

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED] | GRADE AIC | AFSN/SSAN [REDACTED] |
|--|---------------------|--------------------------------|

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|-----------------|----------------------------|---|----------------------|
| TYPE GEN | PERSONAL APPEARANCE | X | RECORD REVIEW |
| COUNSEL | | ADDRESS AND OR ORGANIZATION OF COUNSEL | |
| YES | No | | |
| | X | | |

| MEMBER SITTING | VOTE OF THE BOARD | | | | |
|-----------------------|--------------------------|-----|------|-------|------|
| | HON | GEN | UOHC | OTHER | DENY |
| [REDACTED] | | | | | X |
| [REDACTED] | | | | | X |
| [REDACTED] | | | | | X |
| [REDACTED] | | | | | X |
| [REDACTED] | | | | | X |

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|---------------|--------|---------------------|--------|--|--|
| ISSUES | A93.09 | INDEX NUMBER | A67.90 | 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 | 27 Dec 2005 | CASE NUMBER | FD-2005-00258 |
|---------------------|-------------|--------------------|---------------|

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, the right to a personal appearance with/without counsel, 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 [REDACTED] | SIGNATURE [REDACTED] |
|--------------------------------|--------------------------------|

| | |
|--|---|
| INDORSEMENT | DATE: 12/27/2005 |
| 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-2005-00258

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 is now a better person and a hard worker. The records indicated the applicant received three Article 15s. The first one for stealing and selling a box of aircraft warning streamers and an aircraft landing light. The second one for spouse abuse, and the third for wrongfully exposing himself. In addition he also received two Letters of Reprimand for failing his yard inspection three times and for dereliction of duty. 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. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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]
(Former A1C) (HGH SSgt)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Seymour Johnson AFB, NC on 17 Dec 04 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 31 Oct 80. Enlmt Age: 18 5/12. Disch Age: 24 1/12. Educ: HS DIPL. AFQT: N/A. A-65, E-75, G-50, M-61. PAFSC: 2A353A - F-15 Tactical Aircraft Maintenance Journeyman. DAS: 22 May 00.

b. Prior Sv: (1) AFRes 16 Apr 99 - 07 Sep 99 (4 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 08 Sep 99 for 6 yrs. Svd: 05 Yrs 03 Mo 10 Das, all AMS.

b. Grade Status: A1C - 12 Nov 04 (Article 15, 12 Nov 04)
SrA - 08 Jul 04 (Article 15, 08 Jul 04)
SSgt - 01 Jun 04
SrA - 21 Aug 02 (Mitigation of Article 15, 21 Aug 02)
A1C - 23 Apr 02 (Article 15, 23 Apr 02)
SrA - 22 Feb 02
A1C - 22 Oct 99

c. Time Lost: None.

d. Art 15's: (1) 12 Nov 04, Seymour Johnson AFB, NC - Article 134. You did, on or about 25 Jul 04, while traveling in a government vehicle with [REDACTED] willfully and wrongfully expose in an indecent manner to public view your penis. Reduction to A1C. (No appeal) (No mitigation)

(2) 08 Jul 04, Seymour Johnson AFB, NC - Article 128. You did, on or about 13 Jun 04, unlawfully push [REDACTED] to the ground with your hands. Reduction to SrA. (No appeal) (No mitigation)

(3) 23 Apr 02, Seymour Johnson AFB, NC - Article 108. You did, at or near Goldsboro, North Carolina, between on or about 1 Feb 02 and on or about 22 Mar 02, without proper authority, sell to [REDACTED], aircraft safety warning streamers of a value of about \$47.50, military property of the United States. Article 121. You did, at or near

Seymour Johnson AFB, NC, between on or about 1 Feb 02 and on or about 22 Mar 02, steal a box of aircraft warning streamers, of a value of about \$95.00 and an aircraft landing light, of a value of about \$37.20, both items being the property of the United States Air Force. Reduction to Airman (in excess of A1C suspended). Thirty days correctional custody. (No appeal) Mitigate to: Suspended forfeiture of \$100 pay. New date of rank to SrA is 21 Aug 02.

e. Additional: LOR, 14 JUN 04 - Failing yard inspection three times.
LOR, 04 DEC 03 - Dereliction of duty.

f. CM: None.

g. Record of SV: 08 Sep 99 - 15 Apr 01 Seymour Johnson AFB 5 (Haf Dir)
16 Apr 01 - 15 Apr 02 Seymour Johnson AFB 4 (Annual)
16 Apr 02 - 15 Apr 03 Seymour Johnson AFB 4 (Annual)
16 Apr 03 - 15 Apr 04 Seymour Johnson AFB 4 (Annual)

h. Awards & Decs: AFTR, NDSM, AFLSAR, NCOPMER, AFGCM.

i. Stmt of Sv: TMS: (05) Yrs (08) Mos (02) Das
TAMS: (05) Yrs (03) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Jun 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

