

**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 <b>AB</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<b>X</b>	

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

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		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 <b>06 Feb 2007</b>	CASE NUMBER <b>FD-2006-00057</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 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.

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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2006-00057**

**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.

**ISSUE:**

Issue 1. Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, five Letters of Reprimand, and six Letters of Counseling for misconduct. Applicant received an Article 15 for committing the offense of carnal knowledge on divers occasions. He was punished with a reduction in grade to Airman Basic, forfeited \$200.00 pay, and a reprimand. He had additional misconduct and was administratively disciplined for failure to obey a lawful order on four separate occasions, unsatisfactory performance, financial irresponsibility, failure to go on two separate occasions, and failure to return to work. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. The DRB was pleased to see that the applicant was doing well and has a good job as a police officer. 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Patrick AFB, FL on 8 Aug 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Nov 76. Enlmt Age: 19 2/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-74, E-59, G-72, M-54. PAFSC: 6F032 - Financial Services Apprentice. DAS: 4 Oct 96.

b. Prior Sv: (1) AFRes 30 Jan 96 - 23 Apr 96 (2 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Apr 96 for 4 yrs. Svd: 01 Yrs 03 Mo 15 Das, all AMS.

b. Grade Status: AB - 28 Jul 97 (Article 15, 28 Jul 97)  
Amn - 24 Oct 96

c. Time Lost: None.

d. Art 15's: (1) 28 Jul 97, Patrick AFB, FL - Article 120. You did, at or near Killeen, Texas, on divers occasions between on or about 1 Sep 96 and on or about 31 Mar 97, commit the offense of carnal knowledge with: Reduction to AB, forfeiture of \$200.00 pay per month for 1 month, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 23 JUL 97 - Failure to obey a lawful order.  
LOR, 21 JUL 97 - Failure to obey a lawful order.  
LOR, 17 JUL 97 - Failure to obey a lawful order.  
LOR, 11 JUL 97 - Failure to obey a lawful order.  
LOC, 27 JUN 97 - Unsatisfactory performance.  
LOC, 13 JUN 97 - Unsatisfactory performance.  
LOC, 22 APR 97 - Financial irresponsibility.  
LOR, 06 MAR 97 - Unsatisfactory performance.  
LOC, 17 JAN 97 - Failing to return to work.  
LOC, 11 DEC 96 - Failure to go.  
LOC, 04 DEC 96 - Failure to go.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (06) Mos (09) Das  
TAMS: (01) Yrs (03) Mos (15) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01 Feb 06.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Character Reference.
3. Criminal History.
4. DD Form 214.

19JUL06/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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Service and Communications Directorate (0704-0004). 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 ORGANIZATION. 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 <i>(X one)</i>	<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
b. NAME <i>(Last, First, Middle Initial)</i>	c. GRADE/RANK AT DISCHARGE			d. SOCIAL SECURITY NUMBER	
	AB/E-1				

2. DATE OF DISCHARGE OR SEPARATION <i>(YYYYMMDD) (If date is more than 15 years ago, submit DD Form 149)</i>	4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i>	5. BOARD ACTION REQUESTED <i>(X one)</i>
	<input checked="" type="checkbox"/> HONORABLE	
1997/08/04	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION ORLANDO DFAS	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>
	<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>	CHANGE NARRATIVE REASON FOR SEPARATION TO:
	<input type="checkbox"/> UNCHARACTERIZED	
	<input type="checkbox"/> OTHER <i>(Explain)</i>	

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST *(Continue in Item 14. See instructions on Page 2)*  
DURING MY SEPAERATION PROCESS, I WAS NOT INFORMED THAT I WAS BEING REPRIMANDED FOR WHAT I WAS ACCUSED OF. I DID NOT CONTEST THE "CHARGE" BECAUSE I WAS TOLD THAT IT WAS AN INTERNAL SITUATION. I THEN REQUESTED TO BE SEPARATED. BEING SEPERATED FROM THE AIR FORCE WAS NOT A DISCIPLINARY ACTION TAKEN AGAINST ME. I REQUESTED TO GET OUT AND IT WAS GRANTED.

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.)*  
LETTER FROM PARENT OF FEMALE THAT WAS INVOLVED IN THIS CASE.

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.

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 travelling panel.)*

10.a. COUNSEL/REPRESENTATIVE <i>(If any)</i> NAME <i>(Last, First, Middle Initial)</i> AND ADDRESS <i>(See Item 10 of the instructions about counsel/representative.)</i>	b. TELEPHONE NUMBER <i>(Include Area Code)</i>
	c. E-MAIL
	d. FAX NUMBER <i>(Include Area Code)</i>

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 <i>(Forward notification of any change in address.)</i>	b. TELEPHONE NUMBER <i>(Include Area Code)</i>
	c. E-MAIL
	d. FAX NUMBER <i>(Include Area Code)</i>

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. <i>(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.)</i>	CASE NUMBER <i>(Do not write in this space.)</i>
	FD2006-00057
a. SIGNATURE - REQUIRED <i>(Applicant or person in Item 11 above)</i>	b. DATE SIGNED - REQUIRED <i>(YYYYMMDD)</i>
	2006/02/01

