

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		<b>GRADE</b>  A1C	<b>AFSN/SSAN</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>				
<b>TYPE</b>	<b>GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>			
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>			
<b>YES</b>	<b>No</b>						
		<b>X</b>					
<b>MEMBER SITTING</b> <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>			<b>VOTE OF THE BOARD</b>				
			<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
							X
							X
							X
							X
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>			
A94.05		A67.10		<b>1</b>	ORDER APPOINTING THE BOARD		
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE		
				<b>3</b>	LETTER OF NOTIFICATION		
				<b>4</b>	BRIEF OF PERSONNEL FILE		
					COUNSEL'S RELEASE TO THE BOARD		
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
					TAPE RECORDING OF PERSONAL APPEARANCE HE		
<b>HEARING DATE</b>		<b>CASE NUMBER</b>					
27 Mar 2007		FD-2006-00234					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
<p>Case heard in Washington, D.C.</p> <p>Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>							
<b>INDORSEMENT</b>				<b>DATE: 3/27/2007</b>			
<b>TO:</b>			<b>FROM:</b>				
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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-2006-00234**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 27 Mar 2007. No witnesses testified on the applicant's behalf.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Two character letters

Exhibit #6: Letter of Appreciation and Patch from 2Lt [REDACTED]

Exhibit #7: Certificate – Participation in Columbus AFB DEFY Program

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 his discharge was inequitable because his characterization was too harsh. The records indicated the applicant received two nonjudicial punishments under Article 15, UCMJ: (1) dereliction of duty by sleeping on post as a security forces member; by falling asleep while operating a patrol vehicle causing damage to a government vehicle and damage to an aircraft, false official statement; and (2) assault and battery of his active duty spouse, damage to his government housing, and failure to go to his place of duty), two Letters of Reprimand (one for dereliction of duty and lying, and another for driving his car without insurance and causing a domestic disturbance), a Letter of Counseling (for financial irresponsibility), had an unfavorable information file opened for his misconduct and was placed on the control roster prior to his discharge. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the applicant's misconduct during his brief enlistment outweighed any positive contributions he made while serving on active duty. 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 Columbus AFB, MS on 14 Oct 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 Apr 82. Enlmt Age: 20 1/12. Disch Age: 23 5/12. Educ: HS DIPL. AFQT: N/A. A-39, E-24, G-44, M-39. PAFSC: 3P031 - Security Forces Apprentice. DAS: 4 Oct 04.

b. Prior Sv: (1) AFRes 4 Jun 02 - 9 Dec 02 (6 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Dec 02 for 6 yrs. Svd: 02 Yrs 10 Mo 05 Das, all AMS.

b. Grade Status: A1C - 29 Sep 05 (Article 15, 29 Sep 05)  
SrA - 24 May 05  
A1C - 24 Jan 03

c. Time Lost: None.

d. Art 15's: (1) 29 Sep 05, Columbus AFB, MS - Article 128. You, did, on or about 15 Sep 05, assault A1C [redacted] by placing your hands upon her neck, grabbing her arms, and shaking her. Article 108. You, did, on or about 15 Sep 05, without authority, through neglect, damage by slamming doors and throwing items against the wall, building 7297B Dover Drive, military property of the United States. Article 86. You, did, on or about 19 Sep 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: the Fitness and Sports Center, building 704, Columbus AFB, MS. Reduction to A1C, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 25 Jul 03, Columbus AFB, MS - Article 92. You, who knew of your duties, on or about 13 Jul 03, were derelict in the performance of those duties in that you willfully failed to refrain from sleeping on duty, as it was your duty to do, by falling asleep while operating your patrol vehicle and causing said patrol vehicle to strike a parked T-1 aircraft on the flightline, causing damage to the aircraft and your patrol vehicle. Article 107. You, did, on or about 13 Jul 03, with intent to

deceive, make to SSgt: [REDACTED]; an official statement, to wit: that you did not strike a parked aircraft with your patrol vehicle and that you did not know how your patrol vehicle sustained damage, which statement was totally false in that you struck a parked T-1 aircraft on the flightline, damaging the aircraft and your patrol vehicle, and was then known by you to be so false. Suspended reduction to Amn. Suspended forfeiture of \$645.00 pay per month for 2 months. (No appeal) (No mitigation)

- e. Additional: LOR/UIF/CR, 14 JUL 05 - Dereliction of duty and lying.  
LOC, 11 JAN 05 - Financial irresponsibility.  
LOR, 11 JAN 05 - Driving a POV without insurance, and creating a domestic disturbance.
- f. CM: None.
- g. Record of SV: 10 Dec 02 - 10 Aug 04 Columbus AFB 3 (Initial)  
11 Aug 04 - 10 Aug 05 Columbus AFB 3 (Annual)
- h. Awards & Decs: AFTR, GWOTSM, NDSM, AFOUA W/1 DEV.
- i. Stmt of Sv: TMS: (03) Yrs (04) Mos (11) Das  
TAMS: (02) Yrs (10) Mos (05) Das

- 4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Jun 06.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

- 1. Applicant's Issues.
- 2. DD Form 214 (Member 4 & 1).
- 3. Three Letters of Appreciation.
- 4. Two Enlisted Performance Reports.

