

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE SRA	AFSN/SSAN 366-94-6634
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TYPE	GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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	INDEX NUMBER A84.00	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 11 Jan 2007	CASE NUMBER FD-2006-00077	
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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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT	DATE: 1/24/2007
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-2006-00077

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:

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant was separated from the Nevada Air National Guard for unsatisfactory participation. 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.

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 SRA) (HGH SRA)
MISSING DISCHARGE DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr NV ANG Reno, NV on 30 Sep 00 UP AFI 36-3209, para 3.13.2.2 (Unsatisfactory Participation). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 17 Aug 62. Enlmt Age: 31 5/12. Disch Age: 38 1/12. Educ: HS DIPL. AFQT: N/A. A-84, E-96, G-88, M-85. PAFSC: 3M031 - Services Specialist Apprentice. DAS: Unknown.

b. Prior Sv: (1) AFRes 7 Jun 84 - 13 Aug 84 (2 months 7 days)(Inactive).

(2) Enlisted AF as AB 14 Aug 84 for 6 years. Reenlisted as Sgt 24 Aug 89 for 4 years. Svd: 7 years 7 months 3 days. A1C - Unknown. SrA - 28 Jan 87. Sgt 28 Jan 88.

3. **SERVICE UNDER REVIEW:**

a. Enlisted MI ANG as SrA 24 Jul 94 for 6 years. Transferred to NV ANG 28 Feb 95. Svd: 06 Yrs 02 Mo 07 Das, AMS is unknown, no 526 available and not on the NGB Fm 22.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: Unknown.

f. CM: None.

g. Record of SV: Unknown.

h. Awards & Decs: AFGCM W/1 OAK LEAF CLUSTER, NDSM, AFOSLTR W/1 OAK LEAF CLUSTER, AFLSAR, AFTR, NCOPMER.

i. Stmt of Sv: TMS: (13) Yrs (11) Mos (17) Das
TAMS: (07) Yrs (07) Mos (03) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Apr 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Waiver of ineligibility for prior service enlistment package.

26MAY06/day

APR 13 2006

FD2006-00077

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.

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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 E-4
d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) 20000930
4. DISCHARGE CHARACTERIZATION RECEIVED (X one) HONORABLE GENERAL/UNDER HONORABLE CONDITIONS UNDER OTHER THAN HONORABLE CONDITIONS
5. BOARD ACTION REQUESTED (X one) CHANGE TO HONORABLE CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED CHANGE NARRATIVE REASON FOR SEPARATION TO:
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION New Air Natl Guard, Reno, NV

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) I just recently re-enlisted with AF Reserves, and I had to provide reasons why my separation from the NV ANG was not honorable. I also did not receive any bonus that I would have been due. I had no prior knowledge that my discharge was other than honorable, as I had asked to be separated due to

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.)

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 traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS
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 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)
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 (Applicant or person in Item 11 above)
b. DATE SIGNED - REQUIRED (YYYYMMDD) 20060410
CASE NUMBER (Do not write in this space.) FD2006-00077

14. CONTINUATION OF ITEM 6, ISSUES (If applicable)
 family issues. As these issues no longer exist, I am requesting that the type of discharge from MURAG be changed to "honorable." Not only will this no longer hinder any further re-enlistments, but I will also be able to receive applicable bonuses.

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

16. REMARKS (If applicable)
 At the time in question, I was going through a divorce with custody involved. The court continually denied me custody, however my ex-wife unexpectedly brought my daughter to me, explaining that she was unable to care for her. I had asked repeatedly to be allowed to leave the AUB, and at one point, one of my supervisors simply told me I could bring my daughter to UTA weekends. I thought this to be unprofessional as well as impossible. I had found it challenging at times to raise my daughter, and I am now stable, with a new wife and my daughter is now 18 years old. With this in mind, I am requesting the change in discharge status.

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

<p>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>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>AIR FORCE</p> <p>Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p>COAST GUARD</p> <p>U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p>

FD 2006-00077

Memorandum

To: Whom It May Concern

From:

Date: 04/07/05

Re: My Separation from National Guard

When I first moved to Susanville, California, I joined the National Guard in Reno, NV. For some time, everything went well. There were some issues that I had to overcome, and in doing so, I voluntarily separated from the National Guard. The issues were both professional and personal in nature.

With regards to the professional issue, I had supervisors who were unaware or ignorant to the rules and regulations governing time off for those in the reserves and guard. However, I had to abide by what these supervisors told to me. I was not always given time off to go to child weekends.

As to the personal issues, these were more intricate. I was going through some familial issues, a divorce and child custody issues. At one point, my daughter was taken from her mother by the Oregon CPS, and given to a foster family. This was done, because "Mom" was in jail, and the person, with whom she left my daughter, was "unfit." All this was done without my knowledge, let alone my consent, and at one point, I had sued the State of Oregon because of their negligence.

When I had custody of my daughter, I had no one here with whom I could entrust her, and my supervisors at the guard had told me to, "bring her with you. We will all watch her, and she will enjoy herself." Needless to say, I did not think too highly of this statement, and I chose not to put her or myself into a position where any harm was possible.

Since this time, however, I have different supervisors, who are indeed aware of rules and regulations concerning the soldiers and sailors act. Also, the issue with my daughter is now moot, in the sense that she lives with her mother, and visitation is no longer a problem. I, therefore, will love the opportunity to join the reserves, and fulfill my obligation.

If you have any questions or need any documentation pertaining to the above, please do not hesitate to contact me at the address or phone number below. Thank you for your consideration.