

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> ████████	<b>AFSN/SSAN</b> ████████████████
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<b>TYPE</b>	<b>GEN</b>	<input checked="" type="checkbox"/>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>			
	<input checked="" type="checkbox"/>			

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
	X				
	X				
					X
	X				
					X

<b>ISSUES</b>	A94.06	<b>INDEX NUMBER</b>	A67.30	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
				<b>1</b>	ORDER APPOINTING THE BOARD
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE
				<b>3</b>	LETTER OF NOTIFICATION
				<b>4</b>	BRIEF OF PERSONNEL FILE
					COUNSEL'S RELEASE TO THE BOARD
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE

<b>HEARING DATE</b>	22 Sep 2005	<b>CASE NUMBER</b>	FD-2005-00238
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.

<b>SIGNATURE OF RECORDER</b> <i>[Handwritten Signature]</i>	<b>SIGNATURE OF BOARD PRESIDENT</b> <i>[Handwritten Signature]</i>
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**INDORSEMENT** **DATE: 9/22/2005**

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00238**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 22 Sep 2005.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** The discharge is upgraded to Honorable. The reason and authority for discharge remains unchanged.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's characterization for discharge inequitable.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The Board reviewed the entire record and found evidence of an inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received a Letter of Reprimand and a Letter of Admonishment for misconduct. The misconduct included engaging in an ongoing relationship with a female enlisted member. The applicant contends that his chain of command did not take into consideration the "whole person" concept when issuing his discharge. The applicant also alleges that his leadership played an active role in encouraging the relationship with the female enlisted member. The Board found several instances where it appears that the squadron leadership may have supported the relationship. Although the Board did not condone the applicant's misconduct, they concluded that the characterization of the discharge was inequitable.

**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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

(Former 2LT) (HGH 2LT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Grand Forks AFB, ND on 31 Jan 02 UP AFI 36-3206, Chapter 3, para 3.6.4 (Misconduct - Serious or Recurring Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 Aug 73. Enlmt Age: 18 1/12. Disch Age: 28 5/12. Educ: HS DIPL. AFQT: N/A. A-N/A, E-N/A, G-N/A, M-N/A. PAFSC: 65F1 - Financial Management. DAS: 23 Jan 00.

b. Prior Sv: (1) AFRes 19 Sep 91 - 27 Jan 92 (4 months 16 days) (Inactive).

(2) Enlisted as AB 28 Jan 92 for 4 yrs. Reenlisted as SrA 15 Mar 95 for 6 yrs. Extended 26 Jan 98 for 15 months. Svd: 7 yrs 11 months 16 days, all AMS. Amn-Unknown. A1C - 28 May 93. SrA-(EPR Indicates): 28 Sep 93-27 Sep 94. SSgt - 1 Aug 97. EPRs: 5,5,5,5,5,5,5.

**ART 15:** 6 May 92, Lackland AFB, TX - Article 92. You, who knew of your duties, on or about 25 Apr 92, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcohol while underage, as it was your duty to do. Article 134. You, did, on or about 25 Apr 92, wrongfully use a military pass, you then well knowing the same to be unauthorized. Thirty days correctional custody, and forfeiture of \$100.00 pay.

3. **SERVICE UNDER REVIEW:**

a. Appointed as 2Lt and Ordered to EAD on 14 Jan 00. Svd: 02 Yrs 03 Mo 15 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 30 AUG 01 - Engaged in an ongoing unprofessional relationship with a female enlisted member in his squadron.

LOA, 09 APR 01 - Engaged in an ongoing unprofessional relationship with a female enlisted member in his squadron.

f. CM: None.

g. Record of SV: 14 Jan 00 - 13 Jan 01 Grand Forks AFB MS (Annual)

h. Awards & Decs: MSM, AFCM, AFGCM W/1 OLC, AFTR W/1 DEV, NDSM, HSM W/1 DEV, SAEMR W/1 BS, AFLSAR W/1 DEV, NCOPMER, AFOUA W/3 DEVS.

i. Stmt of Sv: TMS: (10) Yrs (07) Mos (18) Das  
TAMS: (10) Yrs (03) Mos (02) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 May 05.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Seven AF Forms 910, Enlisted Performance Reports.
3. AF Form 707B, Company Grade Officer Report.
4. AF Form 77, Supplemental Evaluation Sheet.
5. Character Reference.
6. Notification of Personnel Action.
7. Email, 319 CPTS/CC.
8. Email, HQ AFMC/FMR.
9. Witness Testimony.
10. Character Reference.

