

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	PERSONAL APPEARANCE	X	RECORD REVIEW
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 *+
					X *+
					X *+
					X *+

ISSUES A92.35 A01.07 A94.05	INDEX NUMBER A67.30	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 24 May 2006	CASE NUMBER FD-2005-00330	
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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, 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.

* Reason and Authority
+ Reenlistment Code

SIGNATURE OF RECORDER <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>
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INDORSEMENT	DATE: 5/30/2006
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-2005-00330

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 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, 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 for one isolated incident in 30 months of service. The records indicated the applicant received an Article 15 for misconduct. The Article 15 stated the applicant was derelict in the performance of his duties in that he negligently failed to maintain current registration on his vehicle; resisted being apprehended by 35th Security Forces; and operated a vehicle in a reckless manner by driving at a high rate of speed and failing to stop at a posted stop sign. This misconduct resulted in reduction in grade to airman basic and restriction to Misawa AB for thirty days. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 3. Applicant contends the discharge was improper because the 35th FW/CC informed him that he would receive an honorable discharge. The DRB took note of applicant's contention and determined that the 35th Fighter Wing Commander was not the final discharge authority. The administrative discharge was properly elevated to the next level of command, 5th Air Force Commander, who directed an under honorable conditions (general) discharge. The DRB concludes that the discharge was consistent with the procedural and substantive requirements of the discharge instruction and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

Issue 4. Applicant claims he was questioned by Security Forces members without a rights advisement, in violation of Article 31, UCMJ, and that his discharge was improperly based on these statements. The applicant was represented by counsel for both his Article 15 and his administrative discharge and submitted a response to each action. Neither response claimed a violation of Article 31. The applicant failed to provide sufficient evidence to the Board to show that his Article 31 rights were violated. Instead, the summary of the Security Forces interview with the applicant, AF Form 3545, indicates the investigators had no reason to suspect the applicant of a crime until he spontaneously confessed after being advised to tell the

truth. Moreover, the applicant stated on the attachment to his DD Form 293 that the Security Forces members were surprised when he “blurted out ‘I did it!’” At that point, the applicant was read his rights. He requested a lawyer and the interview was terminated. The Board found no impropriety in the Security Forces interview.

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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Misawa AB, Japan on 16 Oct 04 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 22 Dec 82. Enlmt Age: 19 3/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-96, E-98, G-98, M-91. PAFSC: 2A332 - Avionic Systems Apprentice. DAS: 27 Feb 03.

b. Prior Sv: (1) AFRes 5 Apr 02 - 13 May 02 (1 month 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 14 May 02 for 6 yrs. Svd: 02 Yrs 05 Mo 03 Das, all AMS.

b. Grade Status: Amn - 18 Aug 04 (Article 15, 18 Aug 04)
SrA - 14 Mar 04

c. Time Lost: None.

d. Art 15's: (1) 18 Aug 04, Misawa AB, Japan - Article 92. You, who knew or should have known of your duties, on or about 22 Jun 04, were derelict in the performance of those duties in that you negligently failed to maintain current registration on your vehicle, as it was your duty to do. Article 95. You, did, on or about 22 Jun 04, resist being apprehended by SSgt [REDACTED] 35th Security Forces, a person authorized to apprehend the accused. Article 111. You, did, on 22 Jun 04, in the parking lot of the Misawa Life Plaza, operate a vehicle, to wit: a passenger car, in a reckless manner by driving at a high rate of speed and failing to stop at a posted stop sign. Reduction to AB (reduction below Airman suspended). Restriction to the limits of Misawa AB for 30 days. Reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 14 May 02 - 15 Oct 03 Misawa AB 5 (HAF Dir)

h. Awards & Decs: NDSM, AFOUA, AFTR, AFOSLTR.

i. Stmt of Sv: TMS: (02) Yrs (06) Mos (12) Das
TAMS: (02) Yrs (05) Mos (03) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 03 Aug 05.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Three Letters of Appreciation.
3. Ten Letters of Recommendation.
4. Involuntary Discharge Approval.
5. Response to Discharge Notification.
6. Email Correspondence.

