

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 MSGT	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X**
						X**
						X**
						X**
ISSUES A92.15 A94.05		INDEX NUMBER A67.30		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 13 Mar 2007		CASE NUMBER FD-2006-00304				
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, the right to a personal appearance with/without counsel, 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> <p>* Reason and Authority + Reenlistment Code</p>						
INDORSEMENT				DATE: 3/21/2007		
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-2006-00304

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

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, change of reason and authority for discharge, and change of reenlistment code are 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 discharge was inequitable because it was too harsh. He has also expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The records indicated the applicant received an Under Honorable Conditions (General) discharge from the Pennsylvania Air National Guard for admitting under oath to numerous violations of the travel regulations which included falsifying receipts and submitting fraudulent travel vouchers. 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. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 MSGT) (HGH MSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Middletown, PA on 17 Oct 05 UP AFI 36-3209, Chapter 3, para 3.21.3 & 3.21.3.3 (Commission of a Serious Offense and Misrepresentation). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 10 Aug 72. Enlmt Age: 17 0/12. Disch Age: 33 1/12. Educ: HS DIPL. AFQT: N/A. A-39, E-61, G-49, M-48. PAFSC: 1C371 - Command Post Technician. DAS: 16 Oct 01.

b. Prior Sv: (1) AFRes 29 Aug 89 - 16 Jul 90 (10 months 18 days) (Inactive).

(2) Enlisted USAF as AB 17 Jul 90 for 4 yrs. Svd: 5 yrs 5 months 0 days, all AMS. AMN - 17 Jan 91. A1C - 17 Nov 91. SrA - 17 Jan 93.

(3) Enlisted PA ANG as SrA 17 Dec 95. Reenlisted PA ANG as TSgt 6 May 97. Svd: 5 yrs 9 months 28 days, of which AMS is 1 yr 3 months 17 days. SSgt - 29 Aug 96. TSgt - 18 Jul 99. No performance reports.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted PA ANG as TSgt 16 Oct 01 for 6 yrs. Svd: 04 Yrs 00 Mo 02 Das, of which AMS is 00 yrs 08 months 01 day.

b. Grade Status: MSgt - 26 Jun 03

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MAR 04 - Confessed to numerous violations of travel regulations, including falsifying receipts and submitting fraudulent travel vouchers.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFCM W/1 DEV, AFAM W/3 DEVS, ARFMSM W/4 DEVS, SAEMR W/1 DEV, NDSM W/1 DEV, AFOSLTR W/1 DEV, AFSM, NCOPMER, AFTR, AFLSAR W/3 DEVS.

i. Stmt of Sv: TMS: (16) Yrs (01) Mos (19) Das
TAMS: (07) Yrs (04) Mos (19) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 04 Aug 06.
(Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

27SEP06/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

X WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.
ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

The following statement is written describing the circumstances surrounding my separation from the 193 Special Operations Wing, Pennsylvania Air National Guard, Middletown, PA. These events occurred between July 2002 and October 2005. How trivial they may seem, I truly believe that the events that transpired were a result of a commander who did not want to loose his people to other organizations, particularly those that did not suit his needs for the unit.

In July 2002 I interviewed and later selected for an Undergraduate Navigator Training officer position with the 193 Special Operations Wing. During this time I was taking my last and final class for my Bachelor's degree. My commander at the time was insistent on not signing off on my paperwork until this class was completed. I had written a letter petitioning for the approval explaining that this last class was required only because of the course description as I had already taken a similar class at my previous college. The commander did not care and would still not sign/approve my officer package until I completed the class in December 2002.

During this time I was on my first activation orders, which were ending in February 2003. Prior to this activation I held a temporary position at the Command Post and did not want to stay. I thought that I would be leaving for officer training in the next few months and wanted to move back home to New Jersey. I changed my address with my unit, moved some stuff into storage and got a local post office box for my mail.

