

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)  [ ]	GRADE  <b>A1C</b>	AFSN/SSAN  [ ]
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<b>TYPE</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	<b>X</b>		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[ ]					X+*
[ ]					X+*
[ ]					X+*
[ ]					X+*
[ ]					X+*

ISSUES <b>A94.11</b> <b>A01.07</b> <b>A90.07</b>	INDEX NUMBER <b>A29.00</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>28 Feb 2006</b>	CASE NUMBER <b>FD-2005-00213</b>	
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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 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.

- X - Upgrade Discharge
- + - Change RE code
- \* - Change Reason and Authority

SIGNATURE OF RECORDER  [ ]	SIGNATURE OF BOARD PRESIDENT  [ ]
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<b>INDORSEMENT</b>		<b>DATE: 3/1/2006</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-2005-00213**

**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 on 28 February 2006.

The following additional exhibits were submitted at the hearing:

- Exhibit #5: AF Form 102 IG Complaint Registration
- Exhibit #6: IG Response dated 5 April 2004
- Exhibit #7: Legal Assistance Letters
- Exhibit #8: Telephone Log dated 23 September 2004
- Exhibit #9: Response to LOR
- Exhibit #10: AETC Form 736 and Response
- Exhibit #11: Memo from [ ]
- Exhibit #12: Two E-mails
- Exhibit #13: Excerpts from the Applicants submission to the AFBCMR
- Exhibit #14: Miscellaneous Items
- Exhibit #15: E-mail from 82d Wing IG to AETC IG

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.

**ISSUES:**

Issue 1. Applicant contends his discharge was inequitable because it was based upon his chain of command's erroneous belief the applicant was a homosexual. Despite this assertion, there is no evidence his discharge was based upon his supposed sexual orientation. His discharge was based upon his failure in his technical training program and his minor disciplinary infractions. The records indicated the applicant was medically eliminated from one technical training school, reclassified into the postal apprentice career field and then failed out of the technical training school for that career field.

Issue 2. Applicant contends that his discharge was improper because he was not allowed to consult with an Area Defense Counsel after receiving Letters of Counseling or Letters of Reprimand. Even if this were true, it does not create an impropriety in the discharge action. There is no right to consult with counsel associated with receipt of LOCs or LORs. The applicant did consult with counsel regarding his administrative discharge from the Air Force.

Issue 3. Applicant contends that upgrading his discharge would remove blockages and allow him to avoid awkward questions when he attempts to secure a better job. While the DRB was sympathetic to his desire to obtain more rewarding employment, no inequity or impropriety in his discharge was found in the course of the hearing.

Issue 4. The applicant contends that the discharge action was improper because he should have been discharged by Sheppard AFB rather than Keesler AFB. This contention is without merit; the 82d Training Group Commander was the appropriate separation authority because the applicant was a student assigned to one of the 82d Training Group's training detachments.

**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 A1C)

**MISSING DOCUMENTS**

**1. MATTER UNDER REVIEW:** Appl rec'd a UNCHARACTERIZED Disch fr Shaw AFB, SC on 4 Oct 02 UP AFI 36-3208, para 5.22 (Unsatisfactory Entry Level Performance or Conduct). Appeals for Honorable Discharge, and Change in the RE Code, Reason and Authority for Discharge.

**2. BACKGROUND:**

a. DOB: 7 Feb 77. Enlmt Age: 24 6/12. Disch Age: 25 7/12. Educ: HS DIPL. AFQT: N/A. A-26, E-55, G-34, M-36. PAFSC: 9T000 - Trainee. DAS: Unknown.

b. Prior Sv: (1) AFRes 13 Aug 01 - 25 Mar 02 (07 mos 13 das)(Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enlisted as A1C 26 Mar 02 for 6 years. Svd: 00 Yrs 06 Mo 10 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: Unknown.

e. Additional: LTR, 11 SEP 02 - Eliminated from Postal Operations  
Apprentice Course.  
LOR, 10 SEP 02 - Failure to shave and failure to maintain  
military bearing.  
LOC, 29 AUG 02 - Dormitory room not in inspection order.  
LOC, 27 AUG 02 - Random dormitory inspection, found your  
desk drawer unsecured.  
EXAMINERS NOTE: The additional information was taken from  
the discharge notification letter. Also applicant enlisted  
with guaranteed AFSC 3E031.

f. CM: Unknown.

g. Record of SV: None.

h. Awards & Decs: BMTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (01) Mos (23) Das  
TAMS: (00) Yrs (06) Mos (10) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 May 05.

(Change to Honorable Discharge, and RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.

