

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<b>GRADE</b>	<b>AFSN/SSAN</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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<b>TYPE UOTH</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>	<b>AMERICAN LEGION</b>	<b>ATTN: [REDACTED], 1608 K STREET NW WASHINGTON DC 20006</b>
<b>X</b>			

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>					X
					X
					X
					X
					X

<b>ISSUES</b>	<b>INDEX NUMBER</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
<b>A92.21</b> <b>A92.01</b> <b>A93.21</b>	<b>A70.00</b>	<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
		<b>4</b>	BRIEF OF PERSONNEL FILE	
			COUNSEL'S RELEASE TO THE BOARD	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE HE	

<b>HEARING DATE</b>	<b>CASE NUMBER</b>	
<b>26 Oct 2006</b>	<b>FD-2006-00059</b>	

**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, 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.

<b>SIGNATURE OF RECORDER</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<b>SIGNATURE OF BOARD PRESIDENT</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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<b>INDORSEMENT</b>	<b>DATE: 10/26/2006</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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

FD-2006-00059

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

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB on 26 Oct 2006.

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:**

Issue 1. The applicant contends his discharge was inequitable because of his past and present medical conditions. The applicant had a history of mental health issues prior to deserting, but had previously been found to be fit for duty. Although the applicant claimed his thinking was disordered by his experiences during his year in Vietnam, the DRB was not persuaded that he was not responsible for his actions or had the inability to know right from wrong at the time he deserted, when he made an anti-Vietnam war broadcast from Moscow, or when he fled from pre-trial confinement. While the DRB was sympathetic to his cancer related problems and wishes him well in his struggle, the DRB noted that he was receiving treatment from the Veteran's Administration for his health issues and that his discharge was not due to health issues but due to his past misconduct. At the time of his discharge he was pending court-martial charges, so he was ineligible to receive a medical discharge.

Issue 2. The applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, decorations and other accomplishments. The DRB found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 3. The applicant requested upgrade of his discharge based upon his post-service activities. The DRB was pleased to see that the applicant is active in his church and community and working with underprivileged youth and has a good job. However, no inequity or impropriety in his discharge was found in the course of the hearing. The Board concluded the misconduct of the applicant is appropriately characterized on his DD 214.

**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)

**Incomplete Records & No Disch Pkg**

**1. MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF Los Angeles AFB CA on 27 Sep 95 UP AFI 36-3208 Chapter 4 (In Lieu of Trial by Courts Martial). Appeals for Honorable Disch.

**2. BACKGROUND:**

a. DOB: 25 Sep 39. Enlmt Age: 25 9/12. Disch Age: 56 0/12. Educ: HS DIPL. AFQT: N/A. A-60, E-35, G-40, M-20. PAFSC: 3A051 - Information Management Journeyman. DAS: 23 May 95.

b. Prior Sv: (1) AFRes 13 Apr 56 - 07 Jun 56 (1 month 25 days) (Inactive).

(2) Enlisted AF 10 Oct 56 for 3 years. Reenlisted 13 Jan 59 for 6 years. Served 8 years 00 months 18 days all AMS.

(3) Enlisted AFRes 14 May 65 - 05 Jul 65 (1 month 07 days Inactive with 15 days active duty).

**3. SERVICE UNDER REVIEW:**

a. Enlisted USAF as A1C (E-4) 6 Jul 65 for 4 years. Svd: 02 Yrs 11 Mo 23 Das, all AMS.

b. Grade Status: SSgt - 01 Feb 67  
A1C (E4) - 06 Jul 65 (Adjusted for break in service).  
A2C (E3) - 01 Sep 58

c. Time Lost: 23 Feb 68 - 21 Jul 88 (20 years 4 months 29 days).  
13 Dec 88 - 23 May 95 (06 years 5 months 11 days)  
Total lost time 26 years 10 months 10 days.

d. Art 15's: Unknown.

e. Additional: EXAMINERS NOTE: Various correspondence refer to pending Court Martial charges, Letters of Reprimand, Control Roster Action prior to applicant going AWOL.

f. CM: Charges Preferred: Desertion, Escape from Confinement and making a Disloyal Statement.

g. Record of SV: 10 Oct 56 - 10 Jun 59 Japan (Initial)  
11 Jun 59 - 04 Dec 61 Osan AB (Annual)  
05 Dec 61 - 10 Aug 62 Osan AB (CRO)  
10 Aug 62 - 17 Mar 63 Itazuke AB (CRO)

18 Mar 63 - 17 Mar 64	Itazuke AB	(Annual)
06 Jul 65 - 01 Feb 66	Duluth IAP	(CRO)
02 Feb 66 - 05 Jul 66	Duluth IAP	(CRO)
06 JUL 66 - 05 JUL 67	Da Nang AB	(Annual)
06 Jul 67 - 21 Feb 68	Barksdale AFB	(CMDR DIR)

h. Awards & Decs: AFLSA W/1 OLC, AFGCM W/1 OLC, SAEMR, RVCM, VSM, NDSM, AFCM.

i. Stmt of Sv: TMS: (11) Yrs (02) Mos (14) Das  
TAMS: (11) Yrs (01) Mos (07) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Feb 06.  
(Change Discharge to Honorable.)

Issue 1: On January 30, 2006, I submitted an application to re-open my claim (sic) for service connected disability, which was denied previously due to my discharge was other than honorable conditions.

**ATCH**

1. Five letters of support.
2. VA Fm 21-4138.
3. DD Fm 214.
4. Letter from ADC concerning discharge.

26APR06/day