27SEP06/ia

**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.

PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. 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 (X one)	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE			d. SOCIAL SECURITY NUMBER	
	ALL/E-3				

**2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)**

14 Oct 05

**4. DISCHARGE CHARACTERIZATION RECEIVED (X one)**

<input type="checkbox"/> HONORABLE
<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS
<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS
<input type="checkbox"/> BAD CONDUCT (Special court-martial only)
<input type="checkbox"/> UNCHARACTERIZED
<input type="checkbox"/> OTHER (Explain)

**6. BOARD ACTION REQUESTED (X one)**

<input checked="" type="checkbox"/> CHANGE TO HONORABLE
<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:

**3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION**

1405 FS

**6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)**

I have receive an entry ~~level separation~~ for misconduct charges against me and I believe they are <sup>General Discharge</sup> unfair and for <sup>some</sup> reasons not dealing with the military.

**7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.**

2006 07 06

**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 of Appreciation, EPR's, <sup>etc</sup> a brief statement from me and sponsor, ~~Misconduct charges~~ <sup>etc</sup>

**9. TYPE OF REVIEW REQUESTED (X one)**

<input checked="" type="checkbox"/> 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.
<input type="checkbox"/> 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.
<input type="checkbox"/> 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 (See Item 10 of the instructions about counsel/representative.)**

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)
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)	CASE NUMBER (Do not write in this space.)
	2006 07 06	PD2006-00234

I [redacted] feel I should have my General Discharge (under honorable con.) change to Honorable because of the following:

I was a highly motivated, truly dedicated individual to my peers as well as defending for my country. I was known as the modest airman at my Squadron, because I showed up to work everyday with morale and determination to get a day's work done.

I'd made mistakes that got me into the position that I am in but I know now that people make mistakes just like I did. I feel that I have learned from them so that if I have them later on, I will know exactly what to do because it happens.

I have been "separated from" the military for 7 months now and feel that I'm ready to restart my career once again, but this time **NO MISTAKES!!**

P.S. I have some things that I hope you'll look at, that I'm not a bad person as I was put out to be.

FD 2006-08234



**DEPARTMENT OF THE AIR FORCE**

**14TH SECURITY FORCES SQUADRON  
COLUMBUS AFB, MISSISSIPPI 39710**

5 Oct 05

MEMORANDUM FOR A1C: \_\_\_\_\_

FROM: 14 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

a. On or about 15 Sep 05, you assaulted another Airman by placing your hands upon her neck, grabbing her arms, and shaking her. You also negligently damaged your government quarters by slamming doors and throwing items against the wall. Finally, on 19 Sep 05, you failed to go at the time prescribed to your appointed place of duty. For these actions, you received your second nonjudicial punishment consisting of a reduction to Airman First Class, 14 days extra duty, and a reprimand.

b. On 6 Jul 05, you used your collapsible baton to clear your patrol vehicle from mud after you got the vehicle stuck while on duty. When questioned about using a weapon in such a manner, you made a verbal and written false official statement. For this incident, you received a Letter of Reprimand (LOR), dated 14 Jul 05. This LOR was placed in your pre-existing Unfavorable Information File (UIF), and you were placed on a Control Roster, on 3 Aug 05.

c. On or about 12 Dec 04, you dishonorably failed to pay your Military Star Card bill. For this incident, you received a Letter of Counseling (LOC), dated 11 Jan 05. Additionally, the amount of your debt was deducted from your military pay.

d. On or about 13 Nov 04, you were involved in a minor domestic disturbance in which you attempted to threaten your spouse, who was also another military member. Additionally, on or about 30 Oct 04, you operated your privately owned vehicle without having proper insurance on said vehicle. For these incidents, you received an LOR, dated 11 Jan 05.

e. On or about 13 Jul 03, you were derelict in the performance of your duties when you willfully failed to refrain from sleeping while on duty. By falling asleep while operating your patrol vehicle, you caused the vehicle to strike a parked aircraft, causing damage to the aircraft and your patrol vehicle. When questioned about the incident, you made a false official statement. For these incidents, you received your first nonjudicial punishment consisting of a suspended reduction to the grade of Airman, and suspended forfeiture of \$645.00 pay per month for two months.

"FOUO. This contains information protected by the Privacy Act of 1974. The contents should be safeguarded from unauthorized disclosure and disposed of according to the provisions of AFI 33-332, "Air Force Privacy Act Program."

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 is available to assist you. Please contact the Area Defense Counsel at Maxwell Air Force Base, Alabama at DSN 493-2186 to arrange consultation with a defense counsel. You may also 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 10 Oct 05 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 14 MDOS, 201 Independence Drive on 5 Oct 05, at 1430 hours for the examination.

8. 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 unit personnel office.

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

[Redacted signature box]

Commander

Attachments:

- 1. Supporting Documents
- 2. Receipt of Notification Memorandum