21JUL05/ia

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES

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.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

Form with fields for Branch of Service (Air Force checked), Name, Grade/Rank (0-1E/2 LT), Social Security Number, Date of Discharge (20020131), Discharge Characterization (General/Under Honorable Conditions checked), Board Action Requested (Change to Honorable checked), Unit and Location (319 CPTS, Grand Forks AFB, ND).

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) I request consideration for upgrade based on a review of the whole person and/or clemency.

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.) EPRs, OPRs, LOE's, personal statement, Job Performance Statement from [redacted], SF-50, e-mail from Major [redacted] to Major [redacted], Witness Testimony from [redacted], Statement from [redacted]

9. TYPE OF REVIEW REQUESTED (X one) 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. (X) 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.

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.

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 - REQUIRED (Applicant or person in Item 11 above) b. DATE SIGNED - REQUIRED (YYYYMMDD) 2005 05 17 CASE NUMBER (Do not write in this space.) FD 2005-00238

May 17, 2005

[REDACTED]  
[REDACTED]  
[REDACTED]

Air Force Review Boards Agency  
SAF/MRBR-  
550-C Street West, Suite 40  
Randolph AFB, Texas 78150-4742

To Whom It May Concern,

I am writing to ask the Air Force Discharge Review Board to upgrade my General (Under Honorable Conditions) Discharge to Honorable. I am also asking to have my narrative changed from "Misconduct" to a more appropriate category. I will submit supporting information on why I believe it should be upgraded, and details of my post-military experience/service.

I was discharged by the Air Force for what they termed as "serious and recurring misconduct punishable by civilian or military authorities." In short, I engaged in an Unprofessional Relationship with an enlisted member, who is currently my wife. My DD Form 214 states "Misconduct." Under the circumstances of the entire episode, I believe this to be very harsh.

I have never denied the relationship occurred. I have never disagreed that the relationship breached Air Force Standards and Instructions. I don't believe the "whole person" concept was adopted with my discharge. I have also contended that leadership played an active role in my relationship. I have witness testimony and e-mails to support the accusation that leadership played an active role in my relationship. I **do not** use this as an excuse as to why I engaged in an unprofessional relationship. I use it to show that there were extenuating circumstances.

Before the relationship became "common knowledge", my wife and I decided to put the relationship on "pause" if management ever discovered the relationship. When the "no contact" order was rescinded by the squadron commander, she stated that I could not continue a physical relationship with [REDACTED], but I could contact her via telephone (see e-mail from Major [REDACTED] to Major [REDACTED]). If the previous statement was not true, Major [REDACTED] would have clearly stated (in the e-mail) she did not give me permission to contact [REDACTED].

The permission to talk to her on the phone was followed up by my deployment to Turkey and the submittal of a ROTC package for [REDACTED] (See statement by [REDACTED]). Why would management support a ROTC package for a troop that is breaking an Air Force Instruction? Management did everything in their power to make our relationship legal. Unfortunately, this came to an abrupt end when the local ROTC Detachment got wind of what was happening and told Colonel [REDACTED] that

it would be illegal for [REDACTED] to date me as a cadet. They dropped their support for the package almost overnight.

Management's next step was to have [REDACTED] submit paperwork for PALACE Chase or outright separation. The PALACE Chase was denied by AFPC. [REDACTED] submitted paperwork to be separated from the Air Force. During this process the squadron had a change of command. The new commander, Major [REDACTED] signed the separation paperwork without any reservations. This was also later turned down by AFPC.

I was given orders to Los Angeles Air Force Base. I returned from deployment in Turkey to prepare for PCS. I married [REDACTED] at this time. In my eyes, this was the only solution other than ending the relationship to make our situation legal. I was prepared to accept the consequences (most than likely a LOR or Article 15, according to my counsel). When I received a LOR, I totally accepted it and went on from there. I was very confident I could overcome this obstacle and show the Air Force I was worth retaining.

About 1 week after receiving my LOR, I was informed that my PCS was cancelled and I was being found Not Qualified for Promotion (NQFP). I was never given an opportunity to prove myself to the new commander. Major [REDACTED] sent me to the Services Squadron to defuse the situation. I worked directly for Lt Col [REDACTED] and he quickly designated me as the Combat Support Flight Chief. This made me responsible for all the enlisted personnel in services as well as functional management that included Mortuary Affairs, Lodging, Fitness Center, and the Dining Facility, a billet normally filled by a Captain (please see letter from Lt Col [REDACTED]).

