

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>		<b>GRADE</b> A1C	<b>AFSN/SSAN</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>YES</b>	<b>No</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
	<b>X</b>					
<b>MEMBER SITTING</b>		<b>VOTE OF THE BOARD</b>				
		<b>HON</b>	<b>GEN</b>	<b>UOTHIC</b>	<b>OTHER</b>	<b>DENY</b>
						X
						X
						X
						X
<b>WANDA R. LANGLEY</b>						X
<b>ISSUES</b>	<b>A94.05</b>	<b>INDEX NUMBER</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>			
		<b>A67.50</b>	<b>1</b>	ORDER APPOINTING THE BOARD		
		<b>A67.90</b>	<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>	<b>15 Feb 2006</b>	<b>CASE NUMBER</b>	<b>FD-2005-00318</b>			
<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.						
Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, 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.						
<b>SIGNATURE OF RECORDER</b>			<b>SIGNATURE OF BOARD PRESIDENT</b>			
<b>INDORSEMENT</b>			<b>DATE: 2/26/2006</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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2005-00318

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge, and to change the reenlistment code.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) 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 and 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 discharge was inequitable because it was too harsh. He contends that he was not given full representation by the Area Defense Council and further contends that he was punished twice. First with the Article 15, reduction in rank, 15 days extra duty and a probationary fine. Second, after serving his punishment, his commander submitted him for an early discharge. The records indicated the applicant received an Article 15, a Letter of Reprimand, five Letters of Counseling, and four Records of Individual Counseling for misconduct. The misconduct included being absent from place of duty (10 days), making a false official statement, failure to obey orders, reporting late for duty on five separate occasions, dereliction of duty, missed recall notification and missed scheduled training. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. Although applicant contends he was punished twice by being discharged after his Article 15, discharge is not punishment. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. The applicant states he has lost his veterans benefits, unable to obtain a job in the profession that he has experience, not eligible for unemployment due to the early release and has had to borrow thousands of dollars from his wife's parents. He has requested change of RE Code and upgrade of his discharge so that he may enlist in the US Marine Corp or US Army as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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, TX**

(Former A1C) (HGH SRA)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Davis-Monthan AFB, AZ on 4 Jun 04 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: 8 Jul 82. Enlmt Age: 17 8/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-55, E-40, G-32, M-31. PAFSC: 3A051 - Information Management Journeyman. DAS: 7 Dec 00.

b. Prior Sv: (1) AFRes 3 Apr 00 - 7 Aug 00 (4 months 5 days)(Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Aug 00 for 4 yrs. Svd: 03 Yrs 09 Mo 27 Das, all AMS.

b. Grade Status: A1C - 23 Apr 04 (Article 15, 23 Apr 04)  
SrA - 09 Aug 03  
A1C - 09 Dec 01  
Amn - 09 Feb 01

c. Time Lost: None.

d. Art 15's: (1) 23 Apr 04, Davis-Monthan AFB, AZ - Article 86. You, did, on or about 20 Mar 04, without authority, absent your (sic) from your place of duty at which you were required to be, to wit: 355<sup>th</sup> Equipment Maintenance Squadron, located at Davis-Monthan AFB, AZ, and did remain so absent until on or about 29 Mar 04. Article 107. You, did, on or about 25 Mar 04, with intent to deceive, make to TSgt a false official statement, to wit: "I am in Phoenix" or words to that effect, which statement was totally false, and was then know by you to be so false. Reduction to A1C. Suspended forfeiture of \$250.00 pay per month for 2 months. Fifteen days extra duty. (No appeal) (No mitigation)

e. Additional: LOC, 07 OCT 03 - Failure to obey orders.  
LOR, 03 OCT 03 - Late for duty.  
LOC, 28 AUG 03 - Late for duty.  
RIC, 20 MAR 02 - Missed Recall notification.  
RIC, 18 NOV 02 - Missed scheduled training.

RIC, 04 SEP 02 - Dereliction of duty.  
RIC, 13 AUG 02 - Tardiness.  
LOC, 22 FEB 02 - Late for duty.  
LOC, 04 FEB 02 - Late for duty.  
LOC, 08 JAN 02 - Returning to work late.

f. CM: None.

g. Record of SV: 08 Aug 00 - 28 May 02 Davis-Monthan AFB 4 (Initial)  
29 May 02 - 08 Apr 03 Davis-Monthan AFB 5 (CRO)

h. Awards & Decs: AFTR, NDSM, SAEMR.

i. Stmt of Sv: TMS: (04) Yrs (02) Mos (01) Das  
TAMS: (03) Yrs (09) Mos (27) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 04 Apr 05.

