

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL)		GRADE AMN		
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
					X+*
					X+*
					X+*
					X+*
					X+*

ISSUES A92.21	INDEX NUMBER A67.10	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 14 Feb 2006	CASE NUMBER FD-2005-00350			

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.

+ RE Code
* Reason & Authority

SIGNATURE OF RECORDER: *[Handwritten Signature]*

INDORSEMENT		DATE: 2/15/2006
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	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00350

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: Applicant would like to have his discharge upgraded due to his excellent post service history. The records indicated the applicant received three Article 15s, three Letters of Reprimand, one Record of Individual Counseling and two Memorandums for Record for misconduct. The misconduct included failure to go on divers occasions, drunk and disorderly, dereliction of duty, failure to report on time, financial irresponsibility, drunk on duty, and failure to go. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board was pleased to see that the applicant was doing well and has a good job with the United States Army in the Personnel Security Field. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of 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.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Scott AFB, IL on 11 Oct 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 8 Oct 81. Enlmt Age: 17 6/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-53, E-66, G-50, M-72. PAFSC: 2A551J - Aerospace Maintenance Journeyman. DAS: 13 Nov 00.

b. Prior Sv: (1) AFRes 4 May 99 - 7 Mar 00 (10 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Mar 00 for 6 yrs. Svd: 02 Yrs 07 Mo 04 Das, all AMS.

b. Grade Status: Amn - 5 Aug 02 (Article 15, 5 Aug 02).
A1C - 8 Apr 00.

c. Time Lost: None.

d. Art 15's: (1) 3 Sep 02, Vacation, Ramstein AB, Germany - Article 86. You, did, on or about 14 Aug 02, without authority, fail to go at the prescribed time to your appointed place of duty. Forfeiture of \$200.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 5 Aug 02, Ramstein AB, Germany - Article 134. You, were, on or about 24 Jun 02, drunk and disorderly. Reduction to Airman. Suspended forfeiture of \$200.00 pay per month for two months. Forty five days extra duty, and a reprimand. (No appeal) (No mitigation)

(3) 9 May 01, Ramstein AB, Germany - Article 92. You, who knew or should have known of your duties, on or about 12 Apr 01, were derelict in the performance of those duties in that you willfully failed to use the prescribed technical order(s) while servicing an aircraft, as it was your duty to do. You, who knew or should have known of your duties, on or about 17 Apr 01, were derelict in the performance of those duties in that you willfully failed to use the prescribed technical order(s) while servicing an aircraft, as it was your duty to do.

Suspended reduction to Airman. Forfeiture of \$100.00 pay per month for 2 months. Forty five days extra duty, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR/UIF, 21 AUG 02 - Failure to report for work at the appointed place and time.
MFR, 02 MAR 02 - Financial irresponsibility.
LOR/UIF, 19 APR 01 - Failure to report for work at the appointed place and time.
RIC, 02 FEB 01 - Late for duty.
LOR/UIF, 21 NOV 00 - Failure to go and drunk and drunk on duty.
MFR, 19 JUN 01 - Failure to report to work at the appointed place and time.
- f. CM: None.
- g. Record of SV: 8 Mar 00 - 7 Nov 01 Ramstein AB 2 (Initial)REF
- h. Awards & Decs: AFTR, KCM, NDSM, AFOUA W/1 OLC.
- i. Stmt of Sv: TMS: (03) Yrs (05) Mos (08) Das
TAMS: (02) Yrs (07) Mos (04) Das

- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 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. Letter of Reference, 30 Mar 05.
3. Base System Civilian Evaluation Report, 7 Jun 04.
4. Base System Civilian Evaluation Report, 30 May 05.
5. Army Superior Performance Award Certificate.
6. Three Training Certificates.
7. DD Form 214.
8. Complete Copy of Discharge Package.

12OCT05/ia

APPLICATION FOR THE REVIEW OF DISCHARGE 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. 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 Service 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.

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 record.

(The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE

(X one) ARMY MARINE CORPS NAVY AIR FORCE

(Last Initial)

c. GRADE/RANK AT DISCHARGE
 E-2

d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 20021022	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		5. BOARD ACTION REQUESTED (X one)	
	<input checked="" type="checkbox"/> HONORABLE			<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS			CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS			CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 37AS Ramstein AFB Germany	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)		CHANGE NARRATIVE REASON FOR SEPARATION TO:	
	<input type="checkbox"/> UNCHARACTERIZED			
	<input type="checkbox"/> OTHER (Explain)			

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

I am requesting a discharge upgrade with a recommendation to change the RE code for enlistment into the Army or Army Reserve. I understand and deeply regret my past actions, and I feel that I owe an enormous debt to the US Government for not full-filling my obligations while in the USAF. I also believe that at the time I was simply to young and immature for military service.