18OCT05/ia

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES <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 Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. 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 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.						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"> a. BRANCH OF SERVICE (X one) ARMY <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> NAVY <input checked="" type="checkbox"/> AIR FORCE <input type="checkbox"/> COAST GUARD <input type="checkbox"/> </td> <td style="width: 33%;"> b. NAME (Last, First, Middle Initial) _____ </td> <td style="width: 33%;"> c. GRADE/RANK AT DISCHARGE E2 </td> <td style="width: 33%;"> d. SOCIAL SECURITY NUMBER _____ </td> </tr> </table>			a. BRANCH OF SERVICE (X one) ARMY <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> NAVY <input checked="" type="checkbox"/> AIR FORCE <input type="checkbox"/> COAST GUARD <input type="checkbox"/>	b. NAME (Last, First, Middle Initial) _____	c. GRADE/RANK AT DISCHARGE E2	d. SOCIAL SECURITY NUMBER _____
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<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"> 2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 2004/10/16 </td> <td style="width: 33%;"> 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) HONORABLE <input type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS <input checked="" type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS <input type="checkbox"/> BAD CONDUCT (Special court-martial only) <input type="checkbox"/> UNCHARACTERIZED <input type="checkbox"/> OTHER (Explain) _____ </td> <td style="width: 33%;"> 5. BOARD ACTION REQUESTED (X one) CHANGE TO HONORABLE <input checked="" type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) <input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO: _____ </td> </tr> </table>			2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 2004/10/16	4. DISCHARGE CHARACTERIZATION RECEIVED (X one) HONORABLE <input type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS <input checked="" type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS <input type="checkbox"/> BAD CONDUCT (Special court-martial only) <input type="checkbox"/> UNCHARACTERIZED <input type="checkbox"/> OTHER (Explain) _____	5. BOARD ACTION REQUESTED (X one) CHANGE TO HONORABLE <input checked="" type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) <input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO: _____	
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3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 35th AMXS, Misawa AB Japan						
6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) 1.) One offense in 30 months of otherwise flawless service. 2.) Given an Honorable Discharge by Brig. Gen. _____ 35th FW/CC, then due to an "error in discharge authority", received a General discharge by Lt. Gen. _____. This was without any notice or contact from any superiors in my chain. 3.) Was not properly read Article 31 rights prior to interrogation by Security Forces.						
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.) E-mails, Memorandums, Letter of Commendation, Flight Commanders Award, Letter of Achievement, 8 Letters of Recommendation						
9. TYPE OF REVIEW REQUESTED (X one) <input checked="" 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 (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD. <input type="checkbox"/> 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. <input type="checkbox"/> 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) _____ (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. <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 (Specify) _____						
12. a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward 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.)		CASE NUMBER (Do not write in this space.)				
a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above) _____		b. DATE SIGNED - REQUIRED (YYYYMMDD) 20050803				

14. CONTINUATION OF ITEM 8, ISSUES (If applicable)
Statement attached number s-1-s3

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)
evidence numbered E-1 through E-23 also numbered by corresponding statement outline

18. REMARKS (If applicable)

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

<p style="text-align: center;">ARMY</p> <p>Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)</p>	<p style="text-align: center;">NAVY AND MARINE CORPS</p> <p>Naval Council of Personnel Boards 720 Kannon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023</p>
<p style="text-align: center;">AIR FORCE</p> <p>Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p style="text-align: center;">COAST GUARD</p> <p>U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p>



MEMORANDUM FOR: Air Force Discharge Review Board

From:

I request to be upgraded to an Honorable discharge and a change of my RE Code to one which will allow re-enlistment. I base this request on the following.

- **Outstanding record with one offense, with no attempt at rehabilitation**
- **Article 31 rights not read before interrogation**
- **Error in discharge authority**
- **Reprisal for seeking to apply for Force Shaping to finish college**

For clarification I will give you a brief description of the events that lead to my Article 15:

I was TDY in Okinawa for about 20 days. I was ordered to return to Misawa to retrieve a part for an aircraft and was to fly out the next day with the part. I decided to check on my cars and start them to charge the batteries. I had two cars and was selling the registered one to be able to register the other one. The un-registered car in question had an electrical problem. I decided to drive it in the parking lot to see if I could figure out the problem. While concerned with diagnosing the car I realized I was going over the speed limit of the parking lot. I saw a Security Force car turn on its lights. I panicked because I knew I shouldn't have been driving that car. In a moment of adrenaline I stomped on the gas, made 3 quick turns and jumped out of the car. I went quickly back to my room. This was around 10pm in the evening. I had an early morning flight back to Okinawa with the aircraft part which I could not miss.