About a month later March 2003, after I was de-activated, my unit decided to activate me in anticipation of a deployment. So my thoughts of leaving for any other position in New Jersey were put on hold. I decided to stay in the area and rent from friends and drive home on the weekends to my parents. This would give me the time to help my family as well as spend time with them before leaving for officer training.

X I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD) 20060627
b. SIGNATURE

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arbs.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20583-0001



**DD 0293 Continuation
Section 8, page 1:**

The duration of my activation was originally for a year, however in November 2003 we were demobilized and still no indication of my officer school date. I filed my final travel voucher for my orders and decided that I should start thinking about another unit and job.

I applied for, interviewed and subsequently accepted another Command Post job in Texas. This position was enlisted, however it was a great career opportunity both military and civilian (permanent GS technician position). As opposed to the temporary position I was sitting in waiting for my officer training. I decided to accept the position and notified my supervisor. Shortly after I was told that if I took this position, he (the commander) would pull my officer package. My supervisor told me to seriously re-consider as the commander was, once again not going to change his mind on his decision. After serious consideration I decided to turn down the position in Texas as I really wanted to become an officer and Navigator.

At the time I did not know that my officer package was missing somewhere in the application process. The entire officer accession program was poorly run, beginning with the unit up to the Air National Guard where my unit claimed it was "missing". I voiced my concern to my supervisor regarding this and to the fact that I had turned away a great opportunity. They in-turn notified the commander.

About a month later, in February 2004, I was told that the commander directed an investigation on my travel voucher I submitted in November 2004. When interviewed they told me I was not allowed to rent from a friend or anyone from the unit. I told them that this was not explained during the unit mobilization briefing, nor did they include it in their financial portion of their mobilization handouts.

I provided receipts for rent as requested along with copies of my travel vouchers. I tried to explain I was living with friends during the week in Lancaster. Then driving home on the weekends to New Jersey. I told them I had a storage unit and my post office box locally. I had my mail sent to a local post office box for convenience and also to reduce any risk of being late on any bills. I also explained that over the course of this time I accrued over 25,000 miles on a car that I had purchased in January 2003, well above the normal mileage. Which was accrued by driving back and forth between New Jersey, Harrisburg and Lancaster.

DD 0293 Continuation
Section 8, page 2:

This interview occurred in February 2004. I thought I provided sufficient documentation for the interview. I was told that this interview would be detailed in a report and submitted to the Air National Guard unit who was in charge of those (administratively) during our mobilization. This was the last time I heard about the investigation until I returned from my TDY to Andrews Air Force Base in August 2005. At which time the Wing Executive Officer told me to expect some type of paperwork from the investigation. I was told that the Air National Guard sent the package back to the unit. No specific reason was given, but suspicions lead me to believe they wanted nothing to do with it.

Over my September guard drill I had a meeting with my Vice Wing Commander who said that they were going to give me a General Discharge. He said if I wanted to contest this I could. After brief thought and the years of problems with my position and potential officer position I had no desire to stay in the unit and contest. On 17 October 2005 I was discharged from the 193 Special Operations Wing. I was not told the official reason/authority for the discharge until I received my paperwork in late November 2005. Subsequently, the commander who directed this investigation was fired for "personnel issues" he had with his people.

I believe as my military records indicate, from my Honorable Discharge from Active Duty in Dec 1995 through my two Honorable Discharged mobilizations (which occurred during the time of the investigation), show a individual who is capable of serving in the military. One who is dedicated to his job and his unit. I am applying for this in hopes that someone will see what happens when one individual in a 'Good Ol' Boy' network can truly hurt an individual's potential and career with the U.S. Armed Services.

I am requested my General Discharge be upgraded to an Honorable Discharge and that the remarks left blank. I would like to be eligible for enlist to continue to serve my country.



