

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 SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE	GEN	X	PERSONAL APPEARANCE	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
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X
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<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X

ISSUES A01.13 A01.41	INDEX NUMBER A62.00	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 15 May 2007	CASE NUMBER FD-2006-00302	
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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, 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.

INDORSEMENT		DATE: 5/17/2007
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-2006-00302

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 15 May 2007. The following witness also testified on the applicant's behalf: the applicant's wife.

The following additional exhibits were submitted at the hearing:

- Exhibit #5: Honorable Discharge Certificate from the Army dated 7 Jan 88
- Exhibit #6: Court documents regarding concealed weapon conviction June 1989
- Exhibit #7: Court letter, 18 Apr 02 reporting records for 1989 have been destroyed
- Exhibit #8: Court documents regarding a domestic assault charge May 1992 (dismissed)

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are denied.

ISSUE: The applicant contends his discharge was improper because it was based on inadequate evidence and that he was not afforded an administrative discharge board hearing. The applicant was administratively separated with a general discharge under provisions for fraudulent enlistment based on the applicant's failure to properly and fully disclose information regarding his past police record at the time of initial recruiter interview documented on NGB Form 598 Prospect Interview Record, and during subsequent completion of SF 86 Security Questionnaire Worksheet. The applicant contends he did not conceal any information regarding his past police record and followed his recruiter's advice regarding completion of the SF 86. The NGB Form 598 states "No" in response to the question "Law Violations". Subsequent to the completion of this form, a conviction for DWI three years earlier was revealed and the applicant was granted a waiver for this offense. Two months following entry into the Air National Guard, the applicant finalized and submitted his SF 86 Security Questionnaire Worksheet reporting a misdemeanor conviction for carrying a concealed gun. During background checks it was discovered that there were several law violations including a felony weapons charge that the applicant had not properly reported. At the time of discharge action, the applicant, through appointed counsel, argued that this felony charge had occurred 14 years earlier, was dismissed in court, and that his omission was not deliberate. In response to discharge action, the applicant requested an administrative discharge board hearing (eligible due to prior service) and requested copies of the evidence forming the basis of discharge. In testimony, the applicant claims he and his counsel were not provided any additional evidence, but never the less, the applicant through counsel subsequently withdrew the request for a board hearing contingent upon no less than a general discharge. The DRB noted that additional supporting documentation (such as a report of investigation, interview or statement from the recruiter) regarding the applicant's fraudulent enlistment was not available. However, after extensive questioning and testimony under oath, the applicant did not provide any evidence or testimony that convinced the Board that he had properly revealed all background information at the time of enlistment or to overcome the presumption of regularity. The Board noted that the SF 86 was not completed and submitted until after he entered active service and therefore could not properly form the basis for fraudulent enlistment, however, the Board did consider it as supporting evidence that the applicant did not fully disclose his legal history to recruiting authorities prior to enlistment. The applicant contended he was not afforded an administrative discharge board and asserted that it was going to take 2 years to meet a board. The Board noted that the applicant was provided and consulted legal counsel during his discharge process and waived his right to an administrative

board hearing contingent upon no less than a general discharge. The Board thus concluded he was properly afforded an opportunity for an administrative board hearing at the time of discharge.

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)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr VAANG Sandston, VA on 4 Nov 04 UP AFI 36-3209, para 3.15.4 (Fraudulent Enlistment). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Nov 66. Enlmt Age: 18 3/12. Disch Age: 37 11/12. Educ: HS DIPL. AFQT: N/A. A-67, E-38, G-55, M-47. PAFSC: 2S011 - Supply Management Helper. DAS: 11 Jan 04.

b. Prior Sv: (1) USA DEP 1 Mar 85 - 20 Nov 85 (8 months 20 days) (Inactive).

(2) Enlisted US Army 21 Nov 85. Svd: 2 yrs 1 month 17 days, all AMS. Pvt2(E-2) - 11 Aug 87.

(3) Enlisted as NJ ARNG 29 Mar 96. Svd: 6 yrs 0 months 0 days (Inactive). SPC(E-4) - 21 Oct 97.