When I returned to Misawa I went by the place I parked the car, it was gone. I went to the SF station and told them my car was missing. They asked if I had lent my keys to anyone and I said no. When they figured out what car it was they started questioning me. The officer tried to get me to say my friend was driving the car; instead I blurted out "I did it!" They were surprised, and then read me my rights. I know now that I didn't fully comprehend the severity of my actions. S.F. released me to the Squadron 1st Sergeant who instructed me to notify my immediate supervisor which I did by phone immediately. I discussed this with no other Supervisors until I was before Lt Col: who only asked me specific questions.

1. Outstanding Record with one isolated incident in 30 months of service:*see

Letters pgs E1-E13, E14, E18

- a. I had a record of outstanding duty performance as per all superiors involved. I was promoted to Senior Airman "Below the Zone". I also received a "firewall" five EPR. This is in addition to multiple letters of appreciation and certificates for academic achievement and high scores on my Career Development Course tests. *(Please refer to Letters E1-E13).*
- b. This misconduct was completely out of character for me (as my superior attests to in *Letter pg E5*), as is evidenced by it being my only breach of discipline over my entire time in service. My coworkers also agreed with his assessment. *Letters enclosed E6-E13.*

2. **Granted an Honorable Discharge by Brig Gen: [redacted] *see pg E21, E22**

- a. I was informed that 35 FW/CC Brig Gen: [redacted] was the final discharge authority in my case. My parents were shocked by my actions and wanted to rehabilitate me personally. They requested Brig Gen: [redacted] to release me to them for rehabilitation, with an Honorable discharge, as not to ruin my goal of a military career. Brig Gen: [redacted] took the time to interview me personally, reviewed my past performance and records. He considered my potential and communicated with my parents. He decided to grant me an Honorable Discharge. He believed my service had been of sufficient quality to mitigate my offense. It was then over turned without my knowledge by Lt Gen: [redacted] 5th AF/CC. Lt. Col: [redacted] had full knowledge that Lt. Gen: [redacted] had over turned the decision. His office had been ordered by Brig Gen: [redacted] to inform me of this immediately, yet I was never informed. I found out my discharge was General (Under Honorable Conditions) when I was handed my DD 214, it was an absolute shock. I emailed Brig. Gen: [redacted] questioning the discharge order and received an apology from Gen [redacted] by phone and email to both my parents and me for his error in discharge authority. *pg E-23
- b. Lt Gen: [redacted] did not interview me. He read the inaccurate Article 15 reprimand and said I was not worth rehabilitation.

3. **Failure to read me my Article 31 rights before interrogation. see E-25**

- a. As can be seen from the Security Forces report *E-25 I was interrogated as a suspect before being properly read Article 31 rights. I was not afforded my right to speak with counsel prior to questioning by Security Forces. Only after my confession did they inform me of my Article 31 rights. I believe the outcome would have been different if I had been read my rights right away and chosen to remain silent until discussing matters with counsel.

4. **Inconsistencies between Article 15 reprimand and Security Forces report**

- a. I was not given an opportunity to address blatant falsehoods in my Article 15 reprimand. This was due to counsel's assessment that there was nothing to be gained by an appeal and no expectation of discharge.
- b. I was then cast in an extremely negative light for the final reviewing authorities due to Article 15 inaccuracies. From the Security Forces report it can be seen that I went into the Security Forces office and was subsequently interrogated and confessed. The Article 15 reprimand says different. It says I did not admit the car was mine and also says I attempted to blame one of my coworkers until I was "convinced otherwise by your supervisors." *E-24 This is blatantly false. I had no contact with any of my supervision the entire time I was at Security Forces. In fact I said that "no one had the key but me." This can be found in the Police report of my interrogation. I was also accused of telling my commander and supervisor totally different stories, again this is a discrepancy. How did I lie to cover my responsibility when I had already confessed to the Security Forces before my superiors were even involved? E-25



