

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>	<b>GRADE</b>  AMN	<b>AFSN/SSAN</b>
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<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
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<b>YES</b>	<b>No</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
	<b>X</b>		

<b>MEMBER SITTING</b>	<b>TYPE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
	X*				+
	X*				+
	X*				+
					X+
	X*				+

<b>ISSUES</b> A92.22 A93.02	<b>INDEX NUMBER</b> A67.90	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		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

<b>HEARING DATE</b> 23 Jan 2006	<b>CASE NUMBER</b> FD-2005-00116	
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**APPLICANT'S DISCUSSION OF APPLICANT'S DISCHARGE REASONING**

Case heard at Florida State Amory, St. Augustine, Florida and Washington D.C. via video teleconference.

Advise applicant of the decision of the Board.

Names and \_\_\_\_\_ lable to the applicant at the applicant's request.

\* CHANGE RE CODE  
+ CHANGE REASON AND AUTHORITY FOR DISCHARGE

<b>SIGNATURE OF RECORDER</b>	<b>SIGNATURE OF BOARD PRESIDENT</b>

**ENDORSEMENT**

<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, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2005-00116

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at the Florida State Armory, St. Augustine, FL, via video-conference with Andrews AFB, MD, on 23 Jan 2006. The following additional exhibits were submitted at the hearing:

- Exhibit #6 : Character reference letter dated 17 Jan 06, MG
- Exhibit #7 : Character reference letter dated 6 Jan 06, Lt Col
- Exhibit #8 : Character reference letter dated 17 Jan 06, Capt
- Exhibit #9 : College of Oceaneering Transcript dated Apr 04
- Exhibit #10: Devil's Lake College Transcript dated May 04
- Exhibit #11: NGB Honorable Discharge Form 55a dated Jan 01
- Exhibit #12: NGB Report of Separation Form 22 dated Jul 04
- Exhibit #13: USA Achievement Medal dated Nov 97
- Exhibit #14: DA Form 1059, Academic Evaluation Report, dated May 01
- Exhibit #15: USA Reserve Components Achievement Medal Award dated 1 Apr 05
- Exhibit #16: Appointment to Corporal orders dated Apr 05
- Exhibit #17: Seven page Academic Evaluation dated May 05
- Exhibit #18: Promotion to Sergeant orders dated Sep 05
- Exhibit #19: Four page Miscellaneous Academic Completion Documents dated Mar 04

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

**FINDINGS:** The Board grants the requested relief concerning the upgrade of applicant's discharge and to change the reenlistment code. Applicant's request to change of reason and authority for discharge are denied.

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 of discharge inequitable.

The Board concluded that there was no inequity or impropriety as concerns the reason and authority for applicant's discharge and denied the requested relief, noting that the case file contained one Article 15, two LORs, one LOA, and 4 RICs for misconduct to include failure to go, violating quarters restrictions, circumventing his chain of command, careless driving, involvement in verbal and physical altercations with his ex-girlfriend, falsifying a leave document, and failure to meet training requirements for CDC upgrade in a timely manner.

**ISSUE:** Applicant received a General Discharge for a Pattern of Misconduct Prejudicial to Good Order and Discipline.

Applicant contends that when he was discharged, he was not a mature adult, takes full responsibility for his actions, and states that when he looks back, he has come a long way; the DRB concurred. Testimony and documentation was introduced that after his discharge, applicant completed a one year course at the College of Oceaneering and subsequently worked specializing in dive medicine, served two years as a medical specialist in the Georgia Army National Guard (ANG) and was honorably discharged in Jan 01, reentered

the ANG in Dec 01 and was subsequently placed on a full-time, three-year Active Guard Reserve (AGR) tour in Dec 03, is currently serving as a Survey Team Member and Acquisition NCO in a Weapons of Mass Destruction unit at Dobbins ARB, GA, that is on the forward battlefield in the war on terrorism and requires that he work closely with Federal Air Marshals, the US Uniformed Public Health Service, the USCG, and the Secret Service, and that he has been promoted to the grades of Corporal and then Sergeant since reentering the ANG. The Board also noted strong recommendations from his current chain of command and opined that his post-service accomplishments more accurately reflect his performance and character.