(4) Enlisted VA ARNG 26 Sep 02. Svd: 0 yrs 11 months 9 days (Inactive). SPC(E-4) - 18 Apr 98.

3. **SERVICE UNDER REVIEW:**

a. Enlisted ANGUS as SrA 5 Sep 03 for 6 yrs. Svd: 01 Yrs 02 Mo 00 Das, (Inactive).

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AROSSR, ARSR, ARCOMPAM, VIRNGSR.

i. Stmt of Sv: TMS: (10) Yrs (11) Mos (16) Das
TAMS: (02) Yrs (01) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 07 Aug 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Employment Letter.
3. Police Record.
4. Record of Court Hearing.
5. NGB 22s.
6. DD 214 & 215s.
7. Two Letters of Recommendation.
8. Enlistment Documents.
9. Five Letters of References.
10. Letter of Notification.
11. Request For Conditional Release.
12. DD Form 4s.
13. Electronic Personnel Security Questionnaire Worksheet.
14. Request For Examination.
15. Medical Prescreen of Medical History Report.

18OCT06/ia

SEP 07 2006

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

Form Approved OMB No. 0704-0004 Expires Aug 31, 2006

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

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 the Department of Defense, Executive Service and Communications Directorate (0704-0004). 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 ORGANIZATION. 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 AIR FORCE COAST GUARD b. NAME (Last, First, Middle Initial) c. GRADE/RANK AT DISCHARGE d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) 5. BOARD ACTION REQUESTED (X one)

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 50 Falcon Rd 192 FW, Sandston, VA 23150

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) There is no precise evidence from any investigation to warrant such a negative separation code. There was no board hearing to prove to my accusers of my innocence.

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.) I have submitted all of my documents.

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) Sandston, VA 23150 (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.

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.) CASE NUMBER (Do not write in this space.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above) b. DATE SIGNED - REQUIRED (YYYYMMDD) 2006 08 05 FD 2006-00302

14. CONTINUATION OF ITEM 8, ISSUES (If applicable)

My accusers signed my 3/1 forms for conditional release so I could return back to the Virginia Army National Guard.

I was sworn into the VA ANG, later to be told by my section commander, LTC Gary Wood that my 3-1 forms would be pulled for some made up allegations again.

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

16. REMARKS (If applicable)

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (G-WPM)
2100 Second Street, S.W. Room 5500
Washington, DC 20593

MIG 2 2006

AA/RD/RE

APC/FG

NGB

FD 2006-00302

HH

**APPLICATION FOR CORRECTION OF MILITARY RECORD
UNDER THE PROVISIONS OF TITLE 10, U.S. CODE, SECTION 1552**

(Please read instructions on reverse side BEFORE completing this application.)

OMB No. 0704-0003
OMB approval expires
Jun 30, 2009

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 the Department of Defense, Executive Service Directorate (0704-0003). 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 COMPLETED FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON THE BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 US Code 1552, EO 9397.

ROUTINE USE(S): None.

PRINCIPAL PURPOSE: To initiate an application for correction of military record. The form is used by Board members for review of pertinent information in making a determination of relief through correction of a military record.

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 record you are requesting to be corrected.)*

a. **BRANCH OF SERVICE** (X one) ARMY NAVY AIR FORCE MARINE CORPS COAST GUARD

b. **NAME** (Print - Last, First, Middle Initial)

c. **PRESENT OR LAST PAY GRADE**
E-4

d. **SERVICE NUMBER** (if applicable)

e. **SSN**

2. PRESENT STATUS WITH RESPECT TO THE ARMED SERVICES *(Active Duty, Reserve, National Guard, Retired, Discharged, Deceased)*
National Guard

3. TYPE OF DISCHARGE *(If by court-martial, state the type of court.)*
Under Honorable

4. DATE OF DISCHARGE OR RELEASE FROM ACTIVE DUTY (YYYYMMDD)
20041104

5. I REQUEST THE FOLLOWING ERROR OR INJUSTICE IN THE RECORD BE CORRECTED: *(Entry required)*

I was not given a board hearing which I requested in writing per my JAG representative and I was not informed that I would not be able to re-enlist back into another branch of the military. The decision was unjust and out of malice. I was released by the unit commander using proper channels by speaking to an Army National Guard Recruiter before any (hearing) through that never happened.

