

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
YES	No	
	X	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UO/HC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A92.21 A93.01 A94.05	INDEX NUMBER A67.10	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 08 Mar 2007	CASE NUMBER FD-2006-00311	
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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.

X- Upgrade of discharge, change of reason and authority for discharge and change of reenlistment code are denied.

<p align="center">INDORSEMENT</p> <p>TO:</p> <p>SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742</p>	<p align="right">DATE: 3/9/2007</p> <p>FROM:</p> <p>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002</p>
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00311

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 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.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, three Letters of Reprimand, and eight Records of Individual Counseling for misconduct. The misconduct included being late for work on numerous occasions, failure to complete homework on time, inappropriate behavior, failure to obey lawful orders, failure to complete assigned duties, disrespectful and argumentative towards an officer, disrespectful towards a non-commissioned officer, and failing to read and write about a new procedure and prepare a presentation for the morning technical meeting. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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 contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was the same age as the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

Issue 3. The DRB was pleased to see that the applicant was doing well in college and has a good job. However, no inequity or impropriety in his discharge was found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 Scott AFB, IL on 15 Dec 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 15 Apr 80. Enlmt Age: 17 10/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-45, E-43, G-59, M-18. PAFSC: 4N131 - Surgical Service Apprentice. DAS: 1 Aug 98.

b. Prior Sv: (1) AFRes 9 Mar 98 - 10 Mar 98 (2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Mar 98 for 4 yrs. Svd: 01 Yrs 09 Mo 05 Das, all AMS.

b. Grade Status: AB - 6 Jul 99 (Article 15, 6 Jul 99)
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 6 Jul 99, Scott AFB, IL - Article 92. You, who knew or should have known of your duties, on or about 11 Jun 99, were derelict in the performance of those duties in that you willfully failed to read about and write a summary of a new procedure you were doing, and to prepare a presentation about the procedure for the morning technical meeting, as it was your duty to do. Reduction to AB, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 18 OCT 99 - Disrespect to an NCO.
RIC, 15 OCT 99 - Late for work.
RIC, 15 OCT 99 - Failure to obey a lawful order.
LOR, 10 SEP 99 - Disrespectful and argumentative towards an officer.
RIC, 03 SEP 99 - Failure to complete assigned duties.
LOR, 17 MAR 99 - Late for work and failure to complete assigned duties.
RIC, 23 FEB 99 - Late for work and failure to complete assigned duties.
RIC, 02 FEB 99 - Failure to obey lawful orders.
RIC, 19 NOV 98 - Inappropriate behavior.
RIC, 19 NOV 98 - Failure to complete homework on time.
RIC, 19 NOV 98 - Late for work.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (09) Mos (07) Das
TAMS: (01) Yrs (09) Mos (05) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Aug 06.
(Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Three Character References.
4. Letter of Appreciation.
5. Letter of Recommendation.
6. Five Award Certificates.

13OCT06/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 AIR FORCE COAST GUARD

b. NAME (Last, First, Middle Initial) c. GRADE/RANK AT DISCHARGE d. SOCIAL SECURITY NUMBER
 _____ E-1 _____

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)
 1999/12/15

4. DISCHARGE CHARACTERIZATION RECEIVED (X one)
 HONORABLE
 GENERAL/UNDER HONORABLE CONDITIONS
 UNDER OTHER THAN HONORABLE CONDITIONS
 BAD CONDUCT (Special court-martial only)
 UNCHARACTERIZED
 OTHER (Explain) _____

5. BOARD ACTION REQUESTED (X one)
 CHANGE TO HONORABLE
 CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
 CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
 CHANGE NARRATIVE REASON FOR SEPARATION TO: Secretarial Authority

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)
 I would like an upgrade because my discharge was based on my lack of military bearing. I have matured over the last six years since my separation, and would like to be given the chance to prove to the military that I can still be an asset to our country. Attached is a letter explaining why I believe I deserve a second chance.

