

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE AMN	AFSN/SSAN []
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[]					X
[]					X
[]					X
[]					X
[]					X

ISSUES A94.05 A62.05	INDEX NUMBER A62.00	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 HE

HEARING DATE 25 Jan 2007	CASE NUMBER FD-2005-00261	
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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.

[]

INDORSEMENT	DATE: 2/6/2007
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-2005-00261

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.

ISSUES: Applicant received a General Discharge for Fraudulent Entry Into Military Service.

ISSUE 1. Applicant contends discharge was inequitable because it was too harsh. He contends that his recruiter allowed him to continue with the enlistment process even though he disclosed the fact that had experimented with drugs in his sophomore year. He states his drug use was experimental and a one-time occurrence. In addition, he served honorable and his performance outstanding. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. Unfortunately, the applicant's discharge processing files were missing from the record. Because the files were unavailable to the Board for review, and no evidence to substantiate any inequities or improprieties, the Board relies on the presumption of regularity and finds the discharge proper and without basis for upgrade.

ISSUE 2. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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 AMN) (HGH AMN)

MISSING ENLISTMENT DOCUMENTS,
DISCHARGE DOCUMENTS, AND SMR

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Pope AFB, NC on 18 Mar 94 UP AFR 39-10, para 5-14d (Fraudulent Entry Into Military Service). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Feb 73. Enlmt Age: 18 7/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 3P032A - Law Enforcement Journeyman, Military Working Dog Qualified. DAS: Unknown.

b. Prior Sv: (1) AFRes 9 Oct 91 - 8 Oct 92 (00) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Nov 92 for 4 yrs. Svd: 00 Yrs 00 Mo 00 Das, all AMS.

b. Grade Status: Amn - Unknown

c. Time Lost: None.

d. Art 15's: Unknown.

e. Additional: Unknown.

f. CM: None.

g. Record of SV: Unknown

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (00) Yrs (00) Mos (00) Das
TAMS: (00) Yrs (00) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Jun 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Five Letters of Performance.
3. Mother's Letter to the Commander.

09AUG05/ia

- a. Will not be submitted. Please complete review based on available service records.
- b. Will be submitted within 60 days.
- c. Will be submitted within _____ days.
- d. Are listed below and are attached to this application: (Continue on a plain sheet of paper if more space is needed.)

X (1) DOCUMENT 1:
MSgt _____

(2) DOCUMENT 2:
SSgt _____

(3) DOCUMENT 3:
Sgt _____ (see Continuation Sheet)

8. **ISSUES.** The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board also will review the case to determine whether there are any issues which provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Read the instructions carefully that pertain to block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

ISSUE 1: My recruiter allowed me to continue on with the enlistment process even though I disclosed the fact that I had experimented with drugs in my sophomore year of high school. The recruiter coached me during the completion of the form which I had to declare the drug experimentation. The advice given by the recruiter when I asked how I should answer the "drug usage" question was as follows: "You can answer 'no' if you've never been arrested for (see attach)

ISSUE 2: I served honorably during my short-lived Air Force career. My performance has been described by my commander, first sergeant, shift chief, and fellow flight members as "outstanding" and a "model troop". I've attached several letters from former flight members attestin to my performance level. Additionally, I was selected by the commander to attend an extensive specialized training course ahead of my peers. That selection process, from what I was told, was based upon performance and potential for increased responsibility. (see attach)

ISSUE 3: My experimentation with drugs was a one-time occurrence in time. That time was during my sophomore year in high school. I was young and did not fully understand what I was doing. Since that point I've never had the desire to experiment again. In fact, my position as a canine handler in Security Police placed me in an environment where I had to enforce military law against those who chose to use and possess drugs. I could not (see attach)

ISSUE 4: I had completed payments on the Montgomery GI Bill just befor my discharge. I am currently attempting to attend college, however with great financial difficulty. I am also requesting a partial reinstatement of my educational benefits if my discharge is upgraded to honorable.

- a. Mark this block if you have listed additional issues as an attachment to this application.
- b. I previously submitted an application on (Enter date) _____ and I am completing this form in order to submit additional issues.
- c. The above issues supersede all previously submitted.

9. **CERTIFICATION**
I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement: (U.S.Code, Title 18, Section 1001, provides a penalty as follows: A maximum fine of \$10,000 or maximum imprisonment of 5 years, or both)

a. DATE (Year, Month, Day) 9/12/01

b. Sig _____

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
CO, USARCPAC 9700 Page Blvd St. Louis, MO 63132-5200	NAVAL Discharge Review 801 No. Randolph St. Arlington, VA 22203-1991	AFMPC/MPCDOA1 Randolph AFB, TX 78150-6001	Commandant (G-PE-1) U.S. Coast Guard Headq Washington, DC 20593-0001

(continuation of Issue 1) drug use or possession or was not a habitual use." It was these instructions which prompted me to answer "no".

(continuation of Issue 2) I was the only candidate selected.

(continuation of Issue 3) compromise that position that position by doing something stupid as using drugs. In an even more stringent and awkward position, I at one time had to apprehend people I know for drug usage. I saw what happened to their lives as a result of their poor judgement. I could not subject myself to that type of lifestyle.

DEPARTMENT OF THE AIR FORCE
3552D UNITED STATES AIR FORCE RECRUITING SQUADRON (ATC)
WRIGHT-PATTERSON AIR FORCE BASE, OHIO 45433-5000

RESERVE ORDER

09 OCT 92

9

The verbal order of the Commander, 08 OCT 92, relieving AIRMAN
BASIC [REDACTED], 3200 WALTHAM AVENUE,
KETTERING OH 45429, from assignment shown below and discharging
him/her from the Air Force Reserve, are confirmed, circumstances
precluded written orders in advance.

ASSIGNMENT: HQ ARPC (ORS) (NPS DEP) DENVER CO 80280

PAFSC: 99000

EFFECTIVE DEP DATE: 09 OCT 91

EFFECTIVE DISCHARGE DATE: 08 OCT 92

AUTHORITY: AFR 35-41, Vol III

[REDACTED]
Commander

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