

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE AIC	AFSN/SSAN []
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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 A93.07 A94.05	INDEX NUMBER A67.10	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-2006-00088	
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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.

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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-2006-00088

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. He contends that he was having marital problems which affected his performance. The records indicated the applicant received four Letters of Reprimand, and eight Records of Individual Counseling for misconduct. The applicant was administratively disciplined for insubordination, being late for duty on several occasions, dereliction of duty, failed quarters inspection, failure to meet uniform standards, wearing earrings, and failure to obey a medical waiver. 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 applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on October 29, 2001) that he understood he must receive an Honorable discharge to receive future educational entitlements. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Dover AFB, DE on 24 Mar 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 May 82. Enlmt Age: 19 3/12. Disch Age: 22 9/12. Educ: HS DIPL. AFQT: N/A. A-46, E-40, G-48, M-45. PAFSC: 2R131 - Maintenance Scheduling Appreciation. DAS: 24 Jul 02.

b. Prior Sv: (1) AFRes 15 Sep 01 - 15 Oct 01 (1 month 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Oct 01 for 6 yrs. Svd: 03 Yrs 05 Mo 09 Das, all AMS.

b. Grade Status: A1C - 19 Apr 02

c. Time Lost: None.

d. Art 15's: None.

e. Additional: CR, 09 NOV 04 - Failure to go.
LOR/UIF, 09 NOV 04 - Dereliction of duty.
RIC, 08 NOV 04 - Failure to obey a medical waiver.
LOR, 22 MAR 04 - Wearing earrings.
LOR, 26 SEP 03 - Failure to go.
LOR, 23 SEP 03 - Failure to meet uniform standards.
RIC, 07 MAY 03 - Late for duty.
RIC, 01 APR 03 - Failed quarters inspection.
RIC, 10 MAR 03 - Failed quarters inspection.
RIC, 27 FEB 03 - Dereliction of duty.
RIC, 29 JAN 03 - Late for work.
RIC, 26 DEC 02 - Late for work.
RIC, 25 NOV 02 - Insubordination.

f. CM: None.

g. Record of SV: 16 Oct 01 - 15 Jun 03 Dover AFB 3 (Initial)
16 Jun 03 - 15 Jun 04 Dover AFB 3 (Annual)

h. Awards & Decs: NDSM, AFTR, AFOUA W/1 DEV, GWOTSM.

i. Stmt of Sv: TMS: (03) Yrs (06) Mos (10) Das
TAMS: (03) Yrs (05) Mos (09) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 21 Feb 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

26JUN06/ia

February 28, 2006

To whom this may concern:

Since I joined the Air Force October 15th, 2001, I have had a vision in my mind that I would transcend the ranks and eventually retire a Chief Master Sergeant, or above. However, once I reached my permanent Duty Station, which was Dover Air Force Base, Delaware, I quickly developed spousal problems. (Me and my newlywed wife were married just months earlier. I found myself in a down ward spiral of getting so emotionally drained from our constant arguing, that my meticulously thought out career really started to suffer. I received numerous Letters of Counseling's, and even Letters of Reprimand. Eventually, I filed for divorce. Even though it increased my productivity and overall performance, the damage had been done. I had developed a bad reputation due to the high volume attention that me, and my civilian wife had drawn from those in my chain of command. During this period, I filed two inspector general complaints (the 1st of which was filed due to the unfair treatment I was being subjected to, which was unwarranted letters of reprimand. The 2nd was filed after an incident took place on the job in which my lung collapsed, and high-ranking members of my chain of command simply looked at my face turning blue and cracked jokes, never once calling for an ambulance. After the second incident, I was unable to hold any restraint. I was told by hospital staff that I almost died. After that situation occurred, I repeatedly went after my entire chain of command, obviously in hopes that justice would be served.

The next obvious incident that greatly affected my Military Career was when I was mugged in Philadelphia, April 23, 2004. My leg was seriously injured, and in fact is still seriously injured today. Doctors in both the base hospital, and off-base facilities prescribed a regiment of both pain-killing narcotics, and drastically shortened work hours. The same chain of command, already enraged my failed efforts to bring justice upon them for their dereliction of duty pounced upon this opportunity to bring more animosity my way. Very special attention was paid to my condition, so much so in fact that when they heard from my lips that a medical discharge was in the works, started a discharge packet and completed the process before anything else could happen. Due to this, since Mar 24, 2005 when I was discharged I have been without proper medical care, the Montgomery GI Bill, and in dire need of help to right this wrong that is so much affecting my life.