Lt Col [REDACTED] petitioned to Major [REDACTED] to have me PCA'd to Services. This was denied and I received a letter to show cause for retention from the 15 AF/CC (separation requested by Major [REDACTED] on Sept. 11, 2001). I was told by my counsel that my career was over now and to start looking for employment. Knowing this, I continued as if I wasn't being discharged. The letter from Lt Col [REDACTED] tells how I performed for my six months under his leadership. I would also like to state that I worked all the way up to the day I was discharged. At no point did I ever imagine I would receive a "General Discharge."

I spent 8 eight years as an enlisted member before I finally got my big break. Please review my enlisted records and you will see nothing short of superior performance. Officer Training School is a very demanding school which couldn't have come at a worse time in my life. I was going through a bitter divorce and custody battle. With all the distractions, I still graduated on schedule with no setbacks.

My first OPR as an officer was excellent. I performed all tasks that were assigned well above the standards. I was even groomed to fill the position as the Budget Officer until the replacement for [REDACTED] could be selected and arrive, a process that could take up to six months. When I was deployed to Turkey, I filled the job of a First

Sergeant, a prestigious enlisted position. This was also something new to me, but I performed the duties above reproach (see AF Form 77).

With the combination of my enlisted career, OPR, AF Form 77 from my deployment, and the letter from Lt Col Fitts, I do not see how my discharge should be categorized as anything less than "Honorable." In my opinion, "General, Under Honorable Conditions" is an injustice to me. I believe the conduct I displayed during my separation and there after should be taken into account. Therefore, I ask the board to upgrade my discharge based on the "whole person" concept and totality of the information contained in my personnel file.

As I reviewed my personnel file, I discovered the biggest reason as to why I was given a "General" discharge. The Air Force was more concerned with my rights as a prior enlisted member under U.S. Code than they were with the whole picture. As a prior enlisted member who became a commissioned officer, I am entitled to return to active duty as an enlisted member if I am discharged "Honorably" as an officer. The Air Force wanted to make sure that I would not return as an enlisted member.

The only way I would ever want to return to the Air Force is if I was an officer. That is what I worked to achieve. After being out of the Air Force for over three years now, I have no desire to return to the Air Force (except for as a civilian). Therefore, I do not believe this should even be part of the consideration process for my request to upgrade my discharge.

Furthermore, I would like the board to consider my achievements after my Air Force service. Following my discharge, I immediately started applying for positions in Civil Service with the Air Force. After ten months without the ability to claim unemployment (due to "misconduct" on my 214), I was finally hired to fill a Budget Technician position as a GS-07. I felt this position was well below my qualifications, but accepted the position without any complaints. During the 18 months as a Budget Technician, I received three separate cash awards for my service and performance.

My wife separated from the Air Force in June of 2004. I applied for positions all over the United States. I was selected to fill a Financial Management position as a GS-11 at Headquarters DFAS in Arlington, VA. The position I accepted with DFAS had limited potential for promotion. Therefore, after 6 months at DFAS, I left the Department of Defense to accept a position with the Department of Veteran's Affairs. I am currently working as a budget analyst in the grade of GS-12. I will be a GS-13 in November of this year.

With my discharge from the Air Force, I traded my dream of becoming a General Officer with becoming an SES and do not want a "General" Discharge on my record to hold me back. I have went from unemployed (November 2002) to a GS-13 (projected November, 2005). I believe this is a great accomplishment in three years.



Losing a promising career is punishment enough for this "minor" infraction. I have seen people receive harsher punishment for more severe transgressions (assault, DUI, etc.) and remain on active duty. Having to live with the "punishment" of "Misconduct" printed on my DD Form 214 for the rest of my life does not match the ten years of service I provided to my country as a military member.

Once again, I ask the board to take the whole person concept into their decision. If this is not an option, I ask the board to grant me clemency. Thank you for your time.

Respectfully,



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS FIFTEENTH AIR FORCE (AMC)

FD2005-00238

14 SEP 2005

MEMORANDUM FOR 2LT

319 CPTS

FROM: 15 AF/CC  
540 Airlift Drive  
Travis AFB CA 94535

SUBJECT: Notification of Show Cause Action Initiated Under AFI 36-3206, Chapter 3,  
Paragraph 3.6.4.

1. I am initiating action against you under AFI 36-3206, Chapter 3, paragraph 3.6.4, that requires you to show cause for retention on active duty.
2. I am taking this action because you committed serious and recurring misconduct punishable by military authorities. Specifically, between 1 Nov 00 and 16 Jul 01, you knowingly and willingly engaged in an ongoing unprofessional relationship with a female enlisted member in your squadron, SrA \_\_\_\_\_, by dating and maintaining a personal relationship with her on terms of military equality. As a result, you received a Letter of Admonition on 9 Apr 01, and a Letter of Reprimand on 30 Aug 01. (Atch 1)

The least favorable character of discharge that the Secretary of the Air Force may approve in this case is Under Other Than Honorable Conditions. Attached are copies of documentary evidence to support this action.