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

ISSUES ATTACHED TO BREIF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214.
3. Congressional Correspondence.
4. Seventeen Letters of Support.

25AUG05/ia

To Whom It May Concern:

I attest all this is to the best of my memory.

My name is \_\_\_\_\_, also known as \_\_\_\_\_ my social security number is \_\_\_\_\_ . I served in the United States Air Force as an Aviation Manager with the 355<sup>th</sup> Equipment Maintenance Squadron, 355<sup>th</sup> Maintenance Group, 355<sup>th</sup> Wing, Davis-Montham Air Force Base, Tucson, Arizona. I love the Air Force and I am proud that I had the opportunity to serve our country. I was trained very well from the Air Force and I enjoyed the pride and honor coming from serving our country. My family and I are very proud Americans and want nothing more than to contribute to this country and be good citizens. Unfortunately the last year of our lives has been very hard on us since being forced to leave the Air Force. I do not regret enlisting in the Air Force and if given the opportunity to reenlist I would do it instantly. After my early discharge we tried to live in Tucson, but we had to move back home and move it with my wife's parents. It was very difficult to get hired anywhere because of my discharge. I tried to reenlist in the Air Force or enlist in the Army or Marines, but was told that I have to wait 2 years because of my discharge separation code. I am willing today and was willing at the time of my discharge to continue to serve our country. I do not understand why I was not given a chance to prove that, except that at the time I was discharged I was told the Air Force was downsizing and may still be downsizing. Had the Air Force not been downsizing I believe I would have been able to serve the remainder of my enlistment and receive an honorable discharge rather than a general discharge. I am writing this letter to humbly ask that you please upgrade my general discharge to honorable. I was discharged from the United States Air Force prematurely, June 4<sup>th</sup> 2004, with a general discharge. My enlistment originally ended August 8<sup>th</sup> 2004. I was discharged even though I requested and wanted to continue to serve our country.

After just returning from my deployment in Ferrara, Italy, I made a selfish and foolish decision. I know that if I had not made the decision to leave the local area without taking leave during the 10 days I was given to recuperate from my TDY, I would still be enlisted in the United States Air Force and serving our country. Before I deployed to Ferrara, Italy, I took leave and drove my family to Kennewick, Washington (where we grew up and where we currently reside) so that my wife \_\_\_\_\_, my then five year old son \_\_\_\_\_ and three year old daughter \_\_\_\_\_ could be with family and friends while I was gone. I deployed to Italy on November 5<sup>th</sup> 2003. After I returned from Italy March 16<sup>th</sup> 2004 and in processed with my squadron, I made an unwise and irrational decision. During the time that I was given to recuperate after my deployment I flew back to Kennewick, Washington to be reunited with my wife and children and drive them home. I did not request leave for this trip. My supervisor \_\_\_\_\_ called me while I was in Kennewick. I told her that I was in Kennewick, Washington picking up my family. My supervisor then informed our commander that I was in Kennewick with my family. At that point I was ordered to return to base as quickly and safely as possible, which I did. When I returned to base I received an article 15 for being AWOL. My punishment was 15 days of extra duty details, a reduction in rank from SrA to A1C, and a probationary fine. I served out my punishment and did all that was asked of me with a positive attitude. I know I should have taken leave and I regret that decision very much, I am still truly sorry for my actions. I made a poor decision based on emotion because I missed my family very much and I was stressed at the fact that my wife \_\_\_\_\_ and my children, \_\_\_\_\_, were missing me. My son \_\_\_\_\_ was having a lot of emotional

problems because of my extended absence (gone for over four months). I had every intention of returning. I was not trying to desert by running away, I love the Air Force. Nor was I trying to not fulfill my enlistment contract, in fact I was considering re-enlisting. Also, everything we owned was in our house in Tucson, Arizona where we lived in base housing. My intention was to pick up my family and get back as soon as I could.

