

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 A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>					
TYPE	GEN	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE		RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No							
	<input checked="" type="checkbox"/>							
MEMBER SITTING				VOTE OF THE BOARD				
				HON	GEN	UOTHIC	OTHER	DENY
								X*
								X*
								X*
								X*
								X*
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD				
A92.21 A93.11 A94.05		A47.00 A67.90		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						
09 Jan 2007		FD-2005-00059						
<p>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</p> <p>Case heard in Washington, D.C.</p> <p>Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR</p> <p>Namcs and votes will be made available to the applicant at the applicant's request.</p> <p>* Change RE Code</p>								
SIGNATURE OF RECORDER				SIGNATURE OF BOARD PRESIDENT				
INDORSEMENT				DATE: 1/10/2007				
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-2005-00059

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reenlistment code. The applicant was offered a personal appearance before the Discharge Review Board (DRB) and exercised that right. The applicant appeared and testified before the DRB, without counsel, at Andrews AFB on 09 Jan 2007. The following witnesses also testified on the applicant's behalf: his wife: [REDACTED]

No additional exhibits were submitted at the hearing. The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of 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:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, two Letters of Reprimand, one Letter of Counseling, one Record of Individual Counseling, and two verbal counselings for various acts of misconduct. The DRB recognized that the command did not include the applicant's first Article 15 punishment action, although it was in the applicant's records and the applicant was aware that the DRB had reviewed the record. The applicant's family's medical issues and the death of two of his closest relatives no doubt affected him emotionally, but the DRB did not find the impact sufficient to overcome or adequately explain the misconduct committed. Over a span of five years and many different administrative and nonjudicial actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct outweighed the contributions made by the applicant. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. Applicant states that his discharge did not properly 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, his deployment to Southwest Asia in support of Operation SOUTHERN WATCH, and other accomplishments. They found the seriousness of the willful misconduct offset the 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 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well in his employment prospects and his college education. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 A1C) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Fairchild AFB, WA on 16 Jul 97 UP AFI 36-3208, Para 5.50.2 and 5.50.4 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline & Failure to Pay Just Debts). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 30 Jul 70. Enlmt Age: 21 0/12. Disch Age: 26 11/12. Educ: HS DIPL. AFQT: N/A. A-68, E-90, G-94, M-88. PAFSC: 2T151 - Vehicle Operations Journeyman. DAS: 7 Aug 92.

b. Prior Sv: (1) AFRes 26 Aug 91 - 12 Dec 91 (3 months 17 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as A1C 13 Dec 91 for 6 yrs. Svd: 5 Yrs 7 Mo 4 Das, all AMS.

b. Grade Status: A1C - 17 Apr 97 (Article 15, 17 Apr 97)
SrA - 13 Apr 94

c. Time Lost: None.

d. Art 15's: (1) 17 Apr 97, Fairchild AFB, WA - Article 121. You, did, on or about 11 Mar 97, wrongfully appropriate \$15.00 cash, the property of 92d Vehicle Operations Flight "Fridge Fund". Reduction to A1C, and 30 days extra duty. (No appeal) (No mitigation)

(2) 05 Oct 94, Fairchild AFB, WA - Article 134. Preliminary investigation has revealed that you were, on or about 17 Sep 94, disorderly in that you used contemptuous words about SSgt [REDACTED] by saying "he could go to hell and kiss your ass", which conduct was to the prejudice of good order and discipline in the armed forces. Suspended reduction to A1C. Fourteen days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 30 JUN 97 - Leaving small children unsupervised at home.

UIF, 29 APR 97 - Pattern of misconduct.

VBC, 10 APR 97 - Failure to attend mandatory briefing.

LOR, 24 MAY 94 - Disrespect to a SNCO.

RIC, 25 MAY 93 - Missed appointments.

VBC, UNDATED - Issued two worthless checks.

LOC, 02 MAR 03 - Failure to pay just debts.

f. CM: None.

g. Record of SV: 13 Dec 91 - 12 Aug 93 Fairchild AFB 4 (Initial)
13 Aug 93 - 12 Aug 94 Fairchild AFB 4 (Annual)
13 Aug 94 - 12 Aug 95 Fairchild AFB 4 (Annual)
29 Jul 95 - 28 Jul 96 Fairchild AFB 4 (Annual)

h. Awards & Decs: AFOUA, AFGCM, SWASM W/1 DEV, AFLSAR, NDSM, NCOPMER.

i. Stmt of Sv: TMS: (5) Yrs (10) Mos (21) Das
TAMS: (5) Yrs (7) Mos (4) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 26 Jan 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Congressional Correspondence.
3. Two Character References.
4. College Transcript.

20APR05/ia

APPLICATION FOR THE REVIEW OF DISCHARGE 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.

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.

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 X AIR FORCE COAST GUARD b. NAME (Last, First, Middle Initial) c. GRADE/RANK AT DISCHARGE E-3 d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 19970716 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) HONORABLE X GENERAL/UNDER HONORABLE CONDITIONS UNDER OTHER THAN HONORABLE CONDITIONS BAD CONDUCT (Special court-martial only) UNCHARACTERIZED OTHER (Explain) 5. BOARD ACTION REQUESTED (X one) X 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) While I was enlisted in the Air Force from 1991 to 1997, my family and I were faced with the circumstances involving three of my family members either suffering from serious illnesses or passing away. In February of 1992, my grandfather, passed away after living with Alzheimer's disease for over a decade. In 1995, my aunt, was diagnosed with colon cancer and suffered through two years of chemotherapy until her passing in 1997, Cont'd.

