

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) -----	GRADE	AFSN/SSAN -----
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TYPE GEN	X	PERSONAL APPEARANCE	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	A93.33 A93.25	INDEX NUMBER	A67.90	EXHIBITS SUBMITTED TO THE BOARD
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|---|--|
| 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	30 Mar 2006	CASE NUMBER	FD-2005-00453
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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 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.

+ Change RE CODE

SIGNATURE OF RECORDER -----	SIGNATURE OF BOARD PRESIDENT -----
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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

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reenlistment code. The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 30 Mar 2006. The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge and the 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 that his discharge did not take into account the contributions he accomplished while in the service which included two desert deployments in support of Operation Desert Storm--Kuwait and Operation Iraqi Freedom and volunteered to be a member in two search & recovery teams...hands on with finding and recovering remains--was awarded with AFCM for outstanding achievement. The board took note of the applicant's duty performance as documented by his performance reports and other accomplishments. The DRB recognized the fact that the applicant had served seven and half years total service before the discharge was initiated, but concluded the misconduct was a 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 contends that after his DUI incident he struggled with how his long distance separation was affecting his seven-year old son as well as some inappropriate actions toward himself and other shift leaders regarding responsibilities and duties by the dining facility manager. He subsequently sought support from his unit commander for discharge. Applicant asserts that the commander used the minor infractions to justify the discharge. The board considered the time period of misconduct but 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. However, if the applicant can provide additional documented information to substantiate the alleged support from his unit commander favoring an honorable discharge and other commendable post-service accomplishments, the applicant should consider exercising his right to appeal to the AF Board of Military Corrections.

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 and his reenlistment code should not be changed.

Attachment:
Examiner's Brief

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

(Former SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Eielson AFB, AK on 8 Feb 05 UP AFI 36-3208, para 5.52.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 15 Jun 77. Enlmt Age: 19 10/12. Disch Age: 27 7/12. Educ: HS DIPL. AFQT: N/A. A-59, E-31, G-59, M-60. PAFSC: 3M051 - Services Journeyman. DAS: 28 Aug 02.

b. Prior Sv: (1) AFRes 24 Apr 97 - 29 Jul 97 (3 months 6 days) (Inactive).

(2) Enlisted as AB 30 Jul 97 for 4 yrs. Svd: 3 yrs 3 months 16 days, all AMS. AMN - 30 Jan 98. A1C - 30 Nov 98. SrA - 30 Jul 00. EPRs: 3,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 16 Nov 00 for 6 yrs. Svd: 04 Yrs 02 Mo 22 Das, of which AMS is 04 yrs 02 months 19 days (excludes 3 days lost time).

b. Grade Status: SrA - 9 Sep 04 (Demotion, Special Order AA-7, 21 Sep 04)
SSgt - 1 Sep 03

c. Time Lost: 22 Sep thru 25 Sep 04 (3 days).

d. Art 15's: None.

e. Additional: CR, 12 NOV 04 - Dereliction of duty and failure to go.
LOR/UIF, 1 NOV 04 - Failure to go on two occasions.
RIC, 26 AUG 04 - Dereliction of duty.
LOR/UIF, 6 AUG 04 - Arrest and conviction of driving while
impaired by the consumption of alcohol.
RIC, 11 MAR 04 - Dereliction of duty.
LOC, 12 NOV 02 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 13 Apr 00 - 12 Apr 01 Edwards AFB 5 (Annual)
13 Apr 01 - 12 Apr 02 Edwards AFB 5 (Annual)
13 Apr 02 - 12 Apr 03 Eielson AFB 4 (Annual)
13 Apr 03 - 12 Apr 04 Eielson AFB 4 (Annual)

h. Awards & Decs: AFCM, AFTR, AFLSAR, NDSM, NCOPMER, AFOUA, AFGCM, AFOSLTR.

i. Stmt of Sv: TMS: (07) Yrs (09) Mos (12) Das
TAMS: (07) Yrs (06) Mos (07) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 16 Nov 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH
None.

10JAN06/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.

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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 AIR FORCE COAST GUARD

b. NAME (Last, First, Middle Initial)

c. GRADE/RANK AT DISCHARGE

d. SOCIAL SECURITY NUMBER

E-4

2. DATE OF DISCHARGE OR SEPARATION

(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)

2005 02 08

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION

354 SUS
Eisen AFB, AK

4. DISCHARGE CHARACTERIZATION RECEIVED (X one)

HONORABLE
 GENERAL/UNDER HONORABLE CONDITIONS
 UNDER OTHER THAN HONORABLE CONDITIONS
 BAD CONDUCT (Special court-martial only)
 UNCHARACTERIZED
 OTHER (Explain)

5. BOARD ACTION REQUESTED (X one)

CHANGE TO HONORABLE
 CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
 CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
 CHANGE NARRATIVE REASON FOR SEPARATION TO:

