

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL)</b>		<b>GRADE</b>					
		<b>AIC</b>					
<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>		<b>X</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>						
	<b>X</b>						
<b>MEMBER SITTING</b>			<b>VOTE OF THE BOARD</b>				
			HON	GEN	UOTHC	OTHER	DENY
			<b>X</b>				
							<b>X</b>
							<b>X</b>
<b>ISSUES</b> A92.19 A93.07		<b>INDEX NUMBER</b> A67.10		<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> 25 Jan 2006		<b>CASE NUMBER</b> FD-2005-00153					
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>							
<p>Case heard at Washington, D.C., without the applicant's presence. He did not appear for a scheduled personal appearance.</p> <p>Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>							
<b>INDORSEMENT</b>				<b>DATE: 1/27/2006</b>			
<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, 3E WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002					

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00153**

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) and scheduled a personal appearance via video teleconference, but failed to appear.

The following additional exhibits were submitted at the hearing:

None.

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:**

Issue 1. Applicant states that his discharge did not take into account the good things he did while in the service. Specifically, he noted he was discharged 3 weeks prior to his original date of separation, had served over 95% of his enlistment, and was already scheduled to separate voluntarily. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 2. The applicant cited the stress he faced at the time of his discharge because of personal conflicts he was experiencing with his wife. In addition, he stated the aftermath of one incident with his spouse directly caused the events which became the basis of his second punishment under Article 15, UCMJ. The Board was sympathetic to the impact of his marital difficulties, but concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Minot AFB, ND on 19 Aug 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 Oct 81. Enlmt Age: 18 2/12. Disch Age: 23 10/12. Educ: HS DIPL. AFQT: N/A. A-59, E-42, G-39, M-30. PAFSC: 3P051 - Security Forces Journeyman. DAS: 5 Feb 01.

b. Prior Sv: (1) AFRes 19 Jan 00 - 11 Sep 00 (7 months 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Sep 00 for 4 yrs. Svd: 3 Yrs 11 Mo 8 Das, all AMS.

b. Grade Status: A1C - 27 Jul 04 (Article 15, 27 Jul 04)  
SrA - 12 Sep 03  
A1C - 12 Jan 02  
Amn - 12 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 27 Jul 04, Minot AFB, ND - Article 86. You did, on or about 9 Jul 04, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, who knew of your duties, on or about 8 Jul 04, were derelict in the performance of those duties in that you willfully failed to remain on telephone standby to report to work, as it was your duty to do. Reduction to Airman (below A1C suspended). Forfeiture of \$200.00 pay per month for 2 months, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 30 May 03, Minot AFB, ND - Article 128. You did, on or about 4 May 03, unlawfully strik  
in the head and neck area with your closed fist. Article 134. You were, on or about 4 May 03, drunk and disorderly. Suspended reduction to Amn. Forfeiture of \$301.00 pay, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 5 MAY 04 - Failure to go and leaving mandatory training early without authority.

LOR, 5 MAR 04 - Failure to wear appropriate alert gear.

f. CM: None.

g. Record of SV: 12 Sep 00 - 11 May 02 Minot AFB 3 (Initial)  
12 May 02 - 11 May 03 Minot AFB 2 (Annual) **REF**  
12 May 03 - 11 May 04 Minot AFB 3 (Annual)

h. Awards & Decs: AFAM, AFTR, NDSM, AFOUA W/1 BOLC.

i. Stmt of Sv: TMS: (4) Yrs (7) Mos (1) Das  
TAMS: (3) Yrs (11) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Apr 05.  
(Change Discharge to Honorable)

Issue 1: Due to "Minor Disciplinary Actions" I was discharged 3 weeks before my original date of separation. I served over 95% of my enlistment and felt as though I deserved to finish my last three weeks in which I was already voluntarily separating, which would have given me an Honorable discharge and access to my GI Bill.

**ATCH**

1. DD Form 214.

18MAY05/ia

13 APR 2005

1A

**APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL 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 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.

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**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 request for Social Security Number is strictly to assure proper identification of the individual and is not to be used for any other purpose.

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

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

b. NAME (Last, First, Middle Initial)  GRADE/RANK AT DISCHARGE  
 1  
 E/S A1C

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)  
 20040919

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION  
 791 MSFS at Minot AFB  
 ND 58704

4. DISCHARGE CHARACTERIZATION RECEIVED (X one)  
 HONORABLE  
 GENERAL/UNDER HONORABLE CONDITIONS  
 UNDER OTHER THAN HONORABLE CONDITIONS  
 BAD CONDUCT (Special court-martial only)  
 UNCHARACTERIZED  
 OTHER (Explain)

5. BOARD ACTION REQUESTED (X one)  
 CHANGE TO HONORABLE  
 CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS  
 CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)  
 CHANGE NARRATIVE REASON FOR SEPARATION TO:

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)  
 Due to "Minor Disciplinary Actions" I was discharged 3 weeks before my original date of separation. I served over 95% of my enlistment and felt as though I deserved to finish my last 3 weeks in which I was already voluntarily separating, which would have given me an Honorable discharge and access to my GI Bill.

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.)  
 A copy of my DD Form 214

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. E-MAIL  
 c. 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.)  
 CASE NUMBER (Do not write in this space.)

a. SIGNATURE - REQUIRED (Applicant or person in item 11 above)  
 b. DATE SIGNED - REQUIRED (YYYYMMDD)  
 20050407

14. CONTINUATION OF ITEM 8. ISSUES (if applicable)

15. CONTINUATION OF ITEM 8. SUPPORTING DOCUMENTS (if applicable)

16. REMARKS (if applicable)

**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 Kannon 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

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME: [REDACTED] 2. DEPARTMENT, COMPONENT AND BRANCH: AIR FORCE - REG AF 3. SOCIAL SECURITY NUMBER: [REDACTED]

4. PAY GRADE: [REDACTED] 5. DATE OF BIRTH (YYYYMMDD): 19811014 6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD): N/A

7a. PLACE OF ENTRY INTO ACTIVE DUTY: FT DIX, NJ 7b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known): ATLANTIC CTY NJ

8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND: 781 MSFS (SPO) 8b. STATION WHERE SEPARATED: MINOT AFB ND

9. COMMAND TO WHICH TRANSFERRED: NOT APPLICABLE 10. SGLI COVERAGE AMOUNT: NONE \$250,000

Table with 3 columns: 11. PRIMARY SPECIALTY, 12. RECORD OF SERVICE (YEAR, MONTH, DAY), and 13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED.

14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed): Basic Military Training, 6 weeks, Oct 00

15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM: YES X NO 15b. HIGH SCHOOL GRADUATE OR EQUIVALENT: YES X NO

16. DAYS ACCRUED LEAVE PAID: 0.0 17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION: YES NO X

18. REMARKS: [REDACTED]

19. ADDRESS AFTER SEPARATION (APO, ZIP CODE): [REDACTED] 20. NEAREST RELATIVE (Name, address, phone number, ZIP CODE): [REDACTED]

21. MEMBER REQUESTS COPIES BE SENT TO: DIRECTOR OF VETERANS AFFAIRS: YES X NO

22. HIGH SCHOOL OR POSTER EDUCATION AWARDED: [REDACTED]

SPECIAL ADDITIONAL INFORMATION table with rows for 23. TYPE OF SERVICE, 24. DATE OF SEPARATION, 25. SEPARATION CODE, 26. ENTRY CODE, 27. DATE OF TOUR END DURING THIS PERIOD, and 28. MEMBER REQUESTS COPY.