6. I BELIEVE THE RECORD TO BE IN ERROR OR UNJUST FOR THE FOLLOWING REASONS: *(Entry required)*

I was given the military conditional release forms which I got all the proper signatures. I then along with my recruiter went back to my former commander, Cpt. [redacted] of the Virginia Army National Guard who swore me back into my old unit. I was later informed by my Air Guard Commander Col. [redacted] that he called to The State Headquarters to have my packet pulled after he had already off on the conditional release forms, (DD FORM 368, NOV 94 (EG)).

7. ORGANIZATION AND APPROXIMATE DATE (YYYYMMDD) **AT THE TIME THE ALLEGED ERROR OR INJUSTICE IN THE RECORD OCCURRED** *(Entry required)* 192nd FW (20041013)

8. DISCOVERY OF ALLEGED ERROR OR INJUSTICE

a. **DATE OF DISCOVERY** (YYYYMMDD)
20060215

b. **IF MORE THAN THREE YEARS SINCE THE ALLEGED ERROR OR INJUSTICE WAS DISCOVERED, STATE WHY THE BOARD SHOULD FIND IT IN THE INTEREST OF JUSTICE TO CONSIDER THE APPLICATION.**
N/A

9. IN SUPPORT OF THIS APPLICATION, I SUBMIT AS EVIDENCE THE FOLLOWING ATTACHED DOCUMENTS: *(If military documents or medical records are pertinent to your case, please send copies. If Veterans Affairs records are pertinent, give regional office location and claim number.)*

DD FORMS 368, NOV 94 (EG), rejection letter Baltimore City Police Department and packet from the Maryland Army Reserve.

10. I DESIRE TO APPEAR BEFORE THE BOARD IN WASHINGTON, D.C. *(At no expense to the Government)* (X one)

YES. THE BOARD WILL DETERMINE IF WARRANTED.

NO. CONSIDER MY APPLICATION BASED ON RECORDS AND EVIDENCE.

11.a. COUNSEL *(If any)* **NAME** *(Last, First, Middle Initial)* and **ADDRESS** *(Include ZIP Code)*
N/A at the present time.

b. **TELEPHONE** *(Include Area Code)*

c. **E-MAIL ADDRESS**

d. **FAX NUMBER** *(Include Area Code)*

12. APPLICANT MUST SIGN IN ITEM 15 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 one box below.*

SPOUSE

WIDOW

WIDOWER

NEXT OF KIN

LEGAL REPRESENTATIVE

OTHER *(Specify)*

13.a. COMPLETE CURRENT ADDRESS *(Include ZIP Code)* **OF APPLICANT OR PERSON** *(IN ITEM 12 ABOVE/Forward notification of all changes of address.)*

b. **TELEPHONE** *(Include Area Code)*

c. **E-MAIL ADDRESS**

ronnietsmith66@yahoo.com

d. **FAX NUMBER** *(Include Area Code)*

14. 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.)*

CASE NUMBER
(Do not write in this space.)

15. SIGNATURE *(Applicant must sign)*
Ronnie T. Smith

16. DATE SIGNED
(YYYYMMDD)
* 20040727

DEPARTMENT OF THE AIR FORCE
192d LOGISTICS READINESS SQUADRON (ANG) (ACC)
61 Falcon Road
Sandston, Virginia 23150-2523



07 February 2004

MEMORANDUM FOR SRA: [REDACTED]

