

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
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No	NAME OF COUNSEL AND OR ORGANIZATION	
	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 A94.05	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 24 Aug 2006	CASE NUMBER FD-2005-00495	
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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 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.

SIGNATURE OF RECORDER <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>
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INDORSEMENT		DATE: 8/28/2006
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-2005-00495

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: Upgrade of discharge is 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: Applicant received a general discharge for misconduct due to minor disciplinary infractions. He infers his discharge was too harsh because he was detained in correctional custody and was held without cause. He claims this was stemming from retaliation after he filed an Inspector General complaint concerning how he was being mistreated, harassed and the difficulties he was having with his credibility. After a thorough and complete consideration of the information submitted by the applicant, the DRB completed a records review and determined the applicant received four Letters of Reprimand (LOR's), an AETC Form 173, *Student Record of Academic/Nonacademic Counseling and Comments*, and a Letter of Counseling (LOC) for misconduct. In July 1996, the applicant received a LOC for being late to formation twice and talking. This was followed by an AETC Form 173 for failing to shave and failure to follow instructions. In a three month period beginning August 1996, the applicant received four LOR's for sexual harassment; possession and use of marijuana; missing movement and violation of squadron policy concerning unauthorized visitors in his dormitory room. 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.

If he 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 AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Lackland AFB, TX on 12 Dec 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Mar 76. Enlmt Age: 19 9/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-61, E-68, G-68, M-48. PAFSC: 3P011 - Security Helper. DAS: 10 Jun 96.

b. Prior Sv: (1) AFRes 5 Dec 95 - 17 Apr 96 (4 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Apr 96 for 4 yrs. Svd: 00 Yrs 07 Mo 27 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 13 NOV 96 - Violation of squadron policy concerning unauthorized visitors in dormitory room.
LOR, 25 OCT 96 - Missing Movement.
LOR, 04 OCT 96 - Possession and use of marijuana.
LOR, 14 AUG 96 - Sexual harassment.
AETC 173, 18 JUL 96 - Failure to shave, and failure to follow instructions.
LOC, 15 JUL 96 - Late to formation twice and talking.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (00) Mos (08) Das
TAMS: (00) Yrs (07) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Nov 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Drug Test Results.
3. Proposed Separation Letter, 31 Oct 96.
4. DD Form 214.
5. Photo.

14FEB06/ia

20 NOV 05

To whom it may concern;

I am writing you requesting that I get a copy of all my transcripts and "RECORDS" while I served in the USAF. On my DD-214 it shows me as only having BASIC MILITARY TRAINING. I should have credit for also completing G.C.S. - which I completed twice. Also M-60 school, which was required for SECURITY-SL at the time. I also completed THE UNITED STATES AIR FORCE POLICE ACADEMY. (To completion)

On the graduation morning I was detained after going over the graduation ceremony. And was held without cause or reason until I was picked up and placed in Correctional Custody and Not allowed to receive my "BADGE". This was all stemming from a retaliation after I had filed a grievance with the "I.C." about how I was being treated and the difficulties I am having with my credibility. I was forced to leave the AIR FORCE after I was told or rather offered at the same time that... If I wish to continue in the AIR FORCE I would have to RECLASSIFY because they do not want me in the USAF as an S.F. at this time.

2

that I should accept the job change
 and after 2-years try out to be in
 the SECURITY FORCES (S.F.) which I
 did not accept and after unspeakable
 harassment and mistreatment I decided
 to accept the early release. Under
 Honorable Conditions. I was tired of
 fighting. I look back now and this
 is something that has affected me
 in my life ever since. I could of had
 a long and productive career in
 the UNITED STATES AIR FORCE which
 I served very PROUDLY. Also to mention
 that if you investigate, the AIRMAN
 that claims that I was smoking
 MARIJUANA in his presence and offered
 him some. Was discharged from the
 USAF and was also serving the "B.A.S."
 He had mental issues. This individual
 caused me my military career. The
 other AIRMAN was a DORM SWEETMATE
 that was fairly close to my roommate.
 The roommate's name was
 AIRMAN SAWATKA. He had mental
 problems and was later discharged because
 of them. If any questions please
 feel free to contact me. My phone # is.