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.
 US Army civilian performance ratings, Certificates of Training, Letter(s) or recommendation, USAF Personnel Records, University of Maryland un-official transcript, US Army Official Commendation.

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) (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 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 (Form 100-10 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.)
 FD2005-00350

b. DATE SIGNED - REQUIRED (YYYYMMDD)
 20050916

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

Since the date of discharge I have remained sober and feel I am successful in recovery. I have also regularly attended college and worked full time for the US Army as a civil servant in the Personnel Security field. I am qualified and work as an Anti-Terrorism Officer Level II instructor, the assistant intelligence officer, and assistant security manager for the 598th Transportation Terminal Group in Rotterdam, The Netherlands. I feel that working for the government is just a small piece of doing my part to repay what I feel I owe, and since the date of my discharge I have worked to improve myself and my performance both on and off duty. I would like the opportunity to serve on active duty or reserve as a way to make amends for my past wrongs to the US Government. Receiving my discharge from the USAF was one of the hardest, if not the hardest thing I have had to tackle in my life. I loved serving in the USAF, but was obviously not ready at the time. On the other side of things, my discharge set a motion of events into place that changed my life, and I've learned alot of hard lessons from. I have used this opportunity to work with other servicemembers who may be experiencing similar things while serving, in an effort to keep them from going down the same path I have. My general discharge alone does not leave me in-eligible for enlistment into any branch, but the RE code of 2B does. I would like to humbly request an upgrade so that I may serve again in an effort to repay past debts in a measure that goes beyond repayment of my enlistment bonus.

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

16. REMARKS (If applicable)

An official transcript will be ordered upon request.

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
86TH AIRLIFT WING (USAFE)

FD2005-00350

23 Sept 2002

37 AS

MEMORANDUM FOR AMN:

FROM: 37 AS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as either 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 or about 14 August 2002, without authority, you failed to go at the time prescribed to your appointed place of duty. For this incident you received a Letter of Reprimand (LOR) dated 21 August 2002 (Atch 1a). This document was placed in your existing Unfavorable Information File (UIF) (Atch 1h). Additionally, you received a vacation to your previously suspended punishment dated 3 September 2002 (Atch 1b).

b. On or about 24 June 2002, you were drunk and disorderly. For this incident you received nonjudicial punishment dated 5 August 2002. This document was placed in your existing UIF (Atch 1c & h).

c. On or about 12 and 17 April 2001, you were derelict in the performance of your duties in that you willfully failed to use the prescribed technical order(s) while servicing an aircraft. For this incident you received nonjudicial punishment dated 9 May 2001. This document was placed in your existing UIF (Atch 1d & h).

d. On or about 16 April 2001, you failed to report for work at the appointed place and time. For this incident you received an LOR dated 19 April 2001. This document was placed in your existing UIF (Atch 1e & h).

e. On or about 2 February 2001, you failed to report for duty on time. For this incident you received a Record of Individual Counseling (RIC) dated 2 February 2001 (Atch 1f).



50 Years of Friendship and Freedom

f. On or about 16 November 2000, you failed to report for duty on time. You were also were intoxicated for duty. For this incident you received an LOR dated 21 November 2000. A UIF was established and this document was placed in it (Atch 1g & h).

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 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 Capt _____, Area Defense Counsel, Ramstein AB, GE, Building 2111, DSN 480-2182/2492 on 24 Sept 02 @ 0900. 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 26 Sept 2002 at 1200L hours 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 in uniform with your medical records and an escort to the Ramstein AB Clinic, Physical Exams, Building 2121 on 24 Sept 02 @ 1300 for the evaluation. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

8. 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 in the orderly room.

9. Although not a reason for discharge, Memos for Record (MFRs) for failure to make your Military Star Card payment and failure to report for work at the appointed place and time and the denial of your award of the Air Force Good Conduct Medal are additional considerations, and are therefore attached.

LT COL, USAF

Commander

Attachments:

1. Supporting Documents:
 - a. Vacation, 3 Sep 02
 - b. LOR, 21 Aug 02
 - c. Art 15, 5 Aug 02
 - d. Art 15, 9 May 01
 - e. LOR, 19 Apr 01
 - f. RIC, 2 Feb 01
 - g. LOR, 21 Nov 00
 - h. AF Form 1137
2. Additional Documentation
 - a. MFR, 2 Mar 02
 - b. MFR, 19 Jun 01
 - c. Denial of AF Good Conduct Medal
3. Airman's Receipt of Notification Memorandum