

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
	X*+				
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ISSUES A94.06	INDEX NUMBER A67.90	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:20px; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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 HE
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HEARING DATE 15 Nov 2006	CASE NUMBER FD-2005-00180
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in Washington, D.C. via video teleconference with Travis AFB, CA.

Advise applicant of the decision of the Board.

Names and votes will be made available to the applicant at the applicant's request.

* CHANGE RE CODE
 + CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

INDORSEMENT	DATE: 11/15/2006
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

GENERAL: The applicant appeals for upgrade of discharge to honorable, 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 Travis AFB, CA via video teleconference with Andrews AFB on 15 Nov 2006. The following witness also testified on the applicant's behalf: applicant's father, Mr. Willie Farrish.

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

FINDINGS: The Board grants the requested relief.

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 reason and authority for discharge inequitable.

ISSUE: Applicant contends discharge was inequitable because he was immature and it was too harsh. The records indicated the applicant received one Letter of Counseling, two Letters of Reprimand and one Article 15, for misconduct that involved two off-duty alcohol related incidents and twice having an unauthorized guest in the dormitory. The DRB noted that the applicant was referred to ADAPT program after the second alcohol related incident and that no further alcohol related misconduct or incidents occurred after the second incident and completion of the ADAPT program. The two incidents of an unauthorized guest in the dormitory occurred ten days apart and the Board examined the details of the circumstances concluding that the second incident showed poor judgment and warranted stern disciplinary action. Although the applicant contended he was immature, the DRB noted he was 22 years old at the time of discharge and was older than most first-term airmen. The Board noted that although the applicant received a referral 2 EPR which closed out 14 Jun 04, that the applicant's duty performance was documented as excellent and the applicant was a valued team player considered to have an excellent growth potential by supervisors. The Board concluded the misconduct was a significant departure from conduct expected of all military members; however, the Board also noted there were no further incidents prior to initiation of discharge action 4 months later during which time the applicant continued to satisfactorily perform military duties. Although the applicant did not contest his discharge, the DRB concluded that the discharge was too harsh based on the totality of the evidence of record, including the nature of the misconduct, the excellent duty performance, potential for growth, testimony during the Board proceeding, and post service conduct that reinforced the positive assessment made in 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.

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, and reason for discharge should be changed to Secretarial Authority under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

**DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD**

(Former AMN) (HGHI A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Malmstrom AFB, MT on 10 Feb 05 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 RE Code, Reason and Authority for Discharge.

2. BACKGROUND:

a. DOB: 7 Oct 82. Enlmt Age: 19 7/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-65, E-58, G-48, M-31. PAFSC: 2M033 - Missile and Space Facilities Apprentice. DAS: 16 Jun 03.

b. Prior Sv: (1) AFRes 16 May 02 - 14 Oct 02 (5 months) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as Amn 15 Oct 02 for 4 yrs. Svd: 2 Yrs 3 Mo 27 Das, of which AMS is 2 yrs 3 months 26 days (excludes 1 day lost time).

b. Grade Status: Amn - 10 Sep 04 (Article 15, 10 Sep 04)
A1C - 15 Aug 03

c. Time Lost: 23 Apr 04 thru 23 Apr 04 (1 day).

d. Art 15's: (1) 10 Sep 04, Malmstrom AFB, MT - Article 92. You, having knowledge of a lawful order, to wit: Malmstrom AFBI 32-6001, dated 12 Jun 97, an order which it was your duty to obey, did, on or about 25 Aug 04, fail to obey the same by wrongfully having an underage person in the dormitory. Article 86. You, did, on or about 30 Aug 04, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB (below Airman suspended). Restriction to Base for 60 days. (No appeal) (No mitigation)

e. Additional: LOC/UIF, 18 AUG 04 - Having an underage girl in the dormitory.
LOR/CR, 02 APR 04 - Driving under the influence of alcohol.
LOR, 27 AUG 03 - Underage consumption of alcohol.

f. CM: None.

g. Record of SV: 15 Oct 02 - 14 Jun 04 Malmstrom AFB 2 (Initial)REF

h. Awards & Decs: AFTR, NDSM, AFOUA W/2 OLCS.

