
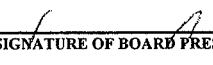


**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

|  |           |  |   |  |                                     |             |  |
|--|-----------|--|---|--|-------------------------------------|-------------|--|
| <b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>   |           | <b>GRADE</b><br>A1C                        | <b>AFSN/SSAN</b>  |  |                                     |             |  |
| <b>TYPE GEN</b>  | <b>X</b>  | <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> |  |   |  |                                     |             |  |
|  | <b>X</b>  |  |   |  |                                     |             |  |
| <b>MEMBER SITTING</b>  |           | <b>VOTE OF THE BOARD</b>                   |   |  |                                     |             |  |
|  |           | <b>HON</b>                                 | <b>GEN</b>  | <b>UOTHC</b>   | <b>OTHER</b>                        | <b>DENY</b> |  |
|  |           |  |   |  |                                     | <b>X+*</b>  |  |
|  |           |  |   |  |                                     | <b>X+*</b>  |  |
|  |           |  |   |  |                                     | <b>X+*</b>  |  |
|  |           |  |   |  |                                     | <b>X+*</b>  |  |
| <b>ISSUES</b><br>A94.11<br>A01.13<br>A92.21  |           | <b>INDEX NUMBER</b><br>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      |             |  |
| <b>HEARING DATE</b><br>07 Feb 2006   |           | <b>CASE NUMBER</b><br>FD-2005-00171        |   | ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE |                                     |             |  |
|  |           |  |   | TAPE RECORDING OF PERSONAL APPEARANCE                        |                                     |             |  |
| <b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b> |           |  |   |  |                                     |             |  |
| Case heard at Washington, D.C. and Randolph AFB, Texas via video teleconference.   |           |  |   |  |                                     |             |  |
| 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.  |           |  |   |  |                                     |             |  |
| + Change RE Code<br>* Change Reason and Authority  |           |  |   |  |                                     |             |  |
| <b>SIGNATURE OF RECORDER</b>                                  |           |  | <b>SIGNATURE OF BOARD PRESIDENT</b>    |  |                                     |             |  |
| <b>INDORSEMENT</b>   |           |  |   | <b>DATE: 2/8/2006</b>  |                                     |             |  |
| <b>TO:</b><br>SAF/MRBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742   |           |  | <b>FROM:</b><br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3RD FLOOR<br>ANDREWS AFB, MD 20762-7002 |  |                                     |             |  |

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2005-00171

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge and to change the reenlistment code. The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, Maryland and Randolph AFB, Texas on 07 Feb 2006 via video teleconference. The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are 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 contends the he was wrongfully accused of sleeping on duty on the flightline during the launch of a B-1B aircraft. The evidence against the applicant consisted of written statements by three flightline NCOs, to include an E-7 Production Superintendent and an E-7 Expediter. The applicant contended, both then and now, that he did not fall asleep on the flightline. Despite his contention, the applicant's commander concluded that the applicant committed the act and imposed nonjudicial punishment. Thereafter, the commander initiated involuntary separation for a series of minor disciplinary infractions. After consideration of the applicant's sworn testimony and the evidence of record, the Board determined that there was insufficient evidence to overturn the commander's finding and concluded that the applicant had negligently performed his flightline duties. Furthermore, the Board concluded that the characterization of the discharge received by the applicant was appropriate.

Issue 2. Applicant states that he was not permitted to see his base commander and that he was discharged from the military under duress. Under AFI 51-202, *Nonjudicial Punishment* and AFI 36-3208, *Administrative Separation of Airmen*, the applicant was not entitled to a personal appearance before the wing commander. The Board also noted that the applicant had consulted counsel during his two nonjudicial punishment actions and in his involuntary separation action. The Board found no impropriety in any of these actions.

Issue 3. Finally, the applicant states that he has been a respectable, responsible individual with steady employment with Boeing Aerospace in San Antonio, Texas since his discharge. He further stated that he was a father of two children and that he desired to serve his country again as did his grandfather, father and sister. The DRB was pleased to see that the applicant was doing well, had a good job, and was soon to obtain a business management degree. However, the Board concluded, in this case, that these facts did not raise a matter of inequity or impropriety which would warrant an upgrade or other relief.

**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 or other relief, 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 Dyess AFB, TX on 5 Aug 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 16 Aug 74. Enlmt Age: 18 1/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A. A-50, E-63, G-59, M-83. PAFSC: 2A6555 - Aircraft Pneudraulic Systems Journeyman. DAS: 19 Jun 95.

b. Prior Sv: (1) AFRes 22 Sep 92 - 08 Dec 92 (2 mos 1 day) (Inactive).

