


## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL)		GRADE <b>AMN</b>				
TYPE GEN	PERSONAL APPEARANCE	<b>X</b>	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	<b>X</b>					
<b>MEMBER SITTING</b>		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES <b>A94.05</b>		INDEX NUMBER <b>A67.90</b>		<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		
HEARING DATE <b>25 Jan 2006</b>		CASE NUMBER <b>FD-2005-00069</b>				
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.						
				SIGNATURE OF BOARD MEMBER		
<b>INDORSEMENT</b>				<b>DATE: 1/25/2006</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-2005-00069**

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

The applicant was scheduled to appear and testify before the Discharge Review Board (DRB), via Video-Teleconference between St. Augustine, FL, and Andrews AFB, MD on 25 Jan 2006, but failed to appear or notify the DRB.

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 received a general discharge for a Pattern of Misconduct – Conduct Prejudicial to Good Order and Discipline.

Applicant contends discharge was unjust and that he suffered from emotional issues and was unfairly discharged, almost forced out of the Air Force. The records indicated the applicant received an Article 15, a vacation action, three Letters of Reprimand, and two Records of Individual Counseling for misconduct to include repeated tardiness in reporting for duty, repeated disrespect to superiors and co-workers, repeated failure to meet dress and personal appearance standards, lying, threatening and disorderly conduct, provoking confrontations with co-workers and dorm mates, and sleeping on 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. Since no documentation was produced to substantiate applicant's claim of suffering from emotional issues, this issue was deemed to be without merit. The applicant also cited his desire to receive the G.I. Bill benefits as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade. 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 AMN) (HGH A1C)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Robins AFB, GA on 25 Oct 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: 6 Feb 83. Enlmt Age: 19 2/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-55, E-39, G-30, M-24. PAFSC: 8M000 - Postal Clerk. DAS: 2 Jun 03.

b. Prior Sv: (1) AFRes 24 Apr 02 - 14 Oct 02 (5 months 21 days)(Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Oct 02 for 6 yrs. Svd: 2 Yrs 0 Mo 11 Das, all AMS.

b. Grade Status: AMN - 19 May 04 (Article 15, 19 May 04)  
A1C - 13 Dec 02

c. Time Lost: None.

d. Art 15's: (1) 16 Aug 04, Vacation, RAF Mildenhall, UK - Article 92. You, who should have known of your duties, on or about 27 Jul 04, were derelict in the performance of those duties in that you negligently failed to refrain from sleeping, as it was your duty to do. Forfeiture of \$250.00 pay. (No appeal) (No mitigation)

(2) 19 May 04, RAF Mildenhall, UK - Article 134. You were, on or about 28 Apr 04, disorderly. Reduction to Airman. Suspended forfeiture of \$250.00 pay. Reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 25 SEP 04 - Dereliction of duty.  
LOR, 05 AUG 04 - Disorderly conduct.  
RIC, 21 JUL 04 - Unprofessional conduct.  
LOR, 28 APR 04 - Disorderly conduct.  
LOR, 30 SEP 03 - Late for duty.

f. CM: None.

g. Record of SV: 15 Oct 02 - 14 Jun 04 RAF Mildenhall 3 (Initial)REF

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (6) Mos (2) Das  
TAMS: (2) Yrs (0) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Feb 05.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214.

13APR05/ia

FEB 7 2005

FD 2005-00069

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

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

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 Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. 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 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. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

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

a. BRANCH OF SERVICE (X one) ARMY MARINE CORPS NAVY AIR FORCE COAST GUARD

b. NAME (Last, First, Middle Initial) c. GRADE/RANK AT DISCHARGE d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) 5. BOARD ACTION REQUESTED (X one)

2004 OCT 25 HONORABLE CHANGE TO HONORABLE GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS UNDER OTHER THAN HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) BAD CONDUCT (Special court-martial only) UNCHARACTERIZED CHANGE NARRATIVE REASON FOR SEPARATION TO: OTHER (Explain)

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) I have gave three years of my life to the UNITED STATES AIRFORCE. I have been a hard working, productive member in the armed forces. The UNITED STATES AIRFORCE saved my life. I realized I have made mistakes in life, and I ask is to be forgiven for my mistakes. THANK YOU, GOD BLESS!

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.)

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. 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. I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state). (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

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. SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

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 FEB 15 CASE NUMBER (Do not write in this space.) FD 2005-00069

## 14. CONTINUATION OF ITEM 8, ISSUES (If applicable)

Again, I am proud and blessed to be called a USAF veteran, Yet I know being young and being new to military life early on in my Airforce career I made mistakes I regret mostly due to my youth and immaturity. I have forgiven those who have done wrong to me and I hope that I may be forgiven for my mistakes. These past few months I realized the Mentally, emotionally, and financially that I miss the airforce, it is a struggle day in and day out to seek employment. And mostly of all I realize one important thing that has been preached and beat and drilled into my physical and mental is that education is the most powerful weapon in the world.

