

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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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
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X**
					X**
					X**
					X**
					X**

ISSUES A93.01 A92.17	INDEX NUMBER A67.90	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 HE

HEARING DATE 14 Sep 2006	CASE NUMBER FD-2005-00356	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in 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: 40px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 40px; width: 100%;"></div>
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INDORSEMENT	DATE: 9/18/2006
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-2005-00356

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.

ISSUES:

Issue 1. The applicant has expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. He also contends he was ill-prepared for the environment which he was exposed to during his first assignment at Loring AFB, Maine. The records indicated the applicant received two Article 15's, a Letter of Reprimand, and two Records of Individual Counseling for misconduct. The applicant was administratively disciplined for failure to meet a mandatory appointment, failure to perform assigned duties, and operating a privately owned vehicle while under revocation. He was further disciplined with an Article 15 for damaging a government window and for being drunk and disorderly. He received a suspended reduction to airman, which was remitted on 30 Oct 91, and 14 days of extra duty. His second Article 15 was for failure to go to appointed place of duty. He was reduced in grade to airman basic, forfeited pay and required to perform 14 days of extra duty. 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. Although not explicitly stated, applicant implies 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 that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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 Loring AFB, ME on 13 Dec 91 UP AFR 39-10, para 5-47b (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: 22 Feb 72. Enlmt Age: 18 1/12. Disch Age: 29 9/12. Educ: HS DIPL. AFQT: N/A. A-60, E-71, G-57, M-83. PAFSC: 45730C - Apprentice Strategic Aircraft Maintenance Specialist. DAS: 28 May 91.

b. Prior Sv: (1) AFRes 4 Apr 90 - 22 Nov 90 (7 months 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Nov 90 for 4 yrs. Svd: 01 Yrs 00 Mo 21 Das, all AMS.

b. Grade Status: AB - 7 Nov 91 (Article 15, 7 Nov 91).
Amn - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 7 Nov 91, Loring AFB, ME - Article 86. You did, on or about 21 Oct 91, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB, forfeiture of \$75.00 pay, and 14 days extra duty. (Appeal/Denied) (No mitigation)

(2) 12 Sep 91, Loring AFB, ME - Article 108. You did, on or about 31 Aug 91, without proper authority, willfully damage a window, military property of the United States, the amount of said damage being in the sum of about \$400.00. Article 134. You were, on or about 31 Aug 91, drunk and disorderly. Suspended reduction to Airman (Remitted on 30 Oct 91). Fourteen days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 22 OCT 91 - Failure to meet a mandatory appointment.
RIC, 07 OCT 91 - Failure to perform assigned duties.
42 CSG/CD LTR, 19 SEP 91 - Revocation of base driving privileges for 1 year. Cited by local civilian police for administratively operating under the influence of alcohol.
LOR, 06 SEP 91 - Operate a privately owned vehicle while

under revocation, violating a lawful order
by the Support Group Commander.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (08) Mos (10) Das
TAMS: (01) Yrs (00) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Aug 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.

17OCT05/ia

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL 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 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.

a. BRANCH OF SERVICE (X one)	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME /Last, First, Middle Initial	c. GRADE/RANK AT DISCHARGE			d. SOCIAL SECURITY NUMBER	
	AB				

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 1991/12/13	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)	5. BOARD ACTION REQUESTED (X one)
	<input checked="" type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 42 OMS (SAC) Loring AFB, ME	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	UNDER OTHER THAN HONORABLE CONDITIONS	CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
	BAD CONDUCT (Special court-martial only)	CHANGE NARRATIVE REASON FOR SEPARATION TO:
	UNCHARACTERIZED	
	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.)
Upgrade is requested for the purpose of reenlistment, justification for the request is the time transpired and AB Schmotzer has a more mature and stable environment.

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.)

