

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A01.00 A95.00	INDEX NUMBER A67.90	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 19 Apr 2007	CASE NUMBER FD-2006-00282	
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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, DC.

Advise applicant of the decision of the Board and his right to submit an application to the AFBCMR

Names and votes will be made available to the applicant at the applicant's request.

INDORSEMENT		DATE: 4/19/2007
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	

GENERAL: The applicant appeals for upgrade of discharge to honorable

The applicant requested a personal appearance before the Discharge Review Board (DRB) and was scheduled for an appearance on 19 April 2007 at Andrews AFB, MD, but he did not keep the appointment or call to reschedule. Therefore, his request for upgrade was reviewed based upon the record and his submission.

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 the applicant did not submit sufficient evidence to persuade the DRB that upgrade action was justified in the applicant's case.

ISSUE:

The applicant contends that his General discharge in 1993 was upgraded to Honorable six months after his discharge and has subsequently changed back to General. He believes his record is now in error and wants it returned to Honorable. The DRB noted his issue was common and was the result of a miscommunication. While a discharge may be upgraded, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal.

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 Minot AFB, ND on 2 Jul 93 UP AFR 39-10, para 5-47b (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 30 Sep 73. Enlmt Age: 27 1/12. Disch Age: 29 9/12. Educ: HS DIPL. AFQT: N/A. A-79, E-49, G-57, M-51. PAFSC: 55131 - Apprentice Construction Equipment Operator. DAS: 26 Jul 92.

b. Prior Sv: (1) AFRes 13 Aug 91 - 7 Apr 92 (7 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Apr 92 for 4 yrs. Svd: 01 Yrs 02 Mo 25 Das, all AMS.

b. Grade Status: AB - 22 Jun 93 (Article 15, 22 Jun 93)
Amn - 8 Oct 92

c. Time Lost: None.

d. Art 15's: (1) 22 Jun 93, Minot AFB, ND - Article 92. Preliminary investigation has disclosed that you, who knew of your duties at or near Lake Sakakawea, McClean County, North Dakota, on or about 7 Jun 93, were derelict in the performance of those duties in that you willfully failed to refrain from driving alcoholic beverages while under the age of 21, as it was your duty to do. Reduction to AB, and restriction to the limits of Minot AFB, North Dakota for 15 days. (No appeal) (No mitigation)

e. Additional: LOR, 21 JUN 93 - Unlawfully enter a mobile home without expressed permission.
LOR, 03 APR 93 - Damaged government property by punching and breaking an NCO Club window.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (01) Yrs (10) Mos (20) Das
TAMS: (01) Yrs (02) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Jul 06.
(Change Discharge to Honorable)

I changed it 10 years ago and it got changed back.

ATCH

1. DD Form 149.

25AUG06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5TH SUPPORT GROUP (ACC)
MINOT AIR FORCE BASE, NORTH DAKOTA

FD 2006-20282

12 JUN 1993

FROM: 3 CES/CCE

SUBJ: Letter of Notification - AFR 39-10, Para 5-47b

TO: AB [REDACTED]
5th Civil Engineering Squadron

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, conduct prejudicial to good order and discipline. The authority for this action is AFR 39-10, paragraph 5-47b. If my recommendation is approved, your discharge will be characterized as general or honorable. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 14 Mar 93, you caused damage to government property when you hit a window at the NCO Club, causing it to break. For this offense you received a Letter of Reprimand (LOR) on 3 Apr 93 and you paid for the cost of the repair to the window.

b. On or about 7 Jun 93, you unlawfully entered the mobile home of Joe Gleser, located at the West Totten Trail campsite without his expressed permission. For this offense you received a LOR on 21 Jun 93.

b. On or about 7 Jun 93, you drank alcohol at Lake Sakakawea, McClean County, North Dakota, while you were under age 21. For this offense you received nonjudicial punishment on 22 Jun 93, including reduction to AB and 15 days restriction to the base.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction (5 BW/CC) 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.

3. 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], Area Defense Counsel, at his office, 300 Summit Drive, Room 306A, at 0800 hours on 24 June 1993. You may consult civilian counsel at your own expense.

4. 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 hours on 20 Jun 1993, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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5. 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.

6. You have been scheduled for a medical examination. You must report to the Physical Exam Section, 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND at 0800 hours on 23 June 1993 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the Orderly Room.

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



Squadron Section Commander, 5 CES

4 Atch

- 1. AF Form 3070, w/atchs
- 2. LOR, 21 Jun 93, w/atchs
- 3. LOR, 3 Apr 93, w/atchs
- 4. Receipt of Letter of Notification