**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. The applicant's characterization should be changed to honorable under the provisions of Title 10, USC 1553, and his reenlistment code be changed to 3K.

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 Grand Forks AFB, ND on 20 May 97 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 6 May 75. Enlmt Age: 19 6/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-43, E-68, G-52, M-81. PAFSC: 2M033A - Missile & Space Facilities Apprentice. DAS: 6 Sep 95.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Nov 94 for 4 yrs. Svd: 2 Yrs 5 Mo 21 Das, all AMS.

b. Grade Status: Amn - 01 Apr 97 (Article 15, 01 Apr 97)  
A1C - 30 Mar 96  
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 1 Apr 97, Grand Forks AFB, ND - Article 107. You did, on or about 17 Mar 97, with intent to deceive, sign an official record, to wit: an AF Form 988, indicating that you were on leave from 10 Mar 97 to 14 Mar 97, which record was false in that you failed to return to the local area until 16 Mar 97, and was then known by you to be so false. Reduction to Airman, forfeiture of \$100.00 pay per month for 2 months, and 7 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: RIC, 25 APR 97 - Failure to meet training requirements.  
RIC, 27 JAN 97 - Circumventing chain of command.  
LOR/UIF, 2 DEC 96 - Verbal and physical altercations with ex-girlfriend. (Placed on Control Roster).  
LOR 14 NOV 96 - Speeding and reckless driving.  
LOA, 31 OCT 96 - Disobeying an order and circumventing chain of command.  
RIC, 25 OCT 96 - Disobeying quarters restriction.  
RIC, 21 NOV 95 - Failure to go.

f. CM: None.

g. Record of SV: 30 Nov 94 - 29 Jul 96 Grand Forks AFB 4 (Initial)  
30 Jul 96 - 02 Mar 97 Grand Forks AFB 3 (CRO)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (21) Das  
TAMS: (2) Yrs (5) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Mar 05.  
(Change Discharge to Honorable, and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BREIF.

**ATCH**

1. Applicant's Issues.
2. Photo.
3. DD Form 214.
4. Application Summary.
5. Birth Certificate.
6. Army National Guard Assignment Order, 16 Dec 03.
7. NGB 22, Report of Separation and Record of Service.
8. Personnel Qualification Record.

3MAY05/ia

**F and Request Information**

**R Please state the reasons why your discharge should be changed. Maximum size is 6000 characters.**

To the review board, Let me start by stating I am glad that I have had opportunities to serve in the US armed service. I have served with some of the best soldiers I have ever known. And for this I am truly grateful. Through continuing education I have learned a great many lessons. The mentoring and NCOPD has truly given me a perspective that is what I feel this country was founded on. Loyalty, Duty, Respect, Selfless-Service, Honor, Integrity, Personal Courage. I was released in May 1997, I was not a mature adult. The Air Force recognized that I was not ready and discharged me for misconduct. Although I was never court-martialed I came very close. I did everything from disobeying direct orders, missing appointments, carless driving, and behavior off base not suitable for a airman. I look back at my infractions and realize that I have come along way. It was not untill I moved back home to GA, that life came knocking on my door. The bills poured in, I had no job and no education. So I started applying for shoools and was accepted at College of Oceaneering. I started school in Jan of 1998 and completed the one year technical school on Dec of 1998. I then went on to apply for entry in the Army National Guard. I was accepted on Jan 07 1999. I did two years and was released on Jan 06 2001 into reserve status. Rentered on Dec 11 2001 shortly after the Twin Towers. This was the deciding factor, I knew that I wanted to serve my twenty years to my country. I went on to AGR status on Dec 15 2003. Iam currently on the 4th CST/WMD. As a twenty two member unit we are on the forward battlefield on terrorism. I have attended over 500 hours of school alone in the first six months that I was brought on. The team has no need for consumers, they are not a jobs program. I come to work every day knowing that my expertise and training may be used in saving civillian lifes. I strive every day to improve my knowledge skills, PT, and education. In closing I am asking you to upgrade my discharge to honorable so that I may be entitled to my Montgormery GI Bill bennefits. This will enable me to go to college and improve my education. Thankyou for time and considerations. SPC