(2) Enlisted as AB 9 Dec 92 for 4 years. Svd: 3 Yrs 00 Mos 29 Das, all AMS. Amn - 09 Jun 93, A1C - 09 Apr 94, SrA - 09 Dec 95. EPRs: 3,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 08 Jan 96 for 6 years. Svd: 01 Yrs 06 Mo 28 Das, all AMS.

b. Grade Status: A1C - 14 Jul 97 (Article 15, 14 Jul 97)

c. Time Lost: None.

d. Art 15's: (1) 14 Jul 97, Dyess AFB, TX - Article 92. You, who should of known of your duties, on or about 3 Jul 97, were derelict in the performance of your duties in that you negligently failed to refrain from sleeping on duty at or near the flightline on centerline 1, as it was your duty to do. Reduction to A1C. Forfeiture of \$100.00 pay per month for two months and fifteen days extra duty. (Appeal/Denied) (No mitigation)

(2) 07 Oct 96, Dyess AFB, TX - Article 134. You, did, at or near Abilene, Texas, on or about 31 Jul 96, wrongfully have sexual intercourse with Lori Cox, a married woman not your wife. Suspended reduction to A1C. Forfeiture of \$100.00 pay per month for two months. Forty-five days extra duty and forty-five days restriction to base. (No appeal) (No mitigation)

e. Additional: RIC, 24 FEB 97 - Unsafe operation of a motor vehicle.  
LOR, 22 FEB 97 - Failure to obey a lawful order.  
RIC, 10 JAN 97 - Failure to make a scheduled appointment.

f. CM: None.

g. Record of SV: 15 Apr 95 - 14 Apr 96 Dyess AFB 4 (Annual)  
15 Apr 96 - 14 Apr 97 Dyess AFB 2 (Annual)REF

h. Awards & Decs: AFLSAR, AFTR, AFOSLTR, NDSM, SAEMR W/DEV, AFOUA W/1  
BOLC, AFGCM.

i. Stmt of Sv: TMS: (04) Yrs (10) Mos (14) Das  
TAMS: (04) Yrs (07) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Apr 05.  
(Change Discharge to Honorable, and Change RE Code, Reason and Authority for  
Discharge.)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.

25MAY05/day

Acc

|  |  |  |
|--|--|--|
| <b>APPLICATION FOR THE REVIEW OF DISCHARGE<br/>FROM THE ARMED FORCES OF THE UNITED STATES</b><br><i>(Please read instructions on Pages 3 and 4 BEFORE completing this application.)</i>  |  | Form Approved<br>OMB No. 0704-0004<br>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 the Department of Defense, Executive Services and Communications Directorate (0704-0004). 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 ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE. |  |  |
| <b>PRIVACY ACT STATEMENT</b>   |  |  |
| AUTHORITY: 10 U.S.C. 1553; E.O. 9397.<br>PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.<br>ROUTINE USE(S): None.<br>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.   |  |  |
| <b>1. APPLICANT DATA</b> <i>(The person whose discharge is to be reviewed).</i> PLEASE PRINT OR TYPE INFORMATION.  |  |  |
| a. BRANCH OF SERVICE <i>(X one)</i>  | <input type="checkbox"/> ARMY            | <input type="checkbox"/> MARINE CORPS  |
|  | <input checked="" type="checkbox"/> NAVY | <input checked="" type="checkbox"/> AIR FORCE  |
|  | <input type="checkbox"/> COAST GUARD     |  |
| b. NAME <i>(Last, First, Middle Initial)</i>   |  | c. GRADE/RANK AT DISCHARGE<br>E-3  |
|  |  | d. SOCIAL SECURITY NUMBER  |
| 2. DATE OF DISCHARGE OR SEPARATION<br><i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i><br>19970807  |  | 4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i>                                    |
|  |  | <input type="checkbox"/> HONORABLE   |
|  |  | <input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS                   |
|  |  | <input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS                           |
| 3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION<br>9th Bomb Squadron, Dyess A.F.B., Texas  |  | 5. BOARD ACTION REQUESTED <i>(X one)</i>   |
|  |  | <input checked="" type="checkbox"/> CHANGE TO HONORABLE                                  |
|  |  | <input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS                    |
|  |  | <input type="checkbox"/> CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i> |
|  |  | <input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:                      |
| 6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST <i>(Continue in Item 14. See instructions on Page 3.)</i><br>I request a change to my discharge code to allow me reentry into the United States Military. I firmly believe that I was wrongly accused and opted to be discharged from the military under duress. A fellow airman and I were in the shop truck awaiting the imminent departure of a B-1B Lancer. We were on the flightline in front of the aircraft with the windows down due to heat. Hearing protection was in use due to the running engines. The shop radio was on the floor of the vehicle. I was sitting in the drivers  |  |  |
| 7. <i>(X if applicable)</i> AN APPLICATION WAS PREVIOUSLY SUBMITTED ON <i>(YYYYMMDD)</i> _____<br>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: <i>(Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)</i>   |  |  |
| 9. TYPE OF REVIEW REQUESTED <i>(X one)</i>   |  |  |
| <input type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR <i>(counsel/representative)</i> WILL NOT APPEAR BEFORE THE BOARD.  |  |  |
| <input type="checkbox"/> I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.  |  |  |
| <input checked="" type="checkbox"/> I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO <i>(enter city and state)</i> San Antonio, Texas <i>(NOTE: The Navy Discharge Review Board does not have a traveling panel.)</i>  |  |  |
| 10.a. COUNSEL/REPRESENTATIVE <i>(if any)</i> NAME <i>(Last, First, Middle Initial)</i> AND ADDRESS<br><i>(See Item 10 of the instructions about counsel/representative.)</i>   |  | b. TELEPHONE NUMBER <i>(Include Area Code)</i>   |
|  |  | c. E-MAIL  |
|  |  | d. FAX NUMBER <i>(Include Area Code)</i>   |
| 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 <i>(print)</i> _____ and relationship by marking a box below.   |  |  |
| <input type="checkbox"/> SPOUSE <input type="checkbox"/> WIDOW <input type="checkbox"/> WIDOWER <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> OTHER <i>(Specify)</i>   |  |  |
| 12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE<br><i>(Forward notification of any change in address.)</i>  |  | b. TELEPHONE NUMBER <i>(Include Area Code)</i>   |
|  |  | c. E-MAIL  |
|  |  | d. FAX NUMBER <i>(Include Area Code)</i>   |
| 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. <i>(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.)</i>  |  | CASE NUMBER<br><i>(Do not write in this space.)</i><br>FD 2005-00171                     |
| a. SIGNATURE - REQUIRED <i>(Applicant or person in Item 11 above)</i>  |  | b. DATE SIGNED - REQUIRED<br><i>(YYYYMMDD)</i><br>20050419                               |

