

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE AMN	AFSN/SSAN
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

MEMBER SITTING	VOICE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X *+
					X *+
					X *+
					X *+
					X *+

ISSUES A92.15 A92.21 A92.01 A94.05 A92.05	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 05 Jul 2006	CASE NUMBER FD-2005-00414	
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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 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 	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT

DATE: 7/11/2006

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00414

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. Although not explicitly stated, the applicant suggested that his misconduct was inequitable because it was too harsh. The records indicated the applicant received an Article 15, three Letters of Reprimand, and one Letter of Counseling for misconduct. He received an Article 15 for being derelict in the performance of his duties in that he negligently failed to update the mission monitoring card for timely alerting crew members and failure to complete the Tanker Task Force Mission; and was disrespectful towards a non-commissioned officer. He was reduced to the grade of airman, suspended forfeiture of \$150.00 pay for two months and a reprimand. He received three Letters of Reprimand for failure to report on two separate occasions and allowing three off-base visitors to be unescorted in dormitory room. He also received a Letter of Counseling for being late for work on two occasions. 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. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on May 8, 2002) that he understood he must receive an Honorable discharge to receive future educational entitlements. 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, MD

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF McGuire AFB, NJ on 14 Oct 04 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 Sep 83. Enlmt Age: 17 11/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-50, E-56, G-57, M-47. PAFSC: 1C351 - Command Post Journeyman. DAS: 15 Aug 02.

b. Prior Sv: (1) AFRes 22 Aug 01 - 22 Apr 02 (8 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 23 Apr 02 for 4 yrs. Svd: 02 Yrs 05 Mo 22 Das, all AMS.

b. Grade Status: Amn - 9 Aug 04 (Article 15, 9 Aug 04)
A1C - 23 Feb 03

c. Time Lost: None.

d. Art 15's: (1) 9 Aug 04, McGuire AFB, NJ - Article 92. You, who knew of your duties, between on or about 24 May 04 and on or about 25 May 04, were derelict in the performance of those duties in that you negligently failed to update the mission monitoring card for timely alerting crew members and failed to complete the Tanker Task Force Mission, Ethyl 11, as it was your duty to do. Article 91. You, on or about 7 Jul 04, were disrespectful in language toward SSgt [REDACTED], a non-commissioned officer, then known by you to be a superior non-commissioned officer, who was then in the execution of his office, by saying to him, "Dude", "What are you crazy? Of course I took care of it", and "Who do you think I am?" or words to that effect. Reduction to Airman. Suspended forfeiture of \$150.00 pay per month for 2 months. Reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 16 AUG 04 - Allowed three off-base visitors to be unescorted in dormitory room.

LOR, 13 AUG 04 - Failure to go.

LOR, 01 JUN 04 - Failure to go.

LOC, 27 APR 04 - Late for work on two occasions.

- f. CM: None.
- g. Record of SV: 23 Apr 02 - 23 Dec 03 McGuire AFB 4 (Initial)
- h. Awards & Decs: NDSM, AFTR, AFOUA W/1 OLC.
- i. Stmt of Sv: TMS: (03) Yrs (01) Mos (23) Das
TAMS: (02) Yrs (05) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Nov 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. DD Form 149.
3. DD Form 214.
4. AF Form 100.
5. Ten Training Certificates.
6. High School Diploma.
7. Certification Certificate.
8. College Admittance Letter.
9. College Transcript.
10. VA Letter.
11. Enlisted Performance Report, page 1.
12. Verification of Contribution to Montgomery GI Bill.
13. Correspondence from the Governor of Pennsylvania.
14. Commendation Email.

1DEC05/ia

11/21/05

**Board for Correction of Air Force Records
Attn: SAF/ MIBR
550-C Street West Suite 40
Randolph AFB, TX 78150-4742**

Appealing for Correction of Military Record.

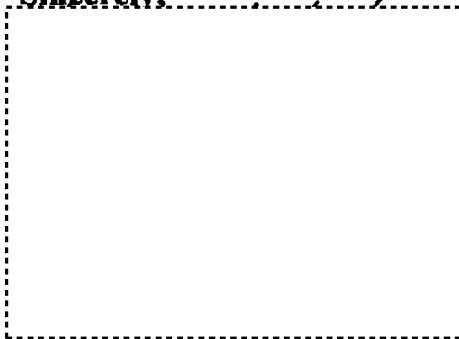
I: [] joined the Air Force in the spring of 2001 in Reading, PA and I took an oath in June 2001 in Harrisburg, PA. The date that I entered into Basic Military training was in April of 2002. From basic military training I graduated with the National Defense Service Medal, AF training Ribbon, AF Outstanding Unit Award W/ 1 OLC. After completing a few additional training programs at Keesler AFB, Mississippi I was transferred to McGuire Air Force Base 305th Air Mobility Wing Command Post, New Jersey. In 2003 I was serving my Country for 5 month in Al Dhafra Air Base, United Arab Nation. When I finished and returned to McGuire 305th Air Mobility Wing Command Post I was promoted to the rank of E3. In addition to 2003 I recruited two men to the USAF. Prior to these events the command post was under command by Major [] During this time morale in the command post was very high. Once major [] took command, the morale seemed to drop dramatically, and there were requests for about 8 separations in less then a one-year period. The Staff Sergeant at the time that I worked under for over 2.5 years. SSGT [] and I were having a friendly and private football conversation about the Philadelphia Eagles, like we would normally carry out. During the conversation I must have referred to SSGT [] as "Dude". Which he did not even realize that I called him "Dude" nor take offense. Major [] at the time was listening to our conversation and heard me call