3. Sign and date the attached indorsement acknowledging receipt of this notification memorandum. A copy of the notification memorandum will be provided to you. If you decline to acknowledge receiving this notification memorandum, the officer presenting it to you will indicate on it the date and time that you declined to acknowledge receiving it, and it will be included as a part of your case file.
4. Familiarize yourself with AFI 36-3206, particularly the rights that you have. If you do not apply for retirement or request a resignation in lieu of further administrative action, a board will convene as provided in chapter 6 or 7. Contact Captain \_\_\_\_\_ Area Defense Counsel, 747-3341, Building 214, Grand Forks AFB, ND, to discuss the procedures involved and your rights and options. If you decline counsel, contact Capt \_\_\_\_\_ Chief, Military Personnel Flight, 319 MSS/DPM, 747-6216, Building 600, Grand Forks AFB, ND, for counseling about your rights and options.
5. Within 10 calendar days after you receive this notification memorandum, you must respond by indorsement to me. If I do not receive the indorsement within the allotted time I will proceed with further action under AFI 36-3206. Include in your indorsement:

- a. Any statement you wish to submit on your own behalf and/or any additional evidence that you wish me to consider. If you are unable to submit your statements or documentary evidence within 10 calendar days after receiving this notification memorandum, you may

request more time as allowed under AFI 36-3206. Submit your request for additional time to HQ 15 AF/JA. If you do not submit statements or evidence, your failure will constitute a waiver of your right to do so, and I will refer your case to the Air Force Personnel Board (AFPB).

b. A statement that Capt \_\_\_\_\_ counseled you and that you fully understand your rights and options in this action. If you declined counsel, so state and indicate that Capt \_\_\_\_\_ counseled you and that you fully understand your rights and options in this action.

c. A statement that you understand the following regarding recoupment of education assistance, special pay, or bonuses received if you have not completed the period of active duty you agreed to serve:

(1) Recoupment of a portion of education assistance, special pay, or bonus monies received if you voluntarily separate.

(2) Recoupment of a portion of education assistance received if involuntary discharge is for misconduct.

(3) Recoupment of a portion of special pay or bonus monies received regardless of the basis for involuntary discharge.

(4) The recoupment in all cases is an amount that bears the same ratio to the total amount or cost provided to you as the unserved portion of active duty bears to the total period of active duty that you agreed to serve.

(5) If you dispute that you are indebted for educational assistance, the board of inquiry, or, if you do not choose or are not entitled to a board of inquiry, an authority appointed by me, will make findings and recommendations concerning the validity of your indebtedness.

d. A statement notifying me whether you intend to apply for retirement or tender your resignation. If you have applied for retirement or tendered your resignation, attach a copy of the retirement application or the resignation.

e. A statement that the ADC or the chief, MPF, explained separation pay to you and that you understand the eligibility criteria to receive separation pay.

f. Any other pertinent information.

6. In response to this notification memorandum, you may, within 10 calendar days: Tender your resignation under AFI 36-3207, Chapter 2, Section B, with the understanding that, if the Secretary of the Air Force accepts your resignation, you may receive an under honorable conditions (general) discharge unless the Secretary of the Air Force determines that you should receive an honorable discharge. If the Secretary of the Air Force accepts your resignation, your discharge date will be as soon as possible but no later than 10 calendar days after the date the MPF receives separation instructions.

7. Actions required under AFI 31-501 are not applicable.

8. You may request excess leave if the Air Force doesn't require your further participation in processing your case.

Major General, USAF  
Commander

Attachments:

1. Letter of Reprimand, dated 30 Aug 01
2. Commander Initiated Report of Investigation, dated 3 Aug 01
3. Letter of Admonition, dated 9 Apr 01
4. Letter of Acknowledgment (2 copies)
5. OPR  
AF Form 475
6. Personnel Data (RIP)
7. AFI 36-3206
8. AFI 36-3207

- FD2005-00238

1<sup>st</sup> Ind, 2d Lt

MEMORADUM FOR SCA

I acknowledge receiving the 15 AF/CC Notification of Show Cause Action Initiated Under AFI 36-3206, Chapter 3, paragraph 3.6.4, dated 14 Sep 01 with 8 attachments at 1140 hours on 20 Sep 01.

2LT, USAF