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.) Academic transcript: The University of Southern Mississippi Letter of support: U.S. Senator Letters of character reference: Professor of Political Science U.S. Air Force Ret.

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 THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA. X 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) Hattiesburg, MS (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) c. E-MAIL d. FAX NUMBER (Include Area Code)

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 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) c. E-MAIL d. FAX NUMBER (Include Area Code)

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 (Indicate as owner of the title above) b. DATE SIGNED - REQUIRED (YYYYMMDD) 20050126 CASE NUMBER (Do not write in this space.) FD 2005-00059

14. CONTINUATION OF ITEM 6, ISSUES (If applicable)
 only two months prior to my separation from the military. During the time I was in the service, my father, [redacted], underwent quadruple bypass surgery and later lost his right leg at the knee and his left eye to diabetes. Two years after I returned home, he suffered a severe stroke, which rendered him unable to speak or care for himself in any way. He died of a massive heart attack less than one month later.

While stationed at Fairchild AFB, I submitted a request for a humanitarian relocation to a base closer to home. I even contacted Senator [redacted] for assistance in the matter. My request was denied on the grounds that while my father was considered a member of my immediate family, his illness was not deemed to be immediately life-threatening. At the same time, while my aunt's cancer was accepted as being a terminal condition, she was not considered to be an immediate family member. The only thing I could do to help from such a great distance was to send small amounts of money home to help with expenses. Even that threw me and my wife into greater stress and hardship. We were unable to afford childcare for our three sons and fell farther into debt by my wife not being able to work. The great amount of stress placed on my family was reflected in my inability to cope with many of the responsibilities placed on me with regards to my job and the proper care of my family. Cont'd.

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

16. REMARKS (If applicable)

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

<p align="center">ARMY</p> <p>Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)</p>	<p align="center">NAVY AND MARINE CORPS</p> <p>Naval Council of Personnel Boards 720 Kennon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023</p>
<p align="center">AIR FORCE</p> <p>Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p align="center">COAST GUARD</p> <p>U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p>

FD 2005-00059

I feel that under the extreme circumstances of being threatened with losing three close family members within several years should have warranted the approval of my request for a humanitarian reassignment and therefore, would have relieved much of the heartache and troubles resulting from the circumstances including my discharge from the service for failure to professionally and properly conduct myself as a service member of the military.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 92D AIR REFUELING WING (AMC)
FAIRCHILD AIR FORCE BASE WASHINGTON

PD 2005-00059



02 JUL 1997

MEMORANDUM FOR A1C: [REDACTED]; 92 TRNS

FROM: 92 TRNS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for conduct prejudicial to good order and discipline and dishonorable failure to pay just debts in accordance with AFPD 36-32 and AFI 36-3208, paragraphs 5.50.2 and 5.50.4. If my recommendation is approved, your service will be characterized as Under Honorable Conditions (General). I recommend your service be characterized with an Under Honorable Conditions (General) discharge. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached. My reasons for this action are:

a. On or about 22 Feb 93, you failed to pay your debts owed to Club Fairchild in the amount of \$62.00. For this incident, you received a letter of counseling dated 2 Mar 93.

b. On or about 17 May 93, you failed to show up for a scheduled QAT Training. For this incident, you received a record of individual counseling dated 25 May 93.

c. On or about 20 May 94, while on the telephone with your supervisor, you said to him that "MSgt [REDACTED] Vehicle Operations Superintendent, can kiss my ass", or words to that effect. For this incident, you received a letter of reprimand dated 24 May 94. An unfavorable information file and control roster action was initiated.

d. On or about 14 Jan 96 and 20 Aug 96, you issued two worthless checks in the amounts of \$50.00 and \$20.95 respectively knowing that you did not have the funds to cover them. For these incidents, you were counseled by your first sergeant.

e. On or about 11 Mar 97, you wrongfully appropriated \$15.00 cash from the 92d Vehicle Operations Flight "Fridge Fund". For this incident, you received an Article 15 dated 23 Apr 97. Punishment consisted of reduction to the grade of Airman First Class and thirty (30) days extra duty. An unfavorable information file and control roster action was initiated.

f. On or about 13 Mar 97 and 20 Mar 97, you failed to attend scheduled initial outbound assignment briefings. For these incidents, you were verbally counseled.

g. On or about 25 Jun 97, you violated a direct order by SMSgt [REDACTED] by leaving your ten year old son alone at your place of residence with the responsibility of overseeing his four and six

year old brothers, after being directed not to do this again. For this incident, you received a letter of reprimand dated 30 Jun 97.

2. This action could result in your separation with an Under Other than Honorable Conditions (UOTHC) discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

3. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt: [redacted] Area Defense Counsel, at 247-2918 for an appointment on 3 Jul 97 at 0830. 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 1600 8 Jul 97 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. If you need any assistance in moving your household goods and hold baggage, please contact TMO at 7-5815.

7. 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 unit orderly room.

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

[Redacted signature box]

Commander

Attachments:

- 1. LOC dated 2 Mar 93
- 2. LOC dated 25 May 93
- 3. LOR dated 24 May 94
- 4. UIF/Control Roster Action dated 7 Jun 94
- 5. Verbal counseling
- 6. Verbal counseling dated 10 Apr 97
- 7. Article 15 dated 23 Apr 97
- 8. UIF/Control Roster Action dated 29 Apr 97