FROM: Commander, 192d LRS
 61 Falcon Rd
 Sandston, Va. 23150-2523

SUBJECT: Letter of Notification - Recommendation for Involuntary Discharge

1. I am recommending your discharge from the Air National Guard of the United States and as a Reserve of the Air Force for Fraudulent Entry. The authority for this recommendation is AFI 36-3209, Chapter 3, para 3.15.4, table 3.1, rule 35.
2. My reason for this action is: 1). Making false statements to recruiter on 31 July 03, during an interview which was recorded and documented on NGB Fm 598, Prospect Interview Record (PIR), and signed by the recruiter. When the recruiter asked you to provide information on "all" law violations, you responded that you had "none". The recruiter then accordingly marked "no" as your response on the "PIR" to that question. 2). Making false statements when completing and signing SF 86 (substitute), Electronic Personnel Security Questionnaire (EPSQ), on 6 November 03. This form clearly requests information regarding "all" law violations known to the individual completing and signing the form. This form also includes a statement that reads, "all statements are true, complete, and correct to the best of my knowledge and belief and are made in good faith". The 192d Security Forces, upon comparing the SF 86 with the DMV and police records, identified some very significant law violations, which you had excluded from the form.
3. This action could result in you being discharged with an Honorable, General Under Honorable Conditions, or Under Other Than Honorable Conditions discharge. I am recommending that you be discharged and receive a General, Under Honorable Conditions discharge. The Adjutant General of Virginia is the discharge authority for this action.
4. You are entitled to:
 - a. Present your case to an administrative discharge board hearing.
 - b. Obtain copies of documents supporting the basis for the discharge.
 - c. Consult legal counsel. The following appointed military counsel is available to you: CPT: [REDACTED]; JAG, VaANG, 50 Falcon Road, Sandston, VA 23150-2524, Comm (804) 236-6494. To assist you, if you so choose, an appointment has been made for you to meet with CPT: [REDACTED] on Sunday, 8 February 2004 at 1000 hrs. You may obtain civilian counsel at your own expense, or you may request military counsel of your choice if such counsel is serving in an active status in any branch of the armed forces of

the US and is reasonably available according to AFI 51-201, Military Justice Guide. Non-lawyer counsel may not represent a respondent before a board unless: the respondent expressly declines appointment of counsel qualified under Article 27(b)(1) of the UCMJ and requests specific non-lawyer counsel; or the separation authority assigns the non-lawyer counsel as assistant counsel.

d. At any time, submit any statements or documents to be considered in the disposition of your case. A request for or waiver of administrative discharge board hearing does not affect your right to submit such statements or documents at any time.

e. Waive 4.c. and 4.d. above, as well as the right to an administrative discharge board hearing, after having the opportunity to consult with counsel.

5. A copy of AFI 36-3209, Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members, is available for your review. You may review the directive in the Military Personnel Flight (MPF). Contact TSG: [redacted] at 236-6381. Attached is a Privacy Act Statement covering any personal information you furnish.

6. I or the Discharge Authority have the discretionary authority to approve or disapprove any requests by you or your counsel for an extension of the time to reply to this Letter of Notification and its attachments. You or your counsel must submit a written request for such delay, stating the reasons and how much time is needed.

7. Complete, sign and date the attached "Members Statements" and return it back to me immediately but not later than 15 days after receipt of Letter of Notification. You must request or waive an administrative discharge board hearing. If you do not waive your rights listed above, in 4.c, and 4.d and the right to a board hearing, you will have 15 days from receipt of this letter to furnish the discharge authority with supporting documentation and consult counsel. Failure to acknowledge receipt or to respond regarding selection of your rights, within 15 days after receipt of the LON constitutes a waiver of all rights, with the result that the case will be processed without an administrative discharge board hearing on the information available.

8. You must acknowledge receipt of this Letter of Notification, with attachments, and execute and return the attachment, "Receipt of Letter of Notification - Recommendation for Involuntary Discharge", to me within 24-hours after receipt.

9. If you have received advanced educational assistance monies or special pay or bonuses, you may be required to repay the United States for these monies under the authority of Title 10 U.S.C., Section 2005.

10. You should also be aware that if you currently have Serviceman's Group Life Insurance (SGLI), you will be responsible for all premium payments until such time as you are discharged, if this recommendation is approved.

[redacted]
Commander, 192d LRS

Attachments:

1. Receipt for LON
2. Members Statements

FD 2006-00302

3. Privacy Act
4. Rights to Counsel
5. Member SIF
6. Receipt for SIF