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (25) Das
TAMS: (2) Yrs (3) Mos (26) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 28 Apr 05.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority
for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

14JUN05/ia

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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.

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 TYPE INFORMATION.

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) 20050210
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 341 MXS/MAFB
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.)

Request an upgrade to pursue a military career. My Commander had already awarded punishment for the infraction committed, then five (5) months later awarded a General Discharge with (over)

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.)

Document supporting Father's career. (Attached)

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) Roseville, CA 95661 (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 (Enclosed 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) 20050428
CASE NUMBER (Do not write in this space.) FD 2005-00180

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

no other adverse action.

Issue II - Behavior

Many young Airmen in Great Falls, MT. were having social and behavior problems, because of the small isolation of the town. I now know better.

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

16. REMARKS (If applicable)

My father set a precedent with his outstanding Naval career for all in our family to ~~follow~~ follow. He insist that it is all because of our highly trained and dedicated military that all Americans can live in and enjoy a free and Democratic society.

Youthfulness failed to allow me to fully understand that for our great country to achieve this status, our military personnel must be of the very best caliber, honest, respectful and hard working.

I do (now) have the ability, understanding and counseling on how to behave, perform and serve our country well, and with the kind consideration of the Panel, I respectfully request you to allow me to be reinstated, serve this great country and excel in the military just as my father.

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 CE
HEADQUARTERS 341ST SPACE WING (AFSPC)

FD 2005-00180

24 Apr 2005
(Date)

MEMORANDUM FOR 341 MMXS (ATTN: Amn:)

FROM: 341 MMXS/CC *RA*

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for 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 general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 22 Jul 03, you were involved in an off base incident in which you were stabbed during a physical altercation. You admitted to consuming alcohol under the age of 21. For this misconduct you received a letter of reprimand (LOR) dated 27 Aug 03.

b. On or about 27 Mar 04, you drove your vehicle while intoxicated. For this misconduct, you received an LOR dated 2 Apr 04.

c. On or about 15 Aug 04, you failed to obey a lawful order by having an underage girl in your dormitory room. For this misconduct, you received a letter of counseling (LOC) dated 18 Aug 04.

d. On or about 25 Aug 04, you failed to obey a lawful order by having an underage person in the dormitory. Furthermore, on or about 30 Aug 04, you failed to report to your appointed place of duty at the time prescribed. For this misconduct you received an Article 15 dated 10 Sep 04 with a punishment consisting of reduction to the grade of airman, with the reduction to the grade of airman basic (suspended) and restriction to MAFB for 60 days.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction or a 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. 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.

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 the Area Defense Counsel, x4723, 7015 Goddard Drive, Bldg 145, Room 144 on 25 Jan 05 at 1030. 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 COB 27 Apr 2005 (3 duty days) unless you request and receive an extension for good cause shown. I will send all submitted statements to the separation authority.

FOR OFFICIAL USE ONLY

Guardians of the High Frontier

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 341st Medical Group Force Health Management Section, x4405, at 0930 hours on 26 Jan 05 for the examination. You **MUST** be in uniform for this appointment. If you wear glasses, you must also bring them to this appointment.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, *Administrative Separation of Airmen*, is available for your use at your orderly room.
9. Execute the attached acknowledgement and return it to me immediately.



Commander, 341st Missile Maintenance Squadron

Attachments:

1. Supporting documents:
 - a. UIF Summary
 - b. LOR dated 27 Aug 03
 - c. LOR dated 2 Apr 04
 - d. LOC dated 18 Aug 04
 - e. Article 15 dated 10 Sep 04
 - f. Documents in Attachment 6
2. Airman's Receipt of Notification Memorandum