When I joined the Air Force back in 2001, I did so, so that I would have a career doing the most important thing to me, which is to help those who were born less fortunate than us. In the Air Force, I did my job to the best of my ability, never committing ANY serious offenses what-so-ever. With my Discharge Characterization as General, there are many much needed opportunities in life that I have no access to. And with the economy in the situation it is in, that is a great worry for a 23 year old with no skills. Instead of college, I went straight to The Air Force after High School. My dream now is to receive a college education, and to some day re-enlist as an officer.

Looking back at my life in the Air Force, I realize that even though the surrounding people were obviously of no help to me, it was my decisions, or lack of that

made it possible to write me up. Therefore, I accept complete responsibility for my actions.

I respectfully ask those in charge of my fate in this matter to put them selves in my situation. Upgrading my discharge will give this young man a better chance to succeed in the world, as we all want to do. Please consider this letter in your decision in this matter.

Thank You For Your Time

V/r.





DEPARTMENT OF THE AIR FORCE
436 MAINTENANCE OPERATIONS SQUADRON
DOVER AFB, DE 19902

FD7006-00088

000 -7 2004

MEMORANDUM FOR AIC: [REDACTED], 436 MOS

FROM: 436 MOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically, Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. On or about 22 Jul 04, you missed a mandatory Preventive Health Assessment (PHA) appointment. For this misconduct you received a Letter of Reprimand, dated 9 Nov 04. This document established your Unfavorable Information File (UIF) and placed you on the Control Roster;

b. On 4 Nov 04, you failed to follow the orders of your physical profile by working out, as you were instructed not to do. For this misconduct you received a Record of Individual Counseling, dated 8 Nov 04;

c. On or about 6, 8, and 10 Mar 04, you violated Air Force Instruction 36-2903 in that you wore earrings while you were off duty and on a military installation. For this misconduct you received a Letter of Reprimand, dated 22 Mar 04;

d. On 25 Sep 03, you failed to obey a lawful order given to you by SSgt [REDACTED]. For this misconduct you received a Letter of Reprimand, dated 26 Sep 03;

e. On 23 Sep 03, you failed to meet the standards prescribed in AFI 36-2903 in that you did not wear your uniform properly. For this misconduct you received a Letter of Reprimand, dated 23 Sep 03;

f. On 5, 6, and 7 May 03, you reported late for duty. For this misconduct you received a Record of Individual Counseling, dated 7 May 03;

g. On 31 Mar 03, you failed to maintain your quarters. For this misconduct you received a Record of Individual Counseling, dated 2 Apr 03;

h. On 4 Mar 03, you failed to maintain your quarters. For this misconduct you received a Record of Individual Counseling, dated 10 Mar 03;

i. On 24 Feb 03, you failed to properly file aircraft forms. For this misconduct you received a Record of Individual Counseling, dated 27 Feb 03;

j. On 28 and 29 Jan 03, you reported late for duty. For this misconduct you received a Record of Individual Counseling, dated 29 Jan 03;

k. On 26 Dec 02, you reported late for duty. For this misconduct you received a Record of Individual Counseling, dated 26 Dec 02; and

l. On 25 Nov 02, you were insubordinate to SSgt: [redacted] For this misconduct you received a Record of Individual Counseling, dated 25 Nov 02.

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 higher authority will decide whether you will be discharged or retained in the United States 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 and any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 **Captain [redacted]** at Bldg 263, on Wed, 8 Dec 04, at 1000 hrs. 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 **3 duty days** 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. You have been scheduled for a medical examination. You must report to **Family Practice, Bldg 305, Second Floor on Thurs, 9 Dec 04, at 1320 hrs with Dr. [redacted]** for the examination.

8. You have been scheduled for a **Separations** briefing. Please report to Building 261, Room 102, on **Wed, 8 Dec 04 at 0930 hrs**. If you have any questions or need to reschedule this appointment, please call 2155.

9. 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 The Orderly Room.

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

[Redacted signature box]

Commander

Attachments:

1. Receipt of Notification Memorandum
2. ID Card Withdrawal Letter
3. Recoupment Statement
4. LOR, dated 9 Nov 04 w/ UIF, Control Roster, and attachment
5. RIC, dated 8 Nov 04
5. LOR, dated 22 Mar 04 w/ attachment
6. LOR, dated 26 Sep 03 w/ attachment
7. LOR, dated 23 Sep 03 w/ attachment
8. RIC, dated 7 May 03
9. RIC, dated 2 Apr 03
10. RIC, dated 10 Mar 03
11. RIC, dated 27 Feb 03
12. RIC, dated 29 Jan 03
13. RIC, dated 26 Dec 02
14. RIC, dated 25 Nov 02
15. EPRs (2)