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 an upgrade in my discharge to Honorable so I may re-enter in the Armed Services. I feel as though I do deserve an Honorable with the contributions I made through my 7 1/2 years in the Air Force. I was part of two

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) (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.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

2005 11 27

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

deployments to the desert. One was to Kuwait to help shut down the base to send and send everything to Iraq in support of Operation Iraqi Freedom. I volunteered to participate in two search & recovery teams where I was hands-on with finding and recovering the remains. After one of my experiences on a search & recovery team, I was awarded with a Commendation Award as an E-4, which only a handful of us received. The career field I was in during my time in, gave me many opportunities to do things for the military personnel and for the surrounding communities. I was fortunate to participate in everything from Air Shows to putting on Summer Bashes for the 4th of July. With the exception of one major mistake, I performed my job to the best of my ability. The one mistake was a DUI. I received while stationed in Alaska. I got behind the wheel in an effort to avoid confrontation with someone who had a knife. I regret it to this day and also any disrespect to the Air Force. The military was the best thing I ever did and would like

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

the option to do good by the military

16. REMARKS (If applicable)

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

<p>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>NAVY AND MARINE CORPS</p> <p>Naval Council of Personnel Boards 720 Kennon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023</p>
<p>AIR FORCE</p> <p>Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p>COAST GUARD</p> <p>U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p>



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD2005-00453

MEMORANDUM FOR SRA [REDACTED] 354 SVS, PACAF DEC 16 2004

FROM: 354 SVS/CC

SUBJECT: Notification Letter-Board Hearing

1. I am recommending your discharge from the United States Air Force, according to AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, under the provisions of paragraph 5.50.2, A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action is as follows:

a. On or about 1 Oct 02, you informed your First Sergeant that you had failed to pay some of your debts. For this incident, you received a Letter of Counseling (LOC), dated 12 Nov 02 (Atch 1).

b. On or about 9 Mar 04, you failed to go to your appointed place of duty at the time prescribed, you further lied about the incident stating you had overslept when you had actually made an unauthorized shift split with another airman. Further, you were derelict in the performance of your duties, in that you willfully failed to uphold your NCO and shift leader responsibilities by failing to properly supervise an airman's actions on the serving line. For these incidents, you received a Record of Individual Counseling (RIC), dated 11 Mar 04 (Atch 2).

c. On or about 31 Jul 04, you were cited at or near Fairbanks, Alaska for driving under the influence. You were given a breathalyzer test, which revealed you had a Breath Alcohol Content (BrAC) of .156. For this incident, you were convicted in Alaska State Court (Atch 3) and you received a Letter of Reprimand (LOR), dated 6 Aug 04, which was placed into an Unfavorable Information File (UIF) (Atch 4).

d. On or about 25 Aug 04, you were derelict in the performance of your duties, in that you willfully failed to uphold your NCO and shift leader responsibilities by sitting around the dining hall during a busy time, not making the required 25 meals or fresh pastries. You expressed a negative attitude with your coworkers causing turmoil amongst coworkers. Further, you failed to perform a proper change over with the oncoming shift leader and failed to report to the Services Superintendent as directed. For these incidents, you received a RIC, dated 26 Aug 04 (Atch 5).

e. On or about 20 Oct 04, you failed to report to M-16 training, and on or about 21 Oct 04 you failed to report for a chemical gas mask fit test. For these incidents, you received an LOR, dated 1 Nov 04, which was placed into a UIF (Atch 6).

3. This action could result in your separation with an honorable, general, or under other than honorable conditions discharge. I am recommending that your discharge be characterized as Under Honorable Conditions (General). The commander exercising special court-martial jurisdiction or a higher authority will make the final decision in this matter. 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. Any special pay, bonus, or education assistance funds may be subjected to recoupment.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board subject to your availability.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to the Physical Examination Section, 354th Medical Group, Building 3349, at 0845 on 17 Dec 04 for the examination.

6. Military legal counsel has been obtained to assist you. An appointment has been scheduled for you to consult with the Area Defense Counsel's Office, 2610 Central Ave, on 17 Dec 04 at ~~0900~~ 1030. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within **7 workdays**, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

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 your Area Defense Counsel's office.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

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



Commander

Attachments:

1. LOC, dtd 12 Nov 02 (2 pgs)
2. RIC, dtd 11 Mar 04 (2 pgs)
3. State Court Conviction, dtd 4 Aug 04 and Incident Report (4 pgs)
4. LOR, dtd 6 Aug 04 and AF Form 1058 (3 pgs)
5. RIC, dtd 26 Aug 04 (2 pgs)
6. LOR, dtd 1 Nov 04 and AF Form 1058 (3 pgs)
7. Special Order AA-07, dtd 21 Sep 04