

**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> <b>AB</b>	<b>AFSN/SSAN</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>			
<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</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>A93.01</b>	<b>INDEX NUMBER</b> <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
		<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>21 Feb 2007</b>	<b>CASE NUMBER</b> <b>FD-2006-00312</b>					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 10px;"></div>						
<b>INDORSEMENT</b>			<b>DATE: 2/26/2007</b>			
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			<b>FROM:</b> 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-2006-00312**

**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.

**ISSUE:**

Applicant contends that he should not be penalized indefinitely for mistakes he made when he was young and immature. He admits that he was having family problems. He has expressed a desire to have his discharge upgraded to allow for reenlistment into the armed forces. 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 applicant received an Article 15 and five Letters of Reprimand for misconduct. He received an Article 15 for being absent from his unit for 9 days. He was punished with forfeiture of pay for two months and 30 days of correctional custody. He also was administratively disciplined for failure to obey an order, violation of curfew, failure to go, and violation of Phase. 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 DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Sheppard AFB, TX on 2 Oct 02 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: 22 Jun 83. Enlmt Age: 18 4/12. Disch Age: 19 3/12. Educ: HS DIPL. AFQT: N/A. A-39, E-31, G-44, M-43. PAFSC: 4N011 - Medical Service Helper. DAS: 3 Jul 02.

b. Prior Sv: (1) AFRes 24 Oct 01 - 4 Feb 02 (3 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 5 Feb 02 for 4 yrs. Svd: 00 Yrs 07 Mo 27 Das, of which AMS is 00 Yrs 07 Mos 19 days (excludes 9 days lost time).

b. Grade Status: None.

c. Time Lost: 21 Jul 02 thru 29 Jul 02 (9 days).

d. Art 15's: (1) 21 Aug 02, Sheppard AFB, TX - Article 86. You did, on or about 20 Jul 02, without authority, absent yourself from your unit, to wit: 383d Training Squadron, located at Sheppard AFB, Texas, and did remain so absent until on or about 30 Jul 02. Forfeiture of \$250.00 pay per month for 2 months and 30 days correctional custody. (No appeal) (No mitigation)

e. Additional: AETC 125A, 15 AUG 02 - Removed from training.  
LOR, 06 AUG 02 - Violation of Phase I by going downtown dressed in civilian clothes.  
LOR, 15 JUL 02 - Failure to follow direction, missed morning formation, missed class start briefing, failure to read MTI boards, missed GI party, and broke curfew.  
LOR, 23 MAY 02 - Failure to go.  
LOR, 20 MAY 02 - Violation of curfew and failure to go.  
LOR, 06 MAY 02 - Failed to obey an order or regulation.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

Aug 24 2006

FD2006-00312

APPLICATION FOR THE REVIEW OF DISCHARGE 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 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 X AIR FORCE COAST GUARD b. NAME (Last, First, Middle Initial) c. GRADE/RANK AT DISCHARGE AB d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 2002 Oct 02 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) HONORABLE X GENERAL UNDER HONORABLE CONDITIONS UNDER OTHER THAN HONORABLE CONDITIONS 5. BOARD ACTION REQUESTED (X one) X CHANGE TO HONORABLE CHANGE TO GENERAL UNDER HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) CHANGE NARRATIVE REASON FOR SEPARATION TO: 3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 383 TRS (AETC) Sheppard AFB

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 my discharge to be upgraded to enable me to re-join military service, specifically the Army. see attached letter for justification.

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.) Copy of OO Form 214

9. TYPE OF REVIEW REQUESTED (X one) X 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 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 new 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 Aug 21 CASE NUMBER (Do not write in this space.)

21Aug2006

Dear Sir/Ma'am,

I am requesting my discharge code to be upgraded to an honorable discharge, enabling me to rejoin military service, specifically the Army. I was discharged from active duty at Sheppard Air Force Base, during my technical training. This discharge does not allow me to re-join the Air Force or any other branch of service, such as the army. At the time of my enlistment, I was going through a lot of family problems and I was too young and immature to handle the responsibilities of the Air Force. I've made many mistakes along the way, but getting myself discharged from the Air Force has been my biggest. With your help, I am hoping to turn that mistake around. Since my separation from the Air Force, I have matured drastically. I understand what responsibility and accountability means. I recently had a son. He's one now, and a baby changes everything in life. I want my son to be proud of me. Look up to me. Even maybe want to be like me. I know he will, if I'm able to become a responsible military service member again. I take full responsibility for the actions that rendered me incompatible with military service. I now understand what it means to be responsible, accountable, and have people depend on you. Characteristics a service member must have, and I have acquired all of them. When and if I am able to take the oath again, I assure you my core values will remain an integral part of my life, and I will not let you down. Please enable me to undo this mistake by upgrading my discharge code and allow me to take a productive part in the world's greatest military. If I am unable to re-join the service, my plans are to join the Army. With every thing going on in the world today, the army needs strong dedicated people. I know I am ready for this responsibility now, but I can't prove it without your help. Thank you for the time you take to review this letter and application.

Sincerely,

[Redacted Signature Box]

that you failed to adhere to daily call to quarters and to remain in proper military uniform, as it was your duty to do. For this misconduct and subparagraph "g" below, you received an LOR on 20 May 02.

g. You did, at or near Sheppard AFB TX, on or about 19 May 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: open wall lockers inspection with SSgt: [redacted]

h. You did, at or near Naval Air Station Pensacola FL, on or about 3 May 02 and on or about 6 May 02, without authority, fail to go to your appointed place of duty at the prescribed time, to wit: mandatory formation at 0900 for Special Individualized Assistance (SIA). For this misconduct you received an LOR on 6 May 02.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court Martial jurisdiction or 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 to reenlist in the Air Force and will probably be denied enlistment in any component of the armed forces.

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 Capt: [redacted], at Building 1638, Rm 110, on 20 Sep 02, at 1400 hours. 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 24 Sep 02, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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 were scheduled for a medical examination on 20 Sep 02 at 1030 hours.

7. 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 in your unit personnel office.

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



Commander, Squadron Section

**Attachments**

1. LOR, 6 Aug 02
2. Article 15, 21 Aug 02
3. AF Form 2098, 23 Jul 02
4. AF Form 2098, 30 Jul 02
5. AF Form 2098, 31 Jul 02
6. AF Form 3545, 02-07-0126 w/1 atch
7. Addition to AF Form 3545, 02-07-0126, undated
8. DD Form 553, 30 Jul 02
9. AF Form 1168, AB:..... 30 Jul 02
10. DD Form 2708, 30 Jul 02
11. AF Form 1361, 22 Jul 02
12. 82 SFS/CSF memo, 30 Jul 02
13. LOR, 15 Jul 02
14. LOR, 23 May 02
15. MFR, 23 May 02
16. LOR, 20 May 02
17. LOR, 6 May 02
18. AETC Form 125A, 15 Aug 02
19. Student Training Report, 02074
20. Airman's Receipt of Notification Memorandum *wd*