05JUL05/day

<b>APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES</b> <i>(Please read instructions on Pages 3 and 4 BEFORE completing this application.)</i>		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 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. 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.		
<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>	ARMY <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> NAVY <input type="checkbox"/> AIR FORCE <input checked="" type="checkbox"/> COAST GUARD <input type="checkbox"/>	
b. NAME <i>(Last, First, Middle Initial)</i>	c. GRADE/RANK AT DISCHARGE E-3	d. SOCIAL SECURITY NUMBER
2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) <i>(If date is more than 15 years ago, submit a DD Form 149)</i> 2002 10 04	4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i>	5. BOARD ACTION REQUESTED <i>(X one)</i>
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 336 TRS 815th TRW	<input type="checkbox"/> HONORABLE <input type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<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 checked="" type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO: SK
	<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i> <input checked="" type="checkbox"/> UNCHARACTERIZED <input type="checkbox"/> OTHER <i>(Explain)</i>	X Secretarial Authority
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> - Command made the erroneous assumption that I was homosexual. - Command was concerned about the tonal quality of my voice - Command refused to let me contact ADC when they left me telephone messages to return.		
7. <i>(X if applicable)</i> AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) 2004 08 17 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> Most documents are at the AFBCMR there are additional documents that will be sent to MR BR Flight.		
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 checked="" 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 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> <span style="float: right;"><i>(NOTE: The Navy Discharge Review Board does not have a traveling panel.)</i></span>		
10.a. COUNSEL/REPRESENTATIVE <i>(If any)</i> NAME <i>(Last, First, Middle Initial)</i> AND ADDRESS <i>(See Item 10 of the instructions about counsel/representative.)</i> Military Claims Veterans of Foreign Wars 1722 4th St. NW Washington DC 20421-1111	b. TELEPHONE NUMBER <i>(Include Area Code)</i>	c. 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 <i>(Forward notification of any change in address.)</i>		b. TELEPHONE 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 <i>(Do not write in this space.)</i>
a. SIGNATURE - REQUIRED <i>(Applicant or person in Item 11 above)</i>	b. DATE SIGNED - REQUIRED (YYYYMMDD) 2005 05 20	

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

The reason why I was removed for training for flat feet but that was not an issue - the issue was the fact I had a foot injury.

The command made an assumption that I was homosexual, it was erroneous. The command wrote me letters in hopes I learn a lesson but did not stop problems.

I was prevented from the assisting assistance of ADC. ADC had made an appointment for me but I was prevented to attend. ADC left me phone messages but my command would not make me aware. I needed legal assistance before problems spun out

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

control.

Documents will be furnished to MRBR, most documents are at the AFBCMR, and other documents will be sent to MRBR in the future.

I need a copy of my AF personnel records but I do know documents are missing from file and a letter that states I have a 7th grade level reading is not enclosed.

## 16. REMARKS (If applicable)

- I passed m&ps screening since all three physicals.
- I passed the requirements.
- my employer states I have a 12th grade reading comprehension level.
- I am not a homosexual and the issue about the pitch of my voice should have been a worse issue.
- I was questioned and scrutinize without ADC.
- I went on a TOY assignment from Sheppard AFB to Misawa Fort Jackson was for training but until I sign in at Misawa I Sheppard AFB is my losing base. My medical records were sent to Japan.
- I did file three IG complaints. Msq. Rogers told me he received them. The Air Force General Counsel stated phone records from Fort Jackson make a good case.

## 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**  
**AIR EDUCATION AND TRAINING COMMAND**

20 Sep 2002

MEMORANDUM FOR A1C [REDACTED]

FROM: DET 1, 336 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory entry-level performance or conduct. The authority for this action is AFD 36-32 and AFI 36-3208, Chapter 5, Section D, paragraph 5.22. If my recommendation is approved, your discharge will be described as an entry-level separation and you will be ineligible for reenlistment in the Air Force.

2. My reasons for this action are:

a. On or about 11 Sep 02, you were eliminated from the Postal Operations Apprentice course, due to your academic deficiencies with the course. (Atch 1, Appendix A w/atchs)

b. On 10 Sep 02, you violated AFI 36-2903, by failing to shave prior to leaving the dormitory for breakfast. In addition, you failed to maintain your military bearing by calling an area to attention when the commander was already in the room, moving around while at the position of attention, and failing to salute the commander. For these infractions, you received a Letter of Reprimand, dated 10 Sep 02. (Atch 1, Appendix B w/atchs)

c. On 29 Aug 02, you did not have your dormitory room in inspection order, for which you received a Letter of Counseling, dated 29 Aug 02. Atch 1, Appendix C)

e. On 27 Aug 02, during a random dormitory room inspection by the Chief, Military Training Leader, your desk drawer was found unsecured, for which you received a Letter of Counseling, dated 27 Aug 02. (Atch 1, Appendix D w/atchs)

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 higher 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. Any special pay, bonuses or education assistance funds may be subject to recoupment.





DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

OCT 2 2002

MEMORANDUM FOR 81 TRG/CC

FROM: 81 TRW/JAJ  
500 Fisher Street Rm 227  
Keesler AFB, MS 39534-2553

SUBJECT: Legal Review, Administrative Discharge – AB [REDACTED]  
[REDACTED]

1. **ACTION:** On 23 Sep 02, Det 1, 336 TRS/CC recommended that AB [REDACTED] (hereafter referred to as "Respondent") be administratively separated for unsatisfactory entry level performance or conduct with an entry level separation. The authority for this recommendation is AFI 36-3208, Section D, paragraph 5.22 (unsatisfactory entry level performance or conduct). Under paragraph 6.2.2, the respondent is not entitled to a board hearing.

2. **PERSONAL DATA:**

- a. Date and Term of Enlistment: 26 Mar 02; 6 Years;
- b. Total Active Federal Military Service Date: 26 Mar 02;
- c. Performance Reports: n/a.

3. **EVIDENCE FOR THE GOVERNMENT:**

- a. On or about 18 Sep 02, the Respondent was eliminated from the Postal Operations Apprentice course, due to his academic deficiencies with the course.
- b. On 10 Sep 02, the Respondent violated AFI 36-2908, by failing to shave prior to leaving the dormitory for breakfast. In addition, he failed to maintain his military bearing by calling an area to attention when the commander was already in the room, moving around while at the position of attention, and failing to salute the commander. For these infractions, the Respondent received a Letter of Reprimand, dated 10 Sep 02.
- c. On 29 Aug 02, the Respondent did not have his dormitory room in inspection order, for which he received a Letter of Counseling, dated 29 Aug 02.

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c. On 27 Aug 02, during a random dormitory room inspection by the Chief, Military Training Leader, the Respondent's desk drawer was found unsecured, for which he received a Letter of Counseling, dated 27 Aug 02.

4. EVIDENCE FOR THE RESPONDENT: This 25-year old airman is in his first enlistment and has AQE scores as follows: A - 55, E - 36, G - 34, M - 26. The Respondent consulted with military counsel and submitted written matters for the commander's consideration.

4. **DISCUSSION:** In his response, AB: [redacted] states that the reason he joined the Air Force was because it was a calling. He requested that the administrative actions be stopped because when he was notified of punitive offenses, he stopped the behavior that he was counseled or reprimanded on. He also states that he was not given the opportunity to see or speak with Area Defense Counsel in his previous incidents. He saw a Defense Attorney at Shaw AFB who represented soldiers at Ft. Jackson, but was told that he could not be of any assistance because he did not know about Air Force regulations. He also stated that Airman Basics do not look down upon him, nor does he set a negative example for them. AB: [redacted] stated that he had expressed the performance difficulties at the Postal School to the proper channels, and at times felt as though he was not getting anywhere. He requested that he be given the opportunity to go to another tech school in administration, and take advantage of the 81<sup>st</sup> Wing Learning Center to improve his academic skills, graduate, and enter the operational Air Force. This file is legally sufficient. The Respondent was medically eliminated from his first technical training school and was academically eliminated from the Postal Operations Apprentice course. The Respondent has had various infractions for which he has been counseled and reprimanded. We concur with Det 1, 336 TRS/CC's recommendation of an entry-level separation.

6. **OPTIONS:** As the Separation Authority your options are:

- a. If you determine this separation action is not supported by the evidence, direct that it be discontinued, and direct the respondent be retained in the Air Force.
- b. If you determine this separation action has been brought under an inappropriate section of AFI 36-3208, direct reinitiation under a more appropriate section.
- c. If you determine this separation action is supported by the evidence, approve the separation action, without probation and rehabilitation, and direct the respondent be given an entry level separation unsatisfactory entry level performance or conduct under the provisions of AFI 36-3208, Section D, paragraph 5.22.

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7. **RECOMMENDATION:** Approve respondent's separation, without probation and rehabilitation, with an entry level service characterization for unsatisfactory entry-level performance of conduct under the provisions of AFI 36-3208, Chapter 5, Section D, paragraph 5.22.

[Redacted Signature]

NCOIC, Airman Discharge Facility

I concur.

[Redacted Signature]

Chief, Administrative Discharge Branch

Attachment  
Case File

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