I did not rebut the Article 15 and I did not seek counsel from the Area Defense Council (ADC). I signed the Article 15 the day it was served to me because I believe that when you make a mistake you own up to your responsibilities, take your punishment and learn from it. I did everything asked of me with a positive attitude and continued to serve the Air Force, I tried to impress the commander and chief master sergeant by staying late after work supporting the mission. After I completed my punishment my goal was to put it behind me and to serve our country to the best of my abilities. I was warned that the commander was considering an early discharge but I thought it was a scare tactic. I did not think that the commander would discharge me after he had already punished me and I had only two months remaining of my enlistment and had done nothing wrong after receiving the Article 15. Also because I lived in base housing, I thought that it would be a very harsh punishment to be discharged and thrown off-base especially with a family. I was shocked and dismayed when I was told by my commander that he was putting a package together to have me discharged early. I was truly frightened and felt betrayed. I believed that if I trusted the commander and those appointed over me and owned up to what I had done without trying to get out of it and being honest, that they would give me a fair chance. It wasn't until the commander notified me that he intended to have me discharged that I sought help from the ADC.

The following are reasons why I am requesting my discharge be upgraded to honorable:

1. I was not given full representation by a commissioned officer with the ADC, instead I was helped by his paralegal, SSgt \_\_\_\_\_, because the commissioned ADC officer was TDY. SSgt \_\_\_\_\_ only offered advice was that I should attain as many letters of recommendation as possible (which I did and have attached to this letter, 16 letters) and that I should ask for probation and rehabilitation to prove that I was more than capable of serving our country at least until my enlistment ended instead of pursuing early discharge. When my commander was presented with my rebuttal package he denied my request because the regulation for probation and rehabilitation stated a candidate for this program needed at least 6 months of retain ability to qualify. I only had 2 months of retain ability left. My commander didn't even consider the request that I was told to present to him because I did not qualify for it. I believe my council should have known this before advising and presenting it to me and ultimately to my commander, but she was only a paralegal not an actual ADC officer.
2. I was punished twice. First with an article 15, a reduction in rank from SrA to A1C, 15 days of extra duty to include weekends, and a probationary fine. Then second, after I served out my punishment and did everything asked of me, I was put in for early discharge. I was not given a chance for rehabilitation. I had not done anything wrong after receiving my one and only Article 15 and I wanted to continue and serve our country. Many commissioned and noncommissioned officers wrote letters of recommendation on my behalf. My own supervisor, TSgt \_\_\_\_\_ believed the punishment was too extreme and wrote a letter of recommendation on my behalf to allow me to complete me enlistment endangering her

own career for me. They and I believe that the punishment of an early discharge was too extreme and that I should have at least been given the opportunity to prove that I am wholeheartedly sorry for my actions and learned from my mistake. I truly wanted to prove after my mistake that I would grow from it to become an even stronger person, for my family, my fellow Airmen and for the Air Force. I was not given that opportunity.

3. It was very overwhelming and very stressful for my family and my self. I was told that I had to find a place off-base for my family to live immediately. I can not remember the exact amount of days that I was given to out-process only that it was not a lot of time, maybe 7 to 10 days. My wife, \_\_\_\_\_, and I had to find a safe place to live and find a new school for my son since he attended school on-base. It was extremely stressful for Alexander to be moved to a new school where he had no friends. Also, I had to be escorted everywhere on base during my out-process like I was a criminal and could not be trusted. It was humiliating. None of my family back home with the exception of my wife's parents knew what was happening and we were ashamed to tell anyone else because my wife and I were so devastated. We did not want to move back to Kennewick with everyone knowing that I was discharged from the Air Force prematurely. So we stayed in the local area thinking I could collect unemployment and seek a good paying job, but with my discharge being general I soon realized how difficult things were going to be. I was unable to find gainful employment and ultimately we moved back to Kennewick, Washington because we were financially strapped, having exhausted our emergency fund and not being able to collect unemployment because I did not complete my full enlistment. This experience is still very emotional for my family and I, we are very hurt and ashamed of what has happened, but we also know that I brought this upon us. I only ask for a chance.

I have lost my MGI Bill which I paid into for a year and now can not seek education. I have lost my Veterans benefits and status. I am unable to attain a job in the profession that I have experience and training received from the Air Force because of my discharge. I was not even eligible to collect unemployment to help support my family because I was discharged prematurely and did not fulfill my enlistment. I have had to borrow thousands of dollars from my wife's parents and they still continue to support my family and I. All this has been very embarrassing and I am ashamed at how things have turned out. I have even tried to reenlist in the other armed services but I can't even return to serving our country because of the discharge separation code. This has affected my life and it will continue to affect my life forever unless I am given a chance.

