

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

A1C

AFSN/SSAN

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

A92.36

A94.54

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

25 May 2006

CASE NUMBER

FD-2005-00444

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.

SIGNATURE OF RECORDER

SIGNATURE OF BOARD PRESIDENT

INBORSEMENT

DATE 5/31/2006

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-2005-00444

GENERAL: The applicant appeals for upgrade of discharge to honorable.

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: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's characterization of discharge inequitable.

ISSUE: Applicant received a General discharge for Misconduct – Minor Disciplinary Infractions

Issue 1. Applicant states that he is a police officer and this discharge follows him everywhere he goes and every school he attends, and he is just trying to fix some of the mistakes he made while he was young. The Board was sympathetic to the impact the characterization of his discharge was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade

Issue 2. Applicant states that he received disciplinary action for forgetting his travel package in Korea during a PCS and that, although he made a few mistakes, he served his country proudly for 3.5 years. The records indicated the applicant received two Article 15s and two Letters of Reprimand for misconduct to include willfully failing to remain alert and attentive while assigned to provide security at a Launch Facility, failure to complete M-60 firing training class because of disorderly conduct, failure to pay a just debt, and willfully failing to turn in his UPRG to the appropriate activity upon arrival at his new duty station which review of the records revealed resulted from applicant departing his last duty assignment and inadvertently leaving his UPRG in his dorm room. The DRB took note of the applicant's duty performance as documented by his performance reports and other accomplishments, as well as the fact that applicant had less than four months remaining on his enlistment at the time of discharge, and opined that the overall quality of applicant's service is more accurately reflected by an Honorable discharge.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. The applicant's characterization should be changed to Honorable under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Pope AFB, NC on 24 Apr 91 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 Aug 65. Enlmt Age: 21 10/12. Disch Age: 25 8/12. Educ: HS DIPL. AFQT: N/A. A-46, E-57, G-90, M-68. PAFSC: 81150 - Security Specialist. DAS: 9 Jan 91.

b. Prior Sv: (1) AFRes 19 Jun 87 - 21 Sep 87 (3 months 3 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 22 Sep 87 for 4 yrs. Svd: 03 Yrs 07 Mo 02 Das, all AMS.

b. Grade Status: A1C - 25 Mar 91 (Article 15, 25 Mar 91)
SrA - 22 Sep 90
A1C - 12 Apr 89
Amn - 22 Mar 88

c. Time Lost: None.

d. Art 15's: (1) 25 Mar 91, Pope AFB, NC - Article 92. You knew of your duties at Osan AB, Korea, from about 19 Nov 90 to about 9 Jan 91, were derelict in the performance of those duties in that you willfully failed to turn in your UPRG records over to the appropriate activity at Pope AFB, NC, and you willfully did not safeguard these records enroute as it was your duty to do so. Reduction to A1C. (No appeal) (No mitigation)

(2) 28 Sep 88, Grand Forks AFB, ND - Article 92. You, who knew of your duties within the 321st Strategic Missile Wing complex, North Dakota, on or about 19 September 1988, were derelict in the performance of those duties in that you willfully failed to remain alert and attentive while assigned to provide site security at Oscar 44 Launch Facility, as it was your duty to do. Suspended reduction to AB. Forfeiture of \$100.00 pay per month for two months. (No appeal) (No mitigation)

e. Additional: LOR, 11 JUL 90 - Financial irresponsibility.
LOR, 16 OCT 89 - Disorderly conduct.

f. CM: None.

g. Record of SV: 22 Sep 87 - 19 Nov 88 Grand Forks AFB 8 (Annual)
20 Nov 88 - 29 Aug 89 Grand Forks AFB 3 (Annual)
30 Aug 89 - 29 Aug 90 Osan AB 3 (Annual)

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

i. Stmt of Sv: TMS: (03) Yrs (10) Mos (06) Das
TAMS: (03) Yrs (07) Mos (03) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 14 Nov 05.
(Change Discharge to Honorable)

Issue 1: I am requesting that my discharge be upgraded. Recieved (sic) disciplinary action for forgetting my travel package in Korea during a permanent change of station. Although I made a few bad decisions, I served my country proudly for 3 and a half years. Please consider this request. I am a police officer and my discharge follows every where I go or every school I attend. I am just trying to fix some of the mistakes that I made while I was young and with your help I can suceed (sic). Thank you for your time and consideration in this matter.

ATCH
None.

28DEC05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 317TH COMBAT SUPPORT GROUP (MAC)
POPE AIR FORCE BASE, NORTH CAROLINA 28308

FD2005-00444

REPLY TO
ATTN OF 317 SPS/CC

02 APR 1991

SUBJECT: Letter of Notification

TO: A1C [REDACTED]
317th Security Police Squadron

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as general.

2. My reasons for this action are:

a. You knew of your duties at Osan Air Base, Korea, from about 19 November 1990 to about 9 January 1991, were derelict in the performance of those duties in that you willfully failed to turn in your UPRG records over to the appropriate activity upon arrival at Pope Air Force Base, North Carolina and you willfully did not safeguard these records enroute as it was your duty to do so. For this you received an Article 15, dated 25 March 1991.

b. You did, on or about 31 January 1990, fail to pay a loan to the 1st Liberty Credit Union. For this, you received a Letter of Reprimand, dated 11 July 1990.

c. You did, on or about 16 September 1989, fail to complete M-60 firing training class because of disorderly conduct. For this, you received a Letter of Reprimand, dated 16 October 1989.

d. You, who knew of your duties with the 321st Strategic Missile Wing complex, North Dakota, on or about 19 September 1988, were derelict in the performance of those duties in that you willfully failed to remain alert and attentive while assigned to provide site security at Oscar 44 Launch Facility, as it was your duty to do. For this, you received an Article 15, dated 28 September 1988.

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 Capt Letteney at Bldg 344, on 5 April 1991 at 0930 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statement you want the separation authority to consider must reach me by 10 April 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 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 USAF Pope Clinic at 0730 hours on 4 April 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 in the unit Orderly Room.

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

Commander
317th Security Police Squadron

5 Atch

1. Article 15, dated 25 March 1991
2. Letter of Reprimand, dated
11 July 1990
3. Letter of Reprimand, dated
16 October 1989
4. Article 15, dated 28 September 1988
5. Airman's Receipt of Ltr of
Notification