## 15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

## LOCATION

100 COMMUNICATIONS SQ (USAFE)  
RAF MILDENHALL UK  
APO AE 09459

## 16. REMARKS (If applicable)

I just pray that the UNITED STATES AIRFORCE COULD find it in there hearts to for give me for my mistake and grant me the blessing of an upgrade from under honorable/general to an honorable discharge so that I may achieve my whole life dream of becoming a college graduate.

Thank you, God bless.\*

## MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

## ARMY

Army Review Boards Agency  
Support Division, St. Louis  
9700 Page Avenue  
St. Louis, MO 63132-5200  
(See <http://arba.army.pentagon.mil>)

## NAVY AND MARINE CORPS

Naval Council of Personnel Boards  
720 Kennon Street, S.E.  
Room 309 (NDRB)  
Washington Navy Yard, DC 20374-5023

## AIR FORCE

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

## COAST GUARD

U.S. Coast Guard  
Commandant (G-WPM)  
2100 Second Street, S.W. Room 5500  
Washington, DC 20593





DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 100TH AIR REFUELING WING (USAFE)

FD 2005-00069

MEMORANDUM FOR AMT  
100 CS (USAFE)

29 SEP 2004

FROM: 100 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct – Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reasons for this action are:
  - a. You, on or about 30 September 2003, failed to report to your appointed place of duty in violation of Article 92, as evidenced by Letter of Reprimand, dated 30 September 2003.
  - b. You, on or about 19 April 2004, failed to comply with a medical waiver in violation of Article 92, as evidenced by Letter of Reprimand, dated 28 April 2004.
  - c. You, on or about 28 April 2004, were disorderly in violation of Article 134, as evidenced by AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 19 May 2004.
  - e. You, on or about 16 July 2004, were disorderly violation of Article 134, as evidenced by AF Form 174, Record of Individual Counseling, dated 21 July 2004.
  - d. You, on or about 3 July 2004, were disorderly in violation of Article 134, as evidenced by Letter of Reprimand, dated 5 August 2004.
  - f. You, on or about 27 July 2004, were derelict in the performance of your duties by sleeping on duty, as evidence by AF Form 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 16 August 2004.
  - g. You, on or about 25 September 2004, failed to report to your appointed place of duty in violation of Article 86 and failed to have your uniform on in violation of Article 92, as evidenced by AF Form 174, Record of Individual Counseling, dated 25 September 2004.
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. If you are discharged, you will be ineligible for reenlistment in the Air Force.
4. You have the right to counsel. **Please call to make an appointment with the Area Defense Counsel, at building 977, RAF Lakenheath, DSN 226-3608.** 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. In addition to military counsel, you have the right to employ

civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

5. You have the right to submit statements on your own behalf. **Any statements you want the separation authority to consider must reach me within three (3) duty days of the date of this letter 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 on your own behalf, your failure will constitute a waiver of your right to do so.**

7. You are required to have a medical examination. **You must contact Family Practice, RAF Lakenheath, DSN 226-8010, to schedule an appointment.** You must report with the Medical Examination memorandum to Building 932, Family Practice, RAF Lakenheath, at the appointed time. You must be in uniform. If you have been prescribed glasses, you must wear your glasses to the appointment. Also please complete the attached DD Form 2697, Report of Medical Assessment, and bring it to your appointment. **You must return the Medical Examination Memorandum to your First Sergeant once it is completed.**

8. You have been scheduled for a Separations Briefing. **Please report to the Military Personnel Flight, Building 436, RAF Mildenhall, DSN 238-2389 on Tuesday, 6 October 2004 at 1430 hours.**

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 the unit orderly room or the Area Defense Counsel office. Execute the attached acknowledgment and return it to me immediately.

Commander

Lt Col, USAF

Attachments:

1. Airmen's Acknowledgment
2. Medical Examination Memorandum
3. DD Form 2697, Report of Medical Assessment
4. Letter of Reprimand, dtd 30 September 2003
5. Letter of Reprimand, dtd 28 April 2004
6. AF Form 3070, Record of Nonjudicial Punishment, dtd 19 May 2004
7. AF Form 174, Record of Individual Counseling, dtd 21 July 2004
8. Letter of Reprimand, dtd 5 August 2004
9. AF Form 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dtd 16 August 2004
10. AF Form 174, Record of Individual Counseling, dtd 25 September 2004
11. EPR, dtd 24 June 2004 with attachments