

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD									
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE		AFSN/SSAN		
					AMN				
TYPE GEN		PERSONAL APPEARANCE			X		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
									X
									X
									X
									X
									X
ISSUES		INDEX NUMBER			EXHIBITS SUBMITTED TO THE BOARD				
A94.05		A67.10			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		CASE NUMBER							
29 Mar 2007		FD-2006-00385							
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.									
INDORSEMENT					DATE: 4/18/2007				
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

FD-2006-00385

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

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 is 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. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, three Letters of Reprimand, a Letter of Counseling, two Records of Individual Counseling and one Memorandum for Record for misconduct. The applicant received an Article 15 for failing to maintain his dorm room in satisfactory condition. He was punished with a reduction in grade to Airman. He was administratively disciplined for failing dorm room inspections, failing to maintain proper standards of personal hygiene and cleanliness, failure to go, and operating a vehicle without insurance or current registration. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the applicant's 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. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on September 8, 1989) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Hill AFB, UT on 31 Oct 91 UP AFR 39-10, para 5-46, (Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 3 Mar 71. Enlmt Age: 17 7/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-46, E-87, G-78, M-92. PAFSC: 45234B - Tactical Aircraft Maintenance Specialist. DAS: 6 Mar 90.

b. Prior Sv: (1) AFRes 20 Oct 88 - 28 Aug 89 (10 mos 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Aug 89 for 4 years. Svd: 02 Yrs 02 Mo 03 Das, all AMS.

b. Grade Status: Amn - 24 Sep 91 (Article 15, 24 Sep 91)  
A1C - 28 Dec 90  
Amn - 28 Feb 90

c. Time Lost: None.

d. Art 15's: (1) 24 Sep 91, Hill AFB, UT - Article 92. In that you, who knew of your duties, on or about 12 Sep 91, were derelict in the performance of those duties in that you willfully failed to maintain your dorm room in satisfactory condition, as it was your duty to do. Reduced to Amn. (Appeal/Denied) (No mitigation)

e. Additional: LOR/UIF, 23 JUL 91 - Failed regularly scheduled dorm room inspection.  
MFR, 15 APR 91 - Flight chief's note about Failing room inspection.  
LOR, 29 JAN 91 - Failure to maintain proper standards of personal hygiene and cleanliness.  
LOC, 28 NOV 90 - Concerning keeping your living area clean.  
RIC, 19 JUL 90 - Failure to go.  
DD 1408, 25 JUN 90 - Operating a motor vehicle without insurance.  
LOR, 15 AUG 90 - Operated a vehicle without insurance or current registration. Vehicle was ticketed and impounded.  
RIC, 11 JUN 90 - Failure to go.

f. CM: None.

g. Record of SV: 29 Aug 89 - 28 Apr 91 Hill AFB 2 (Initial)REF

h. Awards & Decs: AFOSSTR, SAEMR, AFTR, NDSM, SWASM W/2 BSS.

i. Stmt of Sv: TMS: (03) Yrs (00) Mos (12) Das  
TAMS: (02) Yrs (02) Mos (03) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 18 Sep 06.  
(Change Discharge to Honorable.)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214

25OCT06/day

# 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.)

OMB No. 0704-0004  
OMB approval 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 Services 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

E-2

d. SOCIAL SECURITY NUMBER

## 2. DATE OF DISCHARGE OR SEPARATION

(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)

19911031

## 4. DISCHARGE CHARACTERIZATION RECEIVED (X one)

☐ HONORABLE

☒ GENERAL/UNDER HONORABLE CONDITIONS

☐ UNDER OTHER THAN HONORABLE CONDITIONS

## 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:

## 3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION

388th TFW Hill AFB UT

☐ BAD CONDUCT (Special court-martial only)

☐ UNCHARACTERIZED

☐ OTHER (Explain)

## 6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

I was discharged unfairly and wasn't given a chance to dispute the reasons. The 388th TFW had a policy that gave LoC's for any missed appointments. I missed a total of 3 appointments in over one and one-half years I was stationed there. They also had a room inspection policy that if you failed a room inspection you received a re-inspection, if you failed the re-inspection you received a LoC and a re-inspection, if you failed that a LoR and re-inspection, if you failed that it moved up in severity.

## 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.)

only a copy of DD-214

## 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.)

N/A

## b. TELEPHONE NUMBER (Include Area Code)

N/A

## c. E-MAIL

N/A

## d. FAX NUMBER (Include Area Code)

N/A

## 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.)

CASE NUMBER  
(Do not write in this space.)

## a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)

## b. DATE SIGNED - REQUIRED (YYYYMMDD)

20060918

FD2006-00385

**14. CONTINUATION OF ITEM 6, ISSUES (If applicable)**

I only ever failed 3 room