PENNSYLVANIA AIR NATIONAL GUARD
HEADQUARTERS 193D SPECIAL OPERATIONS WING (AFSOC)
MIDDLETOWN PENNSYLVANIA

28 September 2005

MEMORANDUM FOR Master Sergeant [REDACTED]

FROM: 193 SOW/CV
81 Constellation Court
Middletown, PA 17057

SUBJECT: Letter of Notification (LON) for Enlisted Personnel – Board Eligible

1. In accordance with AFI 36-3209, Chapter 3, Paragraph, 3.21.3, commission of a serious offense, and paragraph 3.21.3.3, misrepresentation. I intend to recommend your discharge from the Pennsylvania Air National Guard and as a Reserve of the Air Force. Your service will be characterized as either Honorable, Under Honorable Conditions (General), or Under Other Than Honorable Conditions (UOTHC). I will be recommending an Under Honorable Condition service characterization. The approval authority for this action is the Adjutant General of Pennsylvania.

2. The reasons for this recommendation are:

Base on the Command Directed Investigation data of March 2004 and prepared by Maj. [REDACTED], you admitted under oath to numerous violations of travel regulations, including falsifying receipts and submitting fraudulent travel vouchers. A discharge is authorized as appropriate for the same or similar offense IAW AFI 36-3209, Chapter 3, Paragraph 3.21.3.3

3. Copies of all supporting documents will be furnished upon written request.

4. You have the right to consult with legal counsel. You have the choice to consult civilian counsel at your own expense. The Point of Contact for identification of military defense counsel is: 193rd SOW/JA, Harrisburg Intl Airport, 81 Constellation Court, Middletown, PA 17057. Their phone number is (717) 948-2207. You are advised to contact this office if you desire assistance in obtaining military counsel. A full-time point of contact will be Maj. [REDACTED]; (717)-948-2202.

5. You have the right at any time, to submit additional statements or documents to be considered in the disposition of this case. Requests for or waiver of board hearing does not affect the right to submit such statements or documents at any time.

6. You may waive your rights in paragraphs 4 and 5 above as well as your right to an administrative discharge board hearing, after having the opportunity to consult with counsel. You must return an attachment within 15 days after receipt of this LON showing your decision on each of the rights contained in paragraphs 4 and 5 above, and the right to a board hearing.

The Voice of the Quiet Professionals of AFSOC
Never Seen - Always Heard

7. You must execute and return Attachment 1, Acknowledgment of Receipt of Letter of Notification, within 24 hours of receipt.
8. I will consider granting an extension of time to reply if additional time is needed by you or counsel. You or your counsel must submit a written request for such delay, stating the reasons and how much time is needed.
9. Failure to acknowledge receipt or to respond regarding selection of rights within 15 days after receipt of 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.
10. Within 15 days after receipt of LON, you must return an attachment electing one of the following options:
 - Request for a board hearing.
 - Waiver of board hearing.
 - a. If requesting an administrative discharge board hearing, you must return an attachment indicating the following:
 - Whether you wish to make a personal appearance.
 - Whether or not you want representation by the military counsel made available.
 - If you want to be represented by military counsel of your choice, you must identify counsel by name, grade, organization, and phone number.
 - If you want to be represented by civilian counsel, you must identify counsel by name, address, and phone number.
 - Names, addresses, and telephone numbers, if known, of any witnesses you want to appear before the board, giving a summary of the expected testimony of the witnesses on the issues of separation or characterization, and an explanation why written or recorded testimony of the witnesses could not be presented to the board hearing for a fair determination of the case.
11. Your failure to appear at a scheduled administrative discharge board hearing after indicating your intention to make a personal appearance at such hearing will result in the case being heard by the administrative discharge board in your absence.
12. If you or your counsel needs additional time to prepare for or to attend the board hearing, you or your counsel may submit a written request for delay stating the reasons and how much time is needed.
13. If you wish to consult AFI 36-3209, a copy is available in the Military Personnel Flight's office in the headquarters building. If you have any questions, feel free to contact me at (717) 861-1008.



Vice Commander

Attachment:
Acknowledgment of Receipt, LON