4AUG05/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

X WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

-On 13 June 04 my life changed forever. Before that date I was an NCO and a supervisor for two young airmen. Once I found my wife at the dorms with a male Airmen I lost my head. My actions were not acceptable by Air Force standards and even human morale values. While going through the Article 15 proceedings I worked on the flightline for eleven hours a day; then went home and worked just as hard to save my marriage so my two children could grow up in a good household. During the proceedings around 20 June 04 I made my second fatal mistake. After realizing the mistake I immediately apologized and was embarrassed for my actions. In September 04 my actions had been told to my Flight Chief. In the statements concerning the offence I had been informed of the wrong dates because my offence had been almost 3 months ago, therefore I could not remember the dates correctly. I was told that the incident had occurred on 25 July 04. This would be impossible because I was doing a Technical Orders detail for the upcoming LSET inspection. This does not take away from what I did, but shows that I was a wreck mentally. Everyone at work knew what was going on, people called my wife a "whore" and made jokes about them having intercourse with her. After losing a stripe in July 04 I straightened up. My detail in the LSET was a success, with few errors in almost 3500 Technical Orders that were reviewed one page at a time. Since being discharged in December 04, I have become a better person. My wife and I are still together, even though I was told on numerous occasions to quit. I have enrolled in college classes at DeVry University Online, so I can spend more time with my children. I am taking a heavy course load that will allow me complete my four year degree in Computer Information Systems, in just ONE year. While taking the heavy schedule I also work at UPS as a preloader in the earlier morning. Looking back at the Air Force I realized I lost what I loved. I loved the team work, I had an experience that few ever get by deploying with my Air Force family in January 03 for Operation Iraqi Freedom. No matter what happens in my life I am proud to say that I did my part to protect our country, ranging from Operation Nobel Eagle to Operation Iraqi Freedom.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

20050618

b. SIGNATURE [Redacted]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

| ARMY | NAVY & MARINE CORPS | AIR FORCE | COAST GUARD |
|---|--|--|---|
| Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil) | Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023 | SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742 | Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001 |



DEPARTMENT OF THE AIR FORCE
4th FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

FD 2005-00358

MEMORANDUM FOR A1C [REDACTED]

6 Dec 04

FROM: 4 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, para.5.50.2. I am recommending that your service will be characterized as an Under Honorable Conditions (General) Discharge. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. Between on or about 1 Feb 2002 and on or about 22 Mar 2002, you without proper authority, sold to [REDACTED] aircraft safety warning streamers of a value of about \$47.50, property of the United States Air Force. Between on or about 1 Feb 2002 and on or about 22 Mar 2002, you stole a box of aircraft warning streamers, of a value of about \$95.00 and an aircraft landing light, of a value of about \$37.20, both items property of the United States Air Force. These actions are documented in an AF Form 3070, dated 15 Apr 2002 (Tab 1a).

b. On or about 2 Dec 2003, you failed to perform a 180-day inspection on a TTU-T205 Tester. This was the third incident within a two week period. There were other incidents involving missing items from tool boxes that you verified were installed. These action are documented in a Letter of Reprimand, dated 4 Dec 2003 (Tab 1b).

c. Between on or about 11 May 2004 and on or about 25 May 2004, you failed your government housing yard inspection. This action is documented in a Letter of Reprimand, dated 14 Jun 2004 (Tab 1c).

d. On or about 13 Jun 2004, you unlawfully pushed [REDACTED] to the ground with your hands. This action is documented in AF Form 3070, dated 25 Jun 2004 (Tab 1d).

e. On or about 25 Jul 2004, while traveling in a government vehicle with A1C [REDACTED] you willfully and wrongfully exposed your penis in an indecent manner to public view. This action is documented in AF Form 3070, dated 28 Oct 2004 (Tab 1e).

3. I have attached copies of the documents to be forwarded to the separation authority in support of this recommendation. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

4. 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 [REDACTED] at ADC, on 06 Dec 04, at 1530 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any ^{AL} statements you want the separation authority to consider must reach me by 9 Dec 04 / 0730^{PM} unless you request and 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 have been scheduled for a medical examination. You must report to ^{Blue Team} [REDACTED] on 06 Dec 04, at 0830 hours for the examination.
8. 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 Area Defense Counsel's Office or Orderly Room.
9. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 06 Dec 2004 at 1300 hours. You must report to building 3602 for your TAPs counseling.
10. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
[REDACTED]
[REDACTED]
Commander

Attachments:

1. Supporting Documents
 - a. AF Form 3070, dated 15 Apr 2002
 - b. Letter of Reprimand, dated 4 Dec 2003
 - c. Letter of Reprimand, dated 14 Jun 2004
 - d. AF Form 3070, dated 25 Jun 2004
 - e. AF Form 3070, dated 28 Oct 2004
2. Airman's Receipt of Notification Memorandum
3. Airman's Statement
4. Medical Evaluation
5. EPRs
6. Statement of Understanding Regarding Recoupment of Education Assistance, Special Pay, or Bonuses