**14. CONTINUATION OF ITEM 6, ISSUES (If applicable)**  
 FURTHERMORE, I AM NOW A POLICE OFFICER AND HAVE BEEN FOR 5 YEARS. I AM LOOKING TO GET PROMOTED TO DETECTIVE, AND THIS IS THE ONLY BLEMISH I'VE HAD IN MY LIFE. IT WILL PREVENT ME FROM FURTHERING MY CAREER. ALSO, I HAVE BEEN TRYING TO REQUEST A COPY OF THE "CASE" AGAINST ME THROUGH ANDREWS AIR FORCE BASE, AND THEY CLAIM NOT TO HAVE A CASE NUMBER THAT MATCHES. HOPEFULLY, I CAN GET THIS UPGRADED TO AN HONORABLE DISCHARGE AND I WISH THE BOARD WOULD CONSIDER THIS DUE TO MY HONEST AND LAW ABIDING LIFE.  
 I DID NOT HAVE NOR WAS I OFFERED ANY LEGAL REPRESENTATION DURING WHAT WAS APPARENTLY MY INITIAL INTERVIEW ABOUT THIS CARNAL KNOWLEDGE CASE. THIS WAS PUT INTO MY CRIMINAL HISTORY IN 2002, AND I HAVE NO IDEA WHY. IT DOES NOT EXPLAIN THE CIRCUMSTANCES; JUST THAT I WAS "CHARGED" WITH CARNAL KNOWLEDGE, WHICH I NEVER ADMITTED TO DOING AND NEVER WENT TO ANY COURT ABOUT. PLEASE CONSIDER THIS UPGRADE. IT WILL CHANGE MINE AND MY FAMILY'S LIFE DRAMATICALLY.

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

**16. REMARKS (If applicable)**

**MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.**

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



**DEFENSE FINANCE AND ACCOUNTING SERVICE**

ORLANDO OPERATING LOCATION  
2500 LEAHY AVENUE  
ORLANDO, FLORIDA 32983-0100

FD2006-00057

MEMORANDUM FOR AB

4 Aug 97

**FROM: AFELM COMMANDER DFAS ORLANDO**

**SUBJECT: Notification Memorandum**

1. I am recommending your discharge from the United States Air Force for Misconduct, Specifically, for Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as General or Under Honorable Conditions (General). I am recommending that your service be characterized as General.

2. My reasons for this action:

a. You did, at or near Killeen, Texas, on divers occasions, between on or about 1 September 1996 and on or about 31 March 1997, commit the offense of carnal knowledge. For this offense, you received an Article 15, Record of Nonjudicial Punishment, dated 28 July 1997;

b. You did, at or near Naval Training Center, Orlando, Florida, on or about 22 April 1997, 4 June 1997, and 29 July 1997, fail to obey a lawful general regulation by failing to maintain your dormitory room within prescribed standards. For each of these offenses you were verbally counseled;

c. You did, at or near Naval Training Center, Orlando, Florida, on divers occasions, between on or about 6 June 1997 and on or about 21 July 1997, fail to obey lawful orders by not complying with written duty instructions issued to you by your supervisor. For these offenses you received Letters of Reprimand dated 23 July 1997, 21 July 1997, 17 July 1997, 11 July 1997, and Letters of Counseling dated 27 June 1997 and 11 December 1996;

d. You, did, at or near Naval Training Center, Orlando, Florida, on divers occasions, between on or about 2 December 1996 and on or about 12 June 1997, fail to repair and fail to go to your place of duty. For these offenses you received a Letter of Reprimand dated 6 March 1997 and Letters of Counseling dated 13 June 1997, 17 January 1997, and 4 December 1996;

e. You, did, at or near Naval Training Center, Orlando, Florida, on divers occasions, between on or about 24 March 1997 and on or about 23 July 1997, fail to maintain personal financial responsibility by not paying your just debts in a timely manner. For these offenses you received verbal counselings, a Letter of Counseling dated 22 April 1997, and Letters of Reprimand dated 17 July 1997 and 23 July 1997.

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 service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt: [redacted] Area Defense Counsel, Patrick AFB, FL, phone 854-4423 on 4 August 1997 at 1630 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 11 August 1997 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 statements in your own behalf, your failure will constitute a waiver of your right to do so.
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 at the Office of the Area Defense Counsel.

[redacted signature box]

Commander

**Attachments:**

1. Art 15, dtd 28 Jul 97
2. LOR, dtd 23 Jul 97
3. LOR, dtd 21 Jul 97
4. LOR, dtd 17 Jul 97
5. LOR, dtd 11 Jul 97
6. LOC, dtd 27 Jun 97
7. LOC, dtd 13 Jun 97
8. LOC, dtd 22 Apr 97
9. LOR, dtd 6 Mar 97
10. LOC, dtd 17 Jan 97
11. LOC, dtd 11 Dec 96
12. LOC, dtd 4 Dec 96