

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)  [ ]	GRADE  A1C	AFSN/SSAN  [ ]
--	------------------	----------------------

TYPE GEN	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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
[ ]					X
[ ]					X
[ ]					X
[ ]					X
[ ]					X

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.30</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>13 Mar 2007</b>	CASE NUMBER <b>FD-2006-00170</b>	
------------------------------------	-------------------------------------	--

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.

[ ]

<b>INDORSEMENT</b>	<b>DATE: 3/20/2007</b>
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-2006-00170**

**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:**

Applicant contends discharge was inequitable because it was too harsh and based on an incident for which he had already received punishment. The records indicated the applicant received a Summary Court Martial for misconduct. Applicant was found guilty by the Summary Court Martial for unlawfully striking another airman with a wooden stick and unlawfully entering the dorm room of an airman. He was sentenced with a reduction in grade to Airman First Class and confinement for 30 days. 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Davis-Monthan AFB, AZ on 12 Aug 03. UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 May 81. Enlmt Age: 17 0/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-86, E-69, G-86, M-62. PAFSC: 3E751 - Fire Protection Journeyman. DAS: 4 Jun 02.

b. Prior Sv: (1) AFRes 29 May 98 - 10 Aug 99 (1 yr 2 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Aug 99 for 4 yrs. Svd: 04 Yrs 00 Mo 02 Das, of which AMS is 03 Yrs 11 Mos 07 Das (excludes 25 days lost time).

b. Grade Status: A1C - 30 Jun 03 (Summary Court Martial, 30 Jun 03)  
SrA - 11 Aug 02  
A1C - 11 Dec 00

c. Time Lost: 25 days.

d. Art 15's: None.

e. Additional: LOR/UIF, 12 APR 02 - Unknown (missing from file).

f. CM: Summary Court Martial - 30 Jun 03

CHARGE I: Article 128. Plea: Guilty. Finding: Guilty.

Specification: In that SrA Jonathan B. Navarro, United States Air Force, 612<sup>th</sup> Air Base Squadron, did, at or near Soto Cano AB, Honduras, on or about 9 Feb 03, unlawfully strike A1C David Marquez on his body with a wooden stick. Plea: Guilty. Finding: Guilty.

CHARGE II: Article 134. Plea: Guilty. Finding: Guilty.

Specification: In that SrA [REDACTED], United States Air Force, 612th Air Base Squadron, did, at or near Soto Cano AB, Honduras, on or about 9 Feb 03, unlawfully enter the dorm room of A1C David Marquez. Plea: Guilty. Finding: Guilty. Sentence adjudged on 25 Jun 03: Reduction to A1C(E-3) and confinement for

30 days.

g. Record of SV: 11 Aug 99 - 10 Apr 01 Ellsworth AFB 4 (Initial)  
11 Apr 01 - 10 Apr 02 Ellsworth AFB 4 (Annual)

h. Awards & Decs: AFAM, AFTR, NDSM.

i. Stmt of Sv: TMS: (05) Yrs (01) Mos (20) Das  
TAMS: (03) Yrs (11) Mos (07) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 05 Apr 06.  
(Change Discharge to Honorable)

Issue 1: My discharge characterization is improper because it was based off of an incident that I was previously punished for through a Special Court Martial. Since my discharge I have continued to serve the Armed Forces in the same capacity that I would have had I not been involuntarily discharged at Bagram AF, Afghanistan for 26 months.

**ATCH**

1. Two Character References.
2. Seven Training Certificates.
3. Certificate of Appreciation.
4. Employee Data Sheet.

8JUN06/ia



DEPARTMENT OF THE AIR FORCE  
612TH TACTICAL OPERATIONS GROUP (ACC)  
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

FD 2006-00170

24 Jul 03

MEMORANDUM FOR A1C: [REDACTED] 612 TOG

FROM: 612 TOG/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically commission of a serious offense. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.52.3. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending your service be characterized as general.
2. My reasons for this action is on or about 9 Feb 03, at or near Soto Cano Air Base, Honduras you unlawfully struck A1C: [REDACTED] on his body with a wooden stick. Additionally, on or about 9 Feb 03, you unlawfully entered the dorm room of Airman First Class: [REDACTED]. As a result, you were convicted by a summary court-martial and received an approved sentence of confinement for 30 days and reduction to the grade of E-3 (Tab 1)
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 and will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subject to recoupment.
5. You have the right to consult counsel. Military legal counsel, Capt: [REDACTED] AFLSA/ADC, 228-5664, has been obtained to assist you. An appointment has been scheduled for you to consult her on 24 Jul 03 at 0930 hours in Bldg 3510. You may consult civilian counsel at your own expense.
6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1630 29 Jul 03 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
7. 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.

*Global Power For America*

8. You have been scheduled for a medical examination. You must report to your designated panel of the Aeromedical Facility, Bldg 400, at N/A on \_\_\_\_\_ for the examination.

9. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, Bldg 3200, Rm 120, at 0830 on 24 Jul 03 for the outprocessing briefing. If you have questions, please call 228-5326.

10. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. You may contact the Area Defense Counsel to obtain a copy of AFI 36-3208.

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

[Empty dashed box for signature]

Commander

**Attachments:**

- 1. Supporting Documents: DD Form 2329, 30 Jun 03 (2 pages), Article 69a Review (1 page)
- 2. Airman's Receipt of Notification Memorandum