**14. CONTINUATION OF ITEM 6, ISSUES (If applicable)**

seat of the vehicle with my fellow airman sitting in the back of the van. The expiditor truck pulled up with two master sergeants about 20 feet away from our vehicle. They honked their horn to get my attention. When I looked in their direction they pulled closer to inform me that I was needed back at the AMU to pick up another of my fellow airman. When I arrived at the AMU I was told to report to the section chief office. When I walked into the section chiefs office the First sergeant proceeded to read me my rights and informed me that I was being charged with dereliction of duty, asleep at post. I received an article 15 of which I appealed. I was informed that the base commander would not see me and that my only other option was to go before a General Courts Martial. I was informed by my JAG officer that my choices were to either take the General Under Honorable Discharge from the article 15 or risk getting a possible Dishonorable Discharge from the Courts Martial. Sir/Madam, I have been a respectable, responsible individual ever since my military career was suddenly cut short. I have been steadily employed for the last 6 years with Boeing Aerospace in San Antonio, Texas. 4 and a half of those years in a supervisory position. I am a father of 2 great kids. And I would love to have the opportunity to serve my country again as did my grand father who was in the Army during the Korean war, father who retired from the Navy as an E-9 and my sister who is currently an E-5 in the Air Force over in Germany.

**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 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 7TH BOMB WING (ACC)**  
**DYESS AIR FORCE BASE, TEXAS**

29 Jul 97

MEMORANDUM FOR A1C

FROM: 9 BS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49, dated 14 Oct 94. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General (Under Honorable Conditions).

2. My reasons for this action are:

a. You were, on 3 Jul 97, derelict in the performance of your duties in that you negligently failed to refrain from sleeping on duty at or near the flightline on centerline I, as it was your duty to do, as evidenced by AF Form 3070, dated 28 Jul 97.

b. You were, on 24 Feb 97, derelict in the performance of your duties in that you failed to follow safety rules and instructions while driving the Mule, as it was your duty to do, as evidenced by AF Form 174, dated 24 Feb 97.

c. You did, on 21 Feb 97, fail to obey a lawful order given to you by TSgt [redacted] in that you did not form up on the F.O.D. walk, as it was your duty to do, as evidenced by LOR, dated 22 Feb 97.

d. You did, on 9 Jan 97, without authority, fail to go at the time prescribed to your appointed place of duty, as evidenced by AF Form 174, dated 10 Jan 97.

e. You did, on 31 Jul 96, wrongfully have sexual intercourse with [redacted] a married woman not your wife, as evidenced by AF Form 3070, dated 8 Oct 96.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized.

3. 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 Capt [redacted] Area Defense Counsel, on 30 Jul 97 at 1300 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 4 Aug 97, 0800 hours, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination on 30 Jul 97, at 0900 hours, at the 7th Medical Group Hospital, Physical Exams Section.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFPD 36-32 and AFI 36-3208 is available for your use in the orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

✓ Commander, 9 BS

Attachments:

1. Airman's Receipt of  
Letter of Notification
2. AF Form 3070, dated 28 Jul 97
3. AF Form 174, dated 24 Feb 97
4. AF Form 174, dated 22 Feb 97
5. AF Form 174, dated 10 Jan 97
6. AF Form 3070, dated 8 Oct 96