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.)
 -Letters of Recommendation
 -Awards from college
 -Typed letter explaining why I should be given an upgrade

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) _____ (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) _____
 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.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above) _____
 b. DATE SIGNED - REQUIRED (YYYYMMDD)
 2006/08/10

CASE NUMBER
 (Do not write in this space.)
 FD 2006-00311

August 10, 2006



To Whom This May Concern,

I am writing this letter to your committee to request an upgrade of my current discharge from the United States Air Force. I believe that I can still be a very useful asset, and the mistakes that I made while on active duty would not happen again. I wish to be called on again by this country, to wear the uniform, and to defend its honor.

In the military, I was not focused on the duty that the military had assigned to me. I was late for work a number of times; my appearance was less than acceptable; my homework that was given to me, at times, was not complete, and I spoke out of turn with my supervisor SSgt. These offenses I committed during the two years that I was an enlisted in the United States Air Force is not the conduct of a military soldier. I have learned this lesson very hard and am now ready to correct it in the military.

I am currently working full time at Mercy Hospital in Pittsburgh, Pennsylvania, as a surgical technician, and will be attending the University of Pittsburgh in the fall as well. I have just completed two years at Penn State University, while working full time. I have corrected the wrong that I have done to the United States Air Force by being on time everyday for work, and making it a very rare occasion of calling off. I currently hold a grade point average of 3.52 from Penn State University. I have received an Academic All-Conference award, and Academic Excellence Award two years in a row, along with the John Evans Scholar/Athlete Award just this past year. I am a member of the Phi Theta Kappa, which is the honor society for two year programs. While attending Penn State University I obtained the University Trustee Scholarship which entitled me to one thousand two hundred and fifty dollars of aid for the school year.

Work and school are not the only tasks I perform on a daily basis. I now am a father to a energetic two year old girl. Her name is: and she keeps me very busy on my off days and free time that I have during the week. Being a father helps me realize the harm that I caused to the military forces of the United States. I was immature while in the military and took the standard held so dear to the Air Force for granted. I can only be thankful that my actions did not affect anyone on Scott Air Force Base. The security of this country is the responsibility of every soldier who takes the oath to uphold its freedom. I am writing this letter to ask for this responsibility once again.

What I am asking for is my General Discharge of Under Honorable Conditions to be upgraded to an Honorable Discharge. I would like a re-entry code of 1M, a separation code of JFF, and I would greatly appreciate my Montgomery G.I. Bill to assist me in re-paying my

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college loans. I have also sent you a few letters of recommendation to assure you that I have matured and wish to be an asset to my country.

Sincerely,



h. On or about 31 Aug 99 you failed to remove a load from the sterilizer as it was your duty to do. For this misconduct you were counseled via the AF Form 174, dated 3 Sep 99. (Atch 8).

i. On or about 13 Aug 99 you were disrespectful and argumentative toward Captain [redacted], an OR nurse. For this misconduct you received a Letter of Reprimand (LOR), dated 10 Sep 99. (Atch 9).

j. On or about 14 Oct 99 you were counseled to iron your uniform and to clean and polish your boots, when you reported for duty on or about 15 Oct 99 this task had not been accomplished. For this misconduct you were counseled via the AF Form 174, dated 15 Oct 99. (Atch 10).

k. On or about 15 Oct 99 you were 10 minutes late for work. For this misconduct you were counseled via the AF Form 174, dated 15 Oct 99. (Atch 11).

l. On or about 15 Oct 99 you were disrespectful and belligerent toward your direct supervisor. For this misconduct you received a Letter of Reprimand (LOR), dated 18 Oct 99. (Atch 12).

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. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. 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 with the Area Defense Counsel, Bldg 7, on _____ at _____ hrs. You may 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 with in 3 duty days of your receipt of this letter 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 the 375th Medical Group, Physical Examinations Section, on _____ at _____ hrs for the examination. You also have a doctor's appointment scheduled on _____ at _____ hrs.

8. The Privacy Act Statement as explained in AFI 36-3208 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the squadron orderly room.