5. I believe this was reprisal by Lt Col: [redacted] for talking openly about seeking early out under the Force Shaping Program to return to College and ROTC

a. Before the car incident as early as Feb 28 2004, *E-20a I spoke openly about applying for Force Shaping to return to college when I qualified. I wasn't finding time to enroll because of my irregular work schedule. I knew I would not be able to meet my military goals without a degree. Once I found out my offense would destroy all possibility of me ever becoming an officer unless I repaired my record I asked be retained as stated in my Sept 14th *see pg *E15 memorandum to all reviewing officers. What were the "abnormal and undesirable costs to conduct this "particular" court marshal" that Lt Col: [redacted] was referring to in an email to my Mother? *E-18 When I asked to see documentation of my purported lies to superiors, Lt Col Parkhurst said there wasn't any *E16. My question is how can a non-injury offense, at 21 years of age, nullify your worth as a military member and forever exclude rehabilitation? *E14 Before my incident, we had a number of reckless driving accidents on the base including a few fatalities including Japanese nationals. I believe Lt Col: [redacted] drive for discharge was due to his compounded anger over these previous events. *see E 5 That combined with the knowledge I wanted to apply for Force Shaping as soon as I qualified, colored his opinion which lead to pursuit of immediate discharge without any rehabilitation attempt. *see P14 on the Article 15 & pg E19-20 email doc

This has been my only offense in any area of my life. I have a record of academic excellence and strong work performance. This *ordeal* taught me a hard learned lesson. One bad decision, not corrected immediately, can be compounded and quickly spiral out of control. With this hard lesson learned, I believe I can be an even more valuable asset to the USAF. I had planned on pursuing a commission in the USAF. Now I would just as much value the opportunity to regain what I had, an enlisted position in the military. I truly enjoyed my time in service and miss the people and the job greatly. I truly believe my actions were due to inexperience and a blinding car obsession. I now have my priorities straight. I have reflected on my decisions and feel deep remorse and shame every single day.

Thank you for your consideration of my case

[redacted]

Attachments: *numbered within the text*

Letters of Achievement-Letter of Commendation-Flight Commanders Award
Letters of Recommendation

Evidence: *numbered within the text*

[redacted] apology emails
[redacted] e-mails-AIM Text messaging log

[redacted]



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD2005-00330

9 Sep 04

MEMORANDUM FOR AMN: [REDACTED] 35 AMXS

FROM: 35 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense, in accordance with AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.52, Commission of a Serious Offense. If my recommendation is approved, your service will be characterized either honorable, or under honorable conditions (general). I am recommending that your service be characterized as a general discharge.

2. My reasons for this action are:

a. On or about 22 Jun 04, you were derelict in the performance of your duties in that you negligently failed to maintain current registration on your vehicle, as it was your duty to do so. Furthermore, on 22 Jun 04 you resisted apprehension by SSgt [REDACTED], 35th Security Forces, a person authorized to apprehend you, after he stopped you for operating your vehicle in a reckless manner by driving at a high rate of speed and failing to stop at a posted stop sign. For this misconduct you received nonjudicial punishment (NJP), dated 23 Aug 04.

3. Copies of the documents to be forwarded to the separation authority are attached. The commander exercising SPCM jurisdiction, or a higher authority, will decide whether you will be discharged or remain in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces.

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 [REDACTED] the Area Defense Counsel, at Building 514, on 10 Sep, 2004, at 0800 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me within three workdays of your receipt of this notification memorandum, unless you request and receive an extension for good cause. I will forward them to the separation authority.

6. If you fail to consult counsel or to submit statements on your behalf within the time allotted, your failure shall constitute a waiver of your right to do so.



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD 2005-00330

7. You have been scheduled for a medical examination. You must report to the 35th Medical Group, on 10 Sep, 2004, at 1300 hours. If you wear glasses, you must bring your glasses to the examination. If you wear contacts, you must remove them the night before the examination.

8. Any personal information which you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use at the Office of the Area Defense Counsel, Building 514, your orderly room, or the Base Publications Library.

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



Commander, 35th Aircraft Maintenance Squadron

Attachments:

1. Airman's Receipt of Notification Memorandum
2. NJP, dtd 23 Aug 04