Thanks for your time & consideration,
 Sincerely,

3.

P.S.

To sum everything up I would like to ~~let~~ have my "MILITARY DISCHARGE" upgraded from a GENERAL UNDER HONORABLE CONDITIONS to a HONORABLE DISCHARGE.

^{2ND} I would like it to be added to my DD-214 all accreditation of all the certifications and trainings that I completed as well as physical transcripts. I remember these following INSTRUCTORS NAMES, SGT [redacted] was my ECS.-INSTRUCTOR and I remember a SGT. [redacted] IN THE POLICE ACADEMY. I was in HOTEL FLIGHT of 1996.

^{3RD} All my medical and Dental Records please. Thanks in Advance.

Again please feel free to contact me. I wish to finally resolve this.



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

20 NOV 1996

MEMORANDUM FOR AB: [redacted] 343 TRS

FROM: 343 TRS/CCQ

SUBJECT: Addendum to Notification Memorandum

1. I am still recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Paragraph 5.49. My reasons for the recommendation are the same as in the notification Memorandum dated 11 Sep 96, but it also includes the additional reasons as indicated in Paragraph 2 below. If my recommendation is approved, your discharge will be described as Honorable or Under Honorable Conditions (General). I am still recommending a discharge characterizaion of Under Honorable Conditions (General).
2. My additional reasons for this action are:
 - a. On or about 25 Oct 96, you were missing from the 319th Training Squadron from 1100 hours until 1600 hours, for which you received a Letter of Reprimand dated 25 Oct 96.
 - b. On or about 9 Nov 96, you were in a dormitory room with your girlfriend, your brother, and a dog, in violation of squadron policies concerning unauthorized visitors in the dormitory, for which you received a Letter of Reprimand dated 13 Nov 96.
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 the Area Defense Counsel (ADC) at Bldg 7024 2nd floor on 22 Nov 96 at 0800. 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 (allow 3 workdays) 28 Nov 96 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. 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 the Unit Personnel Office.



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

24 OCT 1996

MEMORANDUM FOR Amn: [REDACTED], 343 TRS

FROM: 343 TRS/CCQ

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 AFD 36-32 and AFI 36-3208, Paragraph 5.49. If my recommendation is approved, your service will be characterized as Under Honorable Conditions (General). I am recommending that your service be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

a. On or about 15 Jul 96, you showed a lack of responsibility by being late to formation twice and for talking, for which you received a Letter of Counseling dated 15 Jul 96.

b. On or about 16 Jul 96, you failed to shave before class. On or about 17 Jul 96, you forgot to bring your gloves to training. On 18 Jul 96, you failed to fall out with a canteen full of water as you were instructed. For these incidents, you were counseled on an AETC Fm 173 dated 18 Jul 96.

c. On or about 14 Aug 96, you touched AB: [REDACTED] in the face, in a way that was offensive to her, for which you received a Letter of Reprimand dated 14 Aug 96.

d. On or about 25 Aug 96, you asked another airman to join you in smoking marijuana and showed him a hand-rolled cigarette. You smoked it in front of him and other peers and a drug detector dog sensed a recent presence of illegal drugs in your dormitory room, for which you received a Letter of Reprimand dated 4 Oct 96.

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. 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 the Area Defense Counsel (ADC) at Bldg 7024 2nd floor on 12 Nov 96 at 0900. 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 (allow 3 workdays) 30 OCT 96 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. 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 the Unit Personnel Office.
7. Execute the attached acknowledgment and return it to me immediately.

Squadron Section Commander

Attachments:

1. Letter of Counseling, dated 15 Jul 96
2. AETC Fm 173, dated 18 Jul 96
2. Letter of Reprimand, dated 14 Aug 96
3. Letter of Reprimand, dated 4 Oct 96