. ADMIN. NCO 4th Weapons of Mass Destruction Dobbins ARB GA 30069 Phone 404-660-7438

**R Board action requested: Change to Honorable and Change Reason**



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 319TH AIR REFUELING WING (AMC)  
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA



MEMORANDUM FOR AMN

106 MAY 1997

FROM: 321 MXS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208 in accordance with paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 24 Apr 97, you failed to meet training requirements by not completing CDC upgrade in a timely manner. For this misconduct, you received a LOC dated 25 Apr 97. (Attachment A)

b. On or about 17 Mar 97, you signed an official record, Air Force Form 988 with the intent to deceive, stating that you were on leave until 14 March 1997, which was false in that you failed to return to the local area until 16 March 1997. For this misconduct you were punished under Article 15 of UCMJ on 1 Apr 97. Punishment consisted of reduction to Airman, forfeiture of \$100 pay per month for 2 months, 7 days extra duty. (Attachment B)

c. On or about 23 Jan 97, you undermined Technical Sergeant authority by circumventing the chain of command and asking Technical Sergeant what time to report to work, when you were previously informed by Technical Sergeant the time to report. For this misconduct you received a LOC dated 27 Jan 97. (Attachment C)

d. Between on or about 20 Oct 96 and 23 Oct 96, on several occasions you were involved in verbal and physical altercations with your ex-girlfriend. For this misconduct you received a LOR dated 2 Dec 96, an Unfavorable Information File entry was made, and you were placed on a Control Roster. (Attachment D)

e. On or about 9 Nov 96, you were speeding and driving reckless in your personal owned vehicle. You also caused damage to another vehicle while passing on the right hand shoulder of the road. For this misconduct you received a LOR dated 14 Nov 96 and a Unfavorable Information File was established and an entry was made. (Attachment E)

f. On or about 29 Oct 96, you disobeyed Master Sergeant order denying you to receive steel toe boots from Individual Equipment Issue, by circumventing the chain of

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command allowing you to receive steel toe boots from Individual Equipment Issue. For this misconduct you received a Letter Of Admonishment dated 31 Oct 96. (Attachment F)

g. On or about 24 Oct 96, you were placed on quarters restriction for an illness, you broke this restriction by attending a flag football game. For this misconduct you received a LOC dated 25 Oct 96. (Attachment G)

h. On or about 8 Nov 95, you failed to go to your appointed place of duty. For this misconduct you received a LOC dated 21 Nov 95. (Attachment H)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commanding Officer will decide whether you will be discharged and if you are discharged, how your service will be characterized. If you are not eligible for reenlistment in the Air Force.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You have been scheduled an appointment at the Office of the Area Defense Counsel at Building 216 on 7 May 97 at 0830 hours. 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 9 May at 1530 hours 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 the 319th Medical Group on 9 May 97 at 0730 hours for the examination.

8. Deliver to me immediately your military identification card and those of your dependents. I have requested that temporary identification cards be issued IAW AFI 36-3001, paragraph 4.2. You will report to me by COB 6 May 97, to verify that issuance of Temporary Identification Card(s) has been accomplished.

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 in the squadron orderly room.

10. Execute the attached acknowledgment and return it to me immediately.

Lt Col, USAF

Commander, 321 MXS



**4 Attachments:**

1. Privacy Act Statement
2. Supporting Documents
  - a. LOC dated 25 Apr 97
  - b. Article 15 dated 1 Apr 97
  - c. LOC dated 27 Jan 97
  - d. LOR/UIF/CR dated 2 Dec 96
  - e. LOR/UIF dated 14 Nov 96
  - f. LOA dated 31 Oct 96
  - g. LOC dated 25 Oct 96
  - h. LOC dated 21 Nov 95
3. Airman's Acknowledgment
4. Personal Information