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) College Station Texas/Houston Texas (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.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE 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.) FD 2005-00356
a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)	b. DATE SIGNED - REQUIRED (YYYYMMDD) 2005/08/30	

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

I ask that the board please consider that at the time of my enlistment I was only 18 years old. Given my assignment at Loring AFB, ME I was placed in an environment that I was ill prepared for. The country was involved in a conflict with Iraq and my base was constantly on alert. I don't know if it is general practice, but on our base minors were allowed to consume alcohol on base due to the relative distance to Canada, where the minimum drinking age was 16. At the time this was a huge challenge for a recent high school graduate now ordered to deal with stresses that are perplexing to most 25-30 year olds. I only make this request because of my sense of honor and love for this country. I feel like I let down my fellow airmen and my aircraft tail #0059. While I have time left to give I wish to reenlist and re-fulfill my obligation to this country and the Air Force. I ask to please let these words persuade the board to grant the change in status so that I may become the asset that I should have been.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)**16. REMARKS (If applicable)**

I ask the board to please understand the situation that I was in and acknowledge that it was many years ago. Since then I have matured and become a man that could be a valuable Air Force asset. My only guess is that had I not been involved in a few undesirable situations that I would given my passion for the aircraft and the Air Force that I would be a successful NCO. My only regret is that my commanding officers did not see my potential and make arrangements additional training so that I would not be appealing to this board today. If you are able to find my training records you will notice that for my short time in the Air Force I excelled rapidly as a Crew Chief (45730C) APR STRAT MAINT SPECL (KC-135).

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
 HEADQUARTERS 42D BOMBARDMENT WING (SAC)
 LORING AIR FORCE BASE, MAINE 04751-5000

REPLY TO
 ATTN OF: 42 OMS/CC

02 December 1991

SUBJECT: Letter of Notification

TO: AB [REDACTED], 42 OMS (SAC)

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFR 39-10, paragraph 5-47b. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reason for this action is evidenced by the following:
 - a. On or about 29 July 91, you violated a lawful order. You operated your privately owned vehicle while under revocation, a violation of Article 92 of the UCMJ. For this you received a Letter of Reprimand, dated 06 Sep 91 (Attachment 1).
 - b. On or about 31 Aug 91, you did without proper authority, willfully damage a window which was the property of the United States Government, the amount of said damage being in the sum of about \$400.00. Also on or about 31 Aug 91, you were drunk and disorderly. For these offenses you received an Article 15, dated 17 Sep 91. You received 14 days extra duty. (Attachment 2).
 - c. On or about 09 Jun 91, you were cited by the Limestone Police Department for Administratively Operating Under the Influence of alcohol. For this your driving privileges were revoked on or about 19 Sep 91 (Attachment 3).
 - d. On or about 07 Oct 91, you failed to perform your assigned duties as bay orderly and C.Q.. Further, your duty performance was also noted by MSgt Scott as being substandard. For this you received a Letter of Counseling, dated 07 Oct 91 (Attachment 4).
 - e. On or about 21 Oct 91, you failed to attend a Social Actions Track-2 briefing and a Track-3 pre-briefing. When contacted about this incident your response was that you were unaware of the scheduled appointments, although you had signed the appointment acknowledgment slip and had it on your person. For this you received an Article 15, dated 22 Nov 91. You received a reduction to the grade of Airman Basic, forfeiture of \$75.00 pay and 14 days extra duty (Attachment 5).

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.

3. 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 with Capt. [redacted], the Area Defense Counsel, located in Bldg 6000, ext. 2541, on 02 Dec 1991 at 1400 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 05 Dec 1991 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the Physical Exams Unit, 42d Medical Group, Loring AFB ME, at 0700 hours on 03 Dec 1991 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use at your orderly room.

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

[redacted]

Section Commander, 42 OMS

5 Atchs

1. LOR - 06 Sep 91
2. AF FM 3070 - 17 Sep 91
3. Revocation Ltr - 19 Sep 91
4. LOC - 07 Oct 91
5. AF FM 3070 w/atchs - 22 Nov 91
2. Airman's Receipt of Letter of Notification