

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

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	A94.05	INDEX NUMBER	A67.30	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 IIE
HEARING DATE		CASE NUMBER			
28 Sep 2006		FD-2005-00491			

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

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

INDORSEMENT	DATE: 10/2/2006
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-2005-00491

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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 and change of reason and authority 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:

The applicant contends the discharge was inequitable because it was too harsh. The records indicate the applicant was discharged from the Texas Air National Guard for commission of a serious offense. Due to the complete lack of additional/supporting documentation to explain the exact circumstances of the offense, the Board was left to conclude that the misconduct must have been a significant departure from conduct expected of all military members. Again, based on the paucity of information, the characterization of the discharge received by the applicant was found to be appropriate.

If the applicant can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 SSGT) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Ellington Field, TX on 3 Oct 04 UP AFI 36-3209, para 3.21.3 (Commission of a Serious Offense). Appeals for Honorable Discharge, and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 20 May 73. Enlmt Age: 25 5/12. Disch Age: 31 4/12. Educ: HS DIPL. AFQT: N/A. A-87, E-58, G-42, M-49. PAFSC: 2A754 - Survival Equipment Journeyman. DAS: 10 Mar 03.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted USANG as AB 31 Oct 98 for 6 yrs. Svd: 05 Yrs 11 Mo 03 Das, of which AMS is 6 months 7 days.

b. Grade Status: SSGT - 1 Feb 03
A1C - 6 May 00
Amn - 7 Aug 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: Unknown.

h. Awards & Decs: AFOUA, ARFMSM, AFLSAR, AFTR, NCOPMER, TX FTHFLSM.

i. Stmt of Sv: TMS: (05) Yrs (11) Mos (03) Das
TAMS: (05) Yrs (04) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 31 Jan 06.

(Change Discharge to Honorable, and Change the Reason and Authority for Discharge)

Issue 1: Never had any disciplinary (sic) actions from the unit. I feel the type of discharge was unjust.

ATCH
None.

23FEB06/ia

FD2006-00491

TEXAS AIR NATIONAL GUARD
147 MISSION SPT FLT (ACC)
14657 SNEIDER ST
HOUSTON TX 77034-5586

Personnel Data-Privacy Act of 1974 (5 USC 552a)

SPECIAL ORDER
AZ - 16

13 OCT 04

SSG [REDACTED] (Mailing Address: 6430 N SHORE BEND
RICHMOND, TX 77469-0000) is relieved from assignment with the 147
MAINTENANCE SQU (L91CFMP1), TXANG, 14657 SNEIDER ST HOUSTON TX 77034-5586
and discharged from the TXANG and as a Reserve of the Air Force effective
03 OCT 04. Type Discharge: General under honorable conditions. The
verbal order of The Adjutant General on 03 OCT 04 is confirmed,
circumstances prevented written order in advance. Authority: AFI 36-3209.
para 3.21.3 SPD: JNG

FOR THE COMMANDER

/S/OFFICIAL/S/

PRISCILLA A. LEGER, SMS, TXANG
PERSONNEL SUPERINTENDENT

DISTRIBUTION : C

SO AZ - 16