My beliefs are not to complain and to take a punishment when you have done wrong. However, I and several others believe I was treated unjust and my family and I are suffering. I pray that this situation is one of those cases where an upgrade is merited. I have learned a great deal from that terrible decision and I do regret it very much. I am determined to handle that mistake with a positive attitude and I know that owning up to my responsibilities has made me an even wiser, stronger person because of the experience. Since my discharge I have maintained a great/clean record and I have continued to be a good citizen. The core values of the Air Force; integrity, service before self, and excellence in all I do are embodied in me forever. I respectfully ask that you please consider my request and upgrade my discharge to honorable or please at least allow me the opportunity to enlist right now in the armed forces so I can clear my name, serve our country

and prove what a good person and a good soldier I really am. I feel that my calling is in the armed forces and serving our country. Please, all I require is a chance and I will not fail you.

Sincerely,



FD 2005-00318



**DEPARTMENT OF THE AIR FORCE**  
355TH EQUIPMENT MAINTENANCE SQUADRON (ACC)  
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

**MAY 05 2004**

MEMORANDUM FOR A1C

FROM: 355 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, 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 an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. On 8 Jan 02, you failed to report as ordered. As a result, you received a Letter of Counseling (LOC) on 8 Jan 02 (Tab A).

b. On 4 Feb 02, you failed to report for duty as scheduled. As a result, you received an LOC on 4 Feb 02 (Tab B).

c. On 22 Feb 02, you failed to report for duty as scheduled. As a result, you received an LOC on 22 Feb 02 (Tab C).

d. On 13 Aug 02, you failed to report for duty as scheduled. As a result you received a Record of Individual Counseling (RIC) on 13 Aug 02 (Tab D).

e. On 4 Sep 02, you were derelict in the performance of your duties as you failed to complete the flight distributions at the end of the duty day as is your responsibility. As a result, you received a RIC on 4 Sep 02 (Tab E).

f. On 18 Nov 02, you failed to report for duty as scheduled. As a result, you received a RIC on 18 Nov 02 (Tab F).

g. On 20 Mar 03, you failed to respond to a squadron recall. As a result, you received a RIC on 20 Mar 03 (Tab G).

h. On 28 Aug 03, you failed to report for duty as scheduled. As a result, you received an LOC on 28 Aug 03 (Tab H).

i. On 3 Oct 03, you failed to report for duty as scheduled. As a result, you received an Letter of Reprimand (LOR) on 3 Oct 03 (Tab I).

j. On or about 7 Oct 03, were derelict in the performance of your duties and you failed to obey a lawful order when you did not ensure official documents were delivered to another office on time. As a result, you received an LOC on 7 Oct 03 (Tab J).

k. Between on or about 20 Mar 04 and 29 Mar 04, you were absent from your place of duty. In addition, you made a false official statement concerning your whereabouts to TSgt [redacted]. As a result, you received punishment under Article 15, UCMJ, on 23 Apr 04 (Tab K).

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 authority will decide whether you will be discharged or retained in the United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 Capt [redacted] at Blg 3510, on 6 May 04, at 0900 hours. 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 10 May 04 unless you request and receive an extension for good cause shown. I will send them 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 PHA in Flight on 7 May 04, at 1100 hours for the examination.

8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, building 2300, room 120, at 1300 hours on 6 May 04 for the outprocessing briefing. If you have questions, please call 228-5326.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use at Area Defense Counsel's office.

10. Execute the attached acknowledgment and return it to me immediately.

Commander

## Attachments:

1. Supporting Documents: LOC, 8 Jan 02 (1 pg); LOC, 4 Feb 02 (1 pg); LOC, 22 Feb 02 (1 pg); RIC, 13 Aug 02 (2 pgs); RIC, 4 Sep 02 (2 pgs); RIC, 18 Nov 02 (2 pgs); RIC, 20 Mar 03 (2 pgs); LOC, 28 Aug 03 (1 pg); LOR, 3 Oct 03 (1 pg); LOR response, 8 Oct 03 (1 pg); LOC, 7 Oct 03, and response comments (3 pgs); AF Form 3070, Record of Nonjudicial Punishment Proceedings, 23 Apr 04 and supporting evidence (4 pgs); and, Response to Offer of Nonjudicial Punishment, 21 Apr 04, (2 pgs).
2. Receipt of Notification Memorandum