

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>  		<b>GRADE</b>  AMN	<b>AFSN/SSAN</b>  																
<b>TYPE</b>	<b>GEN</b>	<b>PERSONAL APPEARANCE</b>		<b>X</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>X</b>																		
<b>MEMBER SITTING</b>			<b>VOTE OF THE BOARD</b>																
			HON	GEN	UOTHC	OTHER	DENY												
							X												
							X												
							X												
							X												
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>															
A92.21		A60.00 A01.43		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</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 HE</td></tr> </table>		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 HE
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<b>HEARING DATE</b>		<b>CASE NUMBER</b>																	
12 Oct 2006		FD-2006-00123																	
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>																			
<p>Case heard in Washington, D.C..</p> <p>The applicant was scheduled for a personal appearance before the Discharge Review Board at Andrews AFB, Maryland, but failed to appear or notify the board.</p> <p>Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <p>X - Upgrade, Reason and Authority and RE Code</p>																			
<b>SIGNATURE OF RECORDER</b>			<b>SIGNATURE OF BOARD PRESIDENT</b>																
<b>INDORSEMENT</b>			<b>DATE: 10/12/2006</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****CASE NUMBER****FD-2006-00123**

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

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) at Andrews Air Force Base, Maryland, but failed to appear or notify the Board.

No exhibits were submitted on the applicant's behalf.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge, change of reason and authority for discharge, and 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:** The applicant cited his eagerness to serve again, "especially in this time of recruitment crisis and [the] war overseas," in documenting his desire for an upgrade of discharge so that he may enlist in the United States Marine Corps. He otherwise did not submit any issues questioning the equity or propriety of the non-judicial punishment actions he received or the resultant discharge action. Specifically, the applicant received two Article 15s during his term of enlistment, covering a period from on or about 9 July 1993 until his date of discharge on 20 May 1997. The first Article 15, issued on 29 April 1996, was for unlawfully striking another Airman in the head with a bottle. For this offense the applicant received a suspended reduction in grade to Airman and 15 days extra duty. The second Article 15, issued on 28 March 1997, contained two specifications; one for wrongfully wearing, without authority, the rank of Senior Airman insignia over a several month period (from on or about 9 July 1996 to 4 February 1997) and his dishonorable failure to pay an indebtedness on his government travel card of the amount of \$240.03. The applicant's record does not contain the notification memorandum from his commander, the review of legal sufficiency, nor his responses to either of the Article 15s or the discharge action. The DRB recognized the fact that the applicant had served three years and 10 months, of a four-year term of enlistment before his discharge was initiated and that he had achieved three consecutive overall "4" enlisted performance reports. Additionally, the Board acknowledged the likelihood that the applicant is making a significant contribution to the life and safety of his community, as an "LACO fire fighter." However, the Board was deprived of an opportunity to receive any objective evidence upon which to base an upgrade of the applicant's discharge, either through supplemental written documentation, such as letters of recommendation or commendation, proof of his alleged "unblemished record" with his current employer, or testimony that would otherwise overcome a presumption of regularity in the processing of his discharge. The Board concluded that the characterization of the discharge received by the applicant was appropriate.

**CONCLUSIONS:** The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation, that it 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 AMN) (HGH A1C)

**DISCHARGE CASE MISSING**

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF McGuire AFB NJ on 20 May 97 UP AFI 36-3208, Para 5.50 (Misconduct). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 7 Oct 73. Enlmt Age: 19 4/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-58, E-50, G-50, M-65. PAFSC: 1T131 - Aircrew Life Support Apprentice. DAS: Unknown.

b. Prior Sv: (1) AFRes 25 Feb 93 - 08 Jul 93 (4 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Jul 93 for 4 years. Svd: 03 Yrs 10 Mo 12 Das, all AMS.

b. Grade Status: Amn - 28 Mar 97 (Article 15, 28 Mar 97)  
A1C - 09 Nov 94  
Amn - 09 Jan 94

c. Time Lost: None.

d. Art 15's: (1) 28 Mar 97, McGuire AFB, NJ - Article 134. You did, on divers occasions between on or about 9 Jul 96 to on or about 4 Feb 97, wrongfully and without authority wear upon your uniform the insignia or grade of a Senior Airman. You, being indebted to American Express in the total sum of \$240.03 for cash advances, charges and advance fees, which amount became due and payable on or about 1 Nov 96, did within the territorial limits of the US from on or about 1 Nov 96 to on or about 17 Feb 97, dishonorably fail to pay said debt. Reduction to Amn, 45 days extra duty and restriction within the confines of McGuire AFB/Ft Dix for 45 days. (Appeal/Denied) (No mitigation)

(2) 29 Apr 96, McGuire AFB, NJ - Article 128. You did, on or about 17 Mar 96, unlawfully strike A1C [redacted] in the head with a bottle. Suspended reduction to Amn and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 09 Jul 93 - 08 Mar 95 McGuire AFB 4 (Initial)  
09 Mar 95 - 31 Dec 95 McGuire AFB 4 (CRO)  
01 Jan 96 - 14 Jun 96 McGuire AFB 4 (CRO)

h. Awards & Decs: AFTR, NDSM, AFOUA W/1 OAK LEAF CLUSTER.

i. Stmt of Sv: TMS: (04) Yrs (02) Mos (26) Das  
TAMS: (03) Yrs (10) Mos (12) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Mar 06.

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

Issue 1: I am requesting an upgrade in order to enlist in the Marine Corps (per recruiter request). I am eager to serve again, especially in this time of recruitment crisis & the war overseas. I have been an LACO Fire Fighter with an unblimshed (sic) record since my discharge.

**ATCH**

None.

2May06/day