SSGT: [redacted] "Dude". The next day I was called into his office and received a letter of reprimand for as what Major: [redacted] referred to as "Disrespecting an NCO. I apologized and signed the letter of reprimand in front of Major [redacted] and my supervisor at the time SSGT: [redacted]. About two days later I was writing a rebuttal to the letter of reprimand I received. I told my supervisor about the rebuttal I was writing, because I did not think it was right, because I did not offend anyone at all. My supervisor SSGT: [redacted] informed Major: [redacted] about the rebuttal and later he called me back into his office and said he was going to take away the letter of reprimand. Then about a week or so later I found out that he was going to give me an Article 15 for this incident. I was demoted to E2 the NCO even told the officer that he was not offended by anything what I said, but the Command Post Chief at the time asked the NCO to sign a document saying that he was offended, because he was called "dude." I am truly sorry what happen and I loved serving my time in the U.S. Air Force. When I consulted with a Military counselor he suggested that I should not rebuttal Article I was frightened at that time that I would perhaps go to prison or the command post chief would give me a dishonorable discharge. After the War in November of 2004 when I return to McGuire 305th Air Mobility Wing Command Post, New Jersey my job performance slightly draped for some reason I had difficulty to performing my job after I return from deployment and I was separating from my fiancée. At that time I ask my NCO if they could give me some room to recover from my stress from work and from personal crisis. This request was totally rejected. After my discharge I started my college career and resumed my civilian life. I am heart broken due to this type of discharge from active duty from the Air Force and I lost my job and all my Veterans benefits and GI Bill. Just to let you know that every man in our family served in the military honorably, one rank was a

commander of a Navy vessel in Argentina, a Major in Poland, Private US Army and USMC. Please note from the document AF IMT 100 the request for separation line #14 mark is "General". In my Certificate of Release DD214 line 13 in missing Deployment and Good Conduct Medal and line 28 (Misconduct) should be change to Connivance of Government, line 27 4H should be change-so I could re-enter the military after my college if I desire. I hope that my record DD214 could be corrected within a year. As you can see I lost all my military benefits my job just because I was not so perfect and called my friend at work a "Dude". For over two years there were no problems with my performance only, when the new leadership change and my job performance slightly drop then there was no other option for me then to resign from USAF.

Thank you for you understanding and continued support.

Sincerely,



Including list of documents with for you reference:

- DD149
- DD214
- Request and Authorization for Separation
- Copy of my High School Diploma
- Certificate Basic Military Training
- Certificate Command Post Apprentice
- Certificate First Duty Station Airmen



DEPARTMENT OF THE AIR FORCE
305TH MISSION SUPPORT SQUADRON
MCGUIRE AFB, NEW JERSEY 08841

28 Sep 04

MEMORANDUM FOR AMN:

FROM: 305 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: 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 an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

a. On or about 23 and 24 Apr 04, you failed to go to your place of duty on time, for which you received a Letter of Counseling (LOC), dated 27 Apr 04.

b. On or about 25 May 04, you failed to go to your place of duty, for which you received a Letter of Reprimand (LOR), dated 1 Jun 04.

c. Between on or about 24 May 04 and on or about 25 May 04, you failed to update the mission monitoring card for timely alerting crew members and failed to complete the Tanker Task Force Mission. On or about 7 Jul 04, you were disrespectful in language toward a known superior noncommissioned officer, for which you received nonjudicial punishment dated 9 Aug 04. For this misconduct you received a reduction to the grade of E-2 (Airman), a suspended forfeiture of \$150.00 pay per month for two months, and a reprimand.

d. On or about 3 Aug 04, you failed to obey a lawful order by allowing three off-base visitors to be unescorted in the dormitory while you were at work, for which you received a LOR, dated 16 Aug 04.

e. On or about 13 Aug 04, you failed to go to your place of duty, for which you received an LOR, dated 13 Aug 04.

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).

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 Captain: _____ at Building 2906 Room 116, on 28 Sep 04, at 0900 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 1000, 1 Oct 04 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 Ambulatory Health Care Clinic, McGuire AFB on 1 Oct 04, at 0800 hours for the examination.

7. 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 your squadron orderly room.

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

Commander

Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum