

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	<b>GRADE</b> <b>AB</b>	<b>AFSN/SSAN</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>YES</b></td> <td style="width:50%;"><b>No</b></td> </tr> <tr> <td></td> <td align="center"><b>X</b></td> </tr> </table>	<b>YES</b>	<b>No</b>		<b>X</b>		
<b>YES</b>	<b>No</b>					
	<b>X</b>					

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	X**				
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<b>ISSUES</b> <b>A94.06</b>	<b>INDEX NUMBER</b> <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td><b>1</b></td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td><b>2</b></td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td><b>3</b></td><td>LETTER OF NOTIFICATION</td></tr> <tr><td><b>4</b></td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>	<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
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<b>HEARING DATE</b> <b>16 May 2006</b>	<b>CASE NUMBER</b> <b>FD-2006-00067</b>	
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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.

\* CHANGE RE CODE  
 + CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

<b>SIGNATURE OF RECORDER</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	<b>SIGNATURE OF BOARD PRESIDENT</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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**INDORSEMENT** DATE: 6/16/2006

<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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2006-00067**

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable, to change the reason and authority for the discharge and change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 16 May 2006.

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 reason and authority for discharge inequitable.

**ISSUE:** Applicant received a general discharge for misconduct – minor disciplinary infractions

Applicant contends discharge was inequitable because it was too harsh and the DRB concurred. Although the records indicated the applicant received two Article 15s, a vacation action and 2 Letter of Reprimands the misconduct happened within 90-day period. His misconduct included failure to maintain government quarters and financial irresponsibility. While the board did not condone the applicant's misconduct, which was a departure from conduct expected of all military members, they also noted the applicant was not involved in a serious criminal misconduct and there were extenuating circumstances that may have predicated some of the incidents. But for these offenses, the applicant was a good performer and airman, and continues to be a good citizen since his discharge. Therefore, the Board found sufficient mitigation to render the characterization of the discharge received by the applicant too harsh. The Board found the evidence presented by the applicant sufficient to warrant an Honorable discharge, a change to the reason and authority and change to the reenlistment code.

**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 the reason for the discharge is more accurately described as Secretarial Authority. The applicant's characterization should be changed to Honorable and Secretarial Authority 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Ellsworth AFB, SD on 3 Jul 03 UP AFI 36-3208, para 5.49 (Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 1 Jun 82. Enlmt Age: 18 11/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-59, E-67, G-57, M-44. PAFSC: 2A733 - Aircraft Structural Maintenance Apprentice. DAS: 6 Apr 02.

b. Prior Sv: (1) AFRes 18 May 01 - 16 Sep 01 (3 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Sep 01 for 6 yrs. Svd: 01 Yrs 09 Mo 17 Das, all AMS.

b. Grade Status: AB - 4 Jun 03 (Article 15, 4 Jun 03)  
Amn - 31 Mar 03 (Vacation of Article 15, 6 May 03)  
A1C - 19 Aug 02

c. Time Lost: None.

d. Art 15's: (1) 4 Jun 03, Ellsworth AFB, SD - Article 92. You, who knew of your duties, on 1 May 03, were derelict in the performance of those duties in that you willfully failed to maintain your government issued quarters, as it was your duty to do. Article 108. You, did, on 1 May 03, without authority, willfully damage by extinguishing cigarettes on, and puncturing with a knife or other sharp object, military property of the United States, namely dormitory room wall, causing approximately \$383.90 in damages. Reduction to AB. Restriction to the limits of Ellsworth AFB, SD for 30 days, and 30 days extra duty. (Appeal/Denied) (No mitigation)

(2) 6 May 03, Vacation, Ellsworth AFB, SD - Article 134. You, being indebted to Angelique's Sewing Shop in the sum of \$19.03 for goods and services, which amount became due and payable on 12 Mar 03, did, from 8 Apr 03 to 18 Apr 03, dishonorably fail to pay said debt. Reduction to Airman. (No appeal) (No mitigation)

(3) 31 Mar 03, Ellsworth AFB, SD - Article 92. You, who knew of your duties, between 7 Mar 03 and 13 Mar 03,

were derelict in the performance of those duties in that you willfully failed to maintain your government quarters, as it was your duty to do. Suspended reduction to Airman. Forfeiture of \$100.00 pay per month for 2 months. Restriction to the limits of Ellsworth AFB, SD for 14 days, and 14 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR/UIF, 7 APR 03 - Civil arrest for outstanding traffic violation, and financial irresponsibility.

LOR, 7 MAR 03 - Failed dorm room inspection. Living downtown without proper authorization.

- f. CM: None.

- g. Record of SV: 17 Sep 01 - 16 May 03 Ellsworth AFB 2 (Initial)REF

- h. Awards & Decs: NDSM, AFTR.

- i. Stmt of Sv: TMS: (02) Yrs (01) Mos (16) Das  
TAMS: (01) Yrs (09) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 08 Feb 06.

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

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. DD Form 214.

28MAR06/ia

FEB 13 2006

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. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

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 AB/E-1
d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 20030703
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 28MXS / Ellsworth AFB, SD
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.) upgrade of discharge from general(UTC) to honorable is requested do to focus reason of discharge (failure to maintain gvt. issued quarters) I believe discharge characterization @ time was proper but after 2 years in the civilian world I would

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.) DD Form 214

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 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.) N/A
b. TELEPHONE NUMBER (Include Area Code) N/A
c. E-MAIL N/A
d. FAX NUMBER (Include Area Code) N/A

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)
d. FAX NUMBER (Include Area Code) N/A

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.)
a. SIGNATURE - REQUIRED (Applicant or person in Item 11, above)
b. DATE SIGNED - REQUIRED (YYYYMMDD) 20060208
CASE NUMBER (Do not write in this space.) FD 2006-00067

14. CONTINUATION OF ITEM 8, ISSUES (If applicable)

~~2006~~ consider myself a changed person and believe that a change to an honorable discharge and change in my reentry code would give me the chance to continue to a military career. I have spoken to the local ANG wing and they cannot allow me ~~me~~ to join without ~~the~~ my reentry code changed. I would also like the discharge changed so that I may pursue a career in law enforcement.

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

16. REMARKS (If applicable)

If not possible to change discharge to honorable, I would appreciate the chance to restart my military career with a change of my reentry code. I have enclosed a copy of my military form DD214 to show type of separation/code and my reentry code.

Thank you for your time



MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

**ARMY**

Army Review Boards Agency  
Support Division, St. Louis  
9700 Page Avenue  
St. Louis, MO 63132-5200  
(See <http://arbs.army.pentagon.mil>)

**NAVY AND MARINE CORPS**

Naval Council of Personnel Boards  
720 Kennon Street, S.E.  
Room 309 (NDRB)  
Washington Navy Yard, DC 20374-5023

**AIR FORCE**

Air Force Review Boards Agency  
SAF/MRBR  
550-C Street West, Suite 40  
Randolph AFB, TX 78150-4742

**COAST GUARD**

U.S. Coast Guard  
Commandant (G-WPM)  
2100 Second Street, S.W. Room 5500  
Washington, DC 20593

FD 2006-00067



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 28<sup>TH</sup> BOMB WING (ACC)  
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

20 JUN 03

MEMORANDUM FOR AB: [REDACTED] 28 MXS

FROM: 28 MXS/CC

SUBJECT: Notification Memorandum

1. I am 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. If my recommendation is approved, your service will be characterized as honorable or 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. You, who knew of your duties at Ellsworth Air Force Base, South Dakota, on or about 5 Mar 03, were derelict in the performance of those duties in that you willfully failed to maintain your government issued quarters, as it was your duty to do. For this action, you received a Letter of Reprimand (LOR) on 7 Mar 03.

b. You, who knew of your duties at Ellsworth Air Force Base, South Dakota, between 7 Mar 03 and 13 Mar 03, were derelict in the performance of those duties in that you willfully failed to maintain your government issued quarters, as it was your duty to do. For this action, you received nonjudicial punishment under Article 15, UCMJ on 31 Mar 03. Punishment consisted of a suspended reduction to the grade of Airman, forfeiture of \$100.00 pay per month for 2 months, restriction to the limits of Ellsworth Air Force Base, South Dakota for 14 days, and 14 days extra duty. This action established your Unfavorable Information File (UIF).

c. You, who knew of your duties at or near Ellsworth Air Force Base, South Dakota, on or about 29 Mar 03, were derelict in the performance of those duties in that you willfully failed to appear in court at the prescribed date and time or pay the appropriate fine as indicated for outstanding traffic violations, as it was your duty to do. For this action, you received an LOR on 7 Apr 03.

d. You, being indebted to Angelique's Sewing Shop in the sum of \$19.03 for goods and services, which amount became due and payable on 12 Mar 03, did at or near Ellsworth Air Force Base, South Dakota, from 8 Apr 03 to 18 Apr 03, dishonorably fail to pay said debt. For this action, your suspended reduction to the grade of Airman, received from the Article 15 imposed on 7 Apr 03 was vacated on 6 May 03.

e. You, who knew of your duties, at Ellsworth Air Force Base, South Dakota, on 1 May 03, were derelict in the performance of those duties in that you willfully failed to maintain your government issued quarters, as it was your duty to do. You, did at Ellsworth Air Force Base,

South Dakota, on 1 May 03, without proper authority, willfully damage by extinguishing cigarettes on, and puncturing with a knife or other sharp object, military property of the United States, namely your dormitory room wall, causing approximately \$383.90 in damages. For these actions, you received nonjudicial punishment under Article 15, UCMJ on 4 Jun 03. Punishment consisted of reduction to the grade of Airman Basic, restriction to the limits of Ellsworth Air Force Base, South Dakota for 30 days, and 30 days extra duty. This action was filed in your UIF.

3. 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 discharge will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made a telephone appointment for you to consult the Area Defense Counsel, Fairchild Air Force Base, Washington, at DSN 657-2918 on 23 Jun 03 at 1000 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 25 Jun 03 at 1015 hours, unless you request and receive an extension for good cause shown, I will send them to the separation authority.
6. If you fail to consult counsel or to submit matters in your own behalf, your failure will constitute a waiver of your right to do so.
7. You have been scheduled for a medical examination. You must report to ~~Flight Medicine / Family Practice A~~ Family Practice B Section of the Base Clinic on 24 Jun 03 at 1030 hours for the examination. This is a mandatory appointment and you must be in uniform. You must report at least 20 minutes in advance to this appointment to complete necessary paperwork. Please have the attached Medical Examination for Separation/Retirement form completed at this time. Return this form to the Separations office.
8. You have been scheduled for a pre-separation appointment. You must report to the Separations Section of the Military Personnel Flight (MPF) on 24 Jun 03 at 1330 hrs. This is a mandatory appointment and you must be in uniform. Your signed Medical Examination for Separation/Retirement will be turned in at this time.
9. You have been scheduled for a pre-separation briefing. You must report to the Family Support Center on 20 Jun 03 at 0900 hours. This is a mandatory appointment and you must be in uniform. You must report at least 15 minutes in advance to this appointment to complete any necessary paperwork.



10. 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 orderly room.

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



Commander, 28<sup>th</sup> Maintenance Squadron

**Attachments:**

1. Supporting documents
  - a. LOR – 7 Mar 03
  - b. Article 15/UIF – 31 Mar 03
  - c. LOR – 7 Apr 03
  - d. Vacation – 6 May 03
  - e. Article 15/UIF – 4 Jun 03
  - f. UIF Summary
2. Airman's receipt of notification memorandum
3. DPMAR FM-21, Medical Examination for Separation/Retirement
4. Issuance of Temporary ID Card for Administrative Discharge