

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

INITIAL)

GRADE

AB

TYPE GEN	PERSONAL APPEARANCE	X	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
					X
					X
					X
					X
					X

ISSUES	A94.53	INDEX NUMBER	A67.50	EXHIBITS SUBMITTED TO THE BOARD	
				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

HEARING DATE	CASE NUMBER
26 Jan 2006	FD-2005-00234

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Washington, D.C. The applicant was offered a personal appearance before the Board via video teleconference between the Florida Sate Armory, St. Augustine, Florida and Andrews AFB, MD on 26 January 2006 but declined to exercise this right.

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.

INDORSEMENT

DATE: 1/27/2006

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

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00234

GENERAL: The applicant appeals for upgrade of discharge to honorable. The applicant was offered a personal appearance before the Discharge Review Board (DRB) via video teleconference between the Florida State Armory, St. Augustine, Florida and Andrews AFB, MD on 26 January 2006 but declined to exercise this right. 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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: The applicant provided no specific issue. In his application, he said "there is no substantial case that I can present to you with to overturn my discharge." He apologized for his mistakes, discussed his reasons for joining the military and stated that he was trying to turn his life around by working and attending school but that he did not have enough money for tuition. He said he applied for financial aid but had been denied it because of the nature of his discharge. He asked the board to "open a door" that would allow him to earn a college degree; and he asserted he would "never take light to another chance in life that people and God" provide him.

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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Malmstrom AFB, MT on 31 Jan 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Dec 82. Enlmt Age: 19 0/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-63, E-43, G-36, M-28. PAFSC: 3M031 - Services Apprentice. DAS: 19 Jun 02.

b. Prior Sv: (1) AFRes 20 Dec 01 - 20 Feb 02 (2 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Feb 02 for 4 yrs. Svd: 00 Yrs 11 Mo 11 Das, all AMS.

b. Grade Status: AB - 21 Nov 02 (Article 15, 21 Nov 02)
Amn - 21 Aug 02

c. Time Lost: None.

d. Art 15's: (1) 27 Dec 02, Malmstrom AFB, MT - Article 92. You, having knowledge of a lawful order issued by Hill, to wit: no contact order for you to refrain from having any contact with _____, dated 23 Sep 02, an order which it was your duty to obey, did, at or near Great Falls, Montana, on or about 22 Oct 02, fail to obey the same by wrongfully having personal contact with _____. Article 107. You did, on or about 12 Nov 02, with intent to deceive, sign an official document, to wit: response to nonjudicial punishment, which documents was false in that you related "I had no prior knowledge of coming to the place I was," and was then known by you to be so false. Forfeiture of \$552.00 pay. Restriction to Malmstrom AFB, Montana for 30 days, 30 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

(2) 21 Nov 02, Malmstrom AFB, MT - Article 92. You, having knowledge of a lawful order issued by _____ to wit: a no contact order for you to refrain from having any contact with _____ dated 23 Sep 02, an order which it was your duty to obey, did, at or near Great Falls, Montana, on or about 5 Oct 02, fail to

obey the same by wrongfully having personal contact with
Reduction to AB. Suspended
forfeiture of \$552.00 pay. Forty five days restriction,
45 days extra duty, and a reprimand. (No appeal) (No
mitigation)

- e. Additional: LOR, 25 OCT 02 - Late to duty on two occasions.
LOR, 08 OCT 02 - Failure to go.
LOR, 30 SEP 02 - Disobeying a direct order, failure to
respond to a notification of recall,
missed dental appointment, and lying to
dental personnel, a commissioned officer,
and an NCO.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFOUA, BMTR.
- i. Stmt of Sv: TMS: (01) Yrs (01) Mos (12) Das
TAMS: (00) Yrs (11) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 09 Jun 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

- 1. Applicant's Issues.

21JUL05/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completion. If you need more space, submit additional issues on an attachment.

To the Board, there is no substantial case that I can present to you with to overturn my discharge. My comments are that I made two mistakes, no matter the side of them and I have apologized for them to my former commander and first sergeant and I still to this day apologize. When I first went into the military it was to impress my parents and I did it on a whim, and when I made the mistake I was more upset that I was letting my parents down than anything. At this moment I am trying to turn my life around by working and attending school but the pay I get from work is not nearly enough to pay for tuition. I applied for financial aid and unfortunately I was denied because of the terms of my discharge from the Air Force. We have all made mistakes that we greatly regret, some bigger than others and what we need in life is a second chance. So a man as old as I am asking for is a chance by your upgrading my discharge it will give me that chance to earn a college degree and possibly opening a door that was closed when I chose to be immature and more. All I can do now is pray and have faith that you will find a little love and faith that I am and will never take light to another chance in life that people and God gives me. Thank you for reading my case.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

b. SIGNATURE

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (INDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 341ST SPACE WING (AFSPC)

FD 2005-00234

13 Jan 03
(Date)

MEMORANDUM FOR 341 SVS (ATTN: AB)

FROM: 341 SVS/CC

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, under honorable conditions.

2. My reasons for this action are:

a. On 17 Sep 02, you failed to respond to an exercise recall notification as directed. In addition, you also made a false official statement regarding your whereabouts during the recall. For this misconduct, you received a Letter of Reprimand (LOR) dated 30 Sep 02.

b. On 5 Oct 02, you were arrested by the Great Falls Police Department for 1st offense partner assault and minor in possession. This information is documented on a GFPD Form 1, Incident Report, dated 5 Oct 02.

c. On 2 Oct 02, you failed to report for a mandatory physical health assessment as directed. For this misconduct, you received an LOR dated 8 Oct 02.

d. On 22 Oct 02, you were arrested by the Great Falls Police Department for criminal mischief and minor in possession. This information is documented on a GFPD Form 1, Incident Report, dated 22 Oct 02.

e. On 19 Oct 02, and again on 20 Oct 02, you failed to report for duty at the appointed time. For this misconduct, you received an LOR dated 25 Oct 02.

f. On or about 5 Oct 02, you failed to obey a lawful no contact order issued by myself to have no contact with [redacted]. For this misconduct, you received an Article 15 dated 21 Nov 02, with the following punishment: reduction to the grade of airman basic, forfeiture of \$552.00 (suspended), restriction to Malmstrom AFB, MT for 45 days, 45 days extra duty, and a reprimand. This document was placed in your unfavorable information file (UIF).

g. On or about 22 Oct 02, you failed to obey a lawful no contact order issued by myself to have no contact with [redacted]. In addition, you made a false official statement

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Guardians of the High Frontier

regarding any prior knowledge of knowing _____ would be at the same place as you. For this misconduct, you received an Article 15/UIF dated 27 Dec 02, with the following punishment: forfeiture of \$552.00, restriction to Malmstrom AFB, MT for 30 days, 30 days extra duty, and a reprimand.

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 14 Jan 03 at 08:30. 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 16 Jan 03 (3 duty days) unless you request and receive an extension for good cause shown. I will send all submitted statements 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 341st Medical Group Force Health Management Section, x3613, at 08:30 hours on 16 Jan 03 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.

¶ Lt Col, USAF
Commander, 341st Services Sq

Attachments:

- 1. Supporting documents:
 - a. LOR dated 30 Sep 02
 - b. GFPD Incident Report dated 5 Oct 02
 - c. LOR dated 8 Oct 02

- d. GFPD Incident Report dated 22 Oct 02
 - e. LOR dated 25 Oct 02
 - f. Article 15/UIF dated 21 Nov 02
 - g. Article 15/UIF dated 27 Dec 02
 - h. Documents in Attachment 6
2. Airman's Receipt of Notification Memorandum
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