdstrike the night before. Unfortunately, I did not happen to shine the flashlight on the four- inch streak of blood and notice it. I know if it was earlier in the day or if the jet was on the main flightline, where much more light is available, I would have seen it easily; or at the very least, someone else would have seen it.

As far as all the other mistakes and bad judgments I've displayed in the past, I am truly sorry and regretful for. I've learned from my mistakes and I want to overcome them. But I wasn't given an Article 15 because of the many mistakes I've done in my career, it's because of a birdstrike. This incident is something that was very unlucky for me and I feel that it could have happened to any crew chief.

I understand the situation that my supervisors and I are in and that something has to be done. A pilot's life being put at risk along with a bad track record constitutes some form of punishment. Therefore, I accept the Article 15. I will spend more time and attention to detail on my daily aircraft inspections. I'll show a better attitude and be a better member of the U.S. Air Force all around.

27 July, 98

5/8/FD

I am requesting an honorable discharge from the United States Air Force. I served for over 3 years and accumulated a poor track record. The majority of my L.O.C.'s were received in my first year at the 63rd Fighter Squadron. I'll admit I wasn't fully adapted and disciplined to working on the flightline back then; but the biggest reason for the 4 L.O.C.'s concerning tardiness was caused by miscommunication between myself and flight chiefs and expeditors. In one case, (13 Feb 96) an emergency happened during my lunch break and I was unable to contact the squadron.

On 4 April 97, while employed at the HazMat Management Center, I received an L.O.R. for not having insurance on my P.O.V. At that time, I was experiencing financial problems with unexpected expenses. I had to sacrifice a few towards car insurance to cover other more important bills.

In Jan 98, I returned to my original AFSC as a crew chief and caught up with my 5 skill-level training in a matter of a few short months. I felt things were turning around and looking much brighter for me. Many co-workers have told me personally that my attitude and work performance has improved since prior to working at HazMat for 10 months. I can honestly say I was giving 100% everyday to prove to my fellow airmen and myself that I was a competent crew chief and a decent airman.

On 5 June 98, I received an L.O.C. for failure to comply with standards. These standards were that of a SSgt Weathers, who didn't believe that I cleaned on my jet enough. The appearance of a jet is based merely on a matter of opinion and speculation of how clean a jet is and should be. My flight chief, MSgt and SSgt didn't believe that I wiped on my jet just about every night and accused me of lying to them; even though I had witnesses who said I did clean my jet regularly. This L.O.C. is totally biased, unfair, and in my own opinion, utterly ridiculous. My flight chief, MSgt now was looking to burn me at any chance he got. I truly believe he is an unreasonable man who lets his temper get the best of him.

On 6 July 98, I missed a tire that was slightly worn beyond limits on my preflight inspection. MSgt was on leave at the time and it was put off as a minor and common mistake by my superiors. The next day, I was told to be more observant on my inspections and it was left at that. No dereliction of duty or punishment of any kind was mentioned that day.

On 14 July 98, the birdstrike was discovered by another crew chief that I missed the night before; and I stress the word, 'night'. The fact that it was past 2000 and the jet was parked off the main flightline, was the reason I did not see the small streak of blood. It was simply too dark for me to see something that I wasn't even looking for. I had no idea that the jet was hit by a bird; neither did the pilot nor two weapons crews that inspected the jet that same night. MSgt was back from leave and jumped all over me for this incident and the worn tire incident from the week before. He already had his mind set before I even had a chance to explain my circumstances and situation. He wanted me discharged and there was nothing I could do about it.

The main reason that I'm asking for an honorable discharge is because of the Montgomery G.I. Bill. It is very important to me that I will be able to afford to go to college in the near future. I attended Penn State University, Wilkes-Barre Campus for 1 year prior to my enlistment in the Air Force. I couldn't continue studying at Penn State primarily because of costs and expenses. The G.I. Bill was a major

incentive for me to join the Air Force, along with the training, experience, travel, and just the pride of being part of the military.

I had particularly high ASVAB scores in all four categories (A-92, E-95, G-92, M-88), I was the Academic Monitor in basic training, I had very good scores throughout tech-school and I finished my CDC's in half the allotted time. I know I can succeed in college and open many doors of opportunity for myself if given a chance. The G.I. Bill gives me that chance. I had only to remain as an enlisted member until 16 May 99 to complete 4 years of service with an honorable discharge. A general discharge without the benefit of the G.I. Bill is a disappointment and a heavy damper on my future plans.

I've always tried to please everyone that I've worked for and I've been willing to do anything anyone asked of me. I've made some bad judgments and have had some bad luck in my career but I still respect the Air Force and the country it defends. I will never regret joining the service and would never put it down, regardless of an honorable discharge or a general one.

A1C 18 Aug 98

Sugar Good

FD2005-00237

DEPARTMENT OF THE AIR FORCE 63d Fighter Squadron (AETC) Luke Air Force Base Arizona

MEMORANDUM FOR A1C

AUG 1 7 1988

FROM: CC

SUBJECT: Notification Memorandum

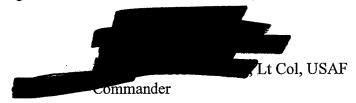
1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFI 36-3208, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

- a. On 14 Jul 98, you were derelict in your duties by negligently failing to identify a basic postflight-carded item. This is evidenced by an Article 15, dated 30 Jul 98.
- b. On 6 Jul 98, you were derelict in your duties by negligently failing to identify a basic postflight-carded item. This is evidenced by an Article 15, dated 30 Jul 98.
- c. On 5 Jun 98, you failed to comply with standards by not maintaining the appearance of an aircraft. This is evidenced by a Record of Individual Counseling, dated 5 Jun 98.
- d. On 4 Apr 97, you operated a motor vehicle without insurance. This is evidenced by a Letter of Reprimand, dated 14 Apr 97 and a UIF action, dated 29 Apr 97.
- e. On 29 Jan 97, you were 50 minutes late returning from your break. This is evidenced by a Record of Individual Counseling, dated 30 Jan 97.
- f. On 16 Jan 97, you failed to return from lunch on time. This is evidenced by a Record of Individual Counseling, dated 16 Jan 97.
- g. On 18 Sep 96, you failed to report to work on time. This is evidenced by a Record of Individual Counseling, dated 18 Sep 96.
- h. On 13 Feb 96, you failed to return from lunch on time. This is evidenced by a Letter of Counseling, dated 13 Feb 96.

FD2005-00237

- 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 will be discharged or retained in the Air Force, and if 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 subjected to recoupment.
- 4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment for you to consult the Area Defense Counsel at Building 1150, Suite 3015, Luke AFB, AZ, extension 6701 has been scheduled for 17 AUS 18 at 1330. 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 by of so was unless you receive an extension for good cause shown. I will send them 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 must retrieve your medical records from the 56th Medical Group Hospital Outpatient records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this AFI 36-3208 discharge package for medical review and/or examination.
- 8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208 is available for your use in your unit orderly room.
- 9. Execute the attached acknowledgment and return it to me immediately.



Attachments:

- 1. AF Form 3070, dated 30 Jul 98
- 2. Submission of Matters, dated 27 Jul 98
- 3. AF Form 174, dated 5 Jun 98
- 4. Letter of Reprimand, dated 14 Apr 97
- 5. AF Form 1058, dated 29 Apr 97
- 6. AF Form 174, dated 30 Jan 97
- 7. AF Form 174, dated 16 Jan 97
- 8. AF Form 174, dated 18 Sep 96
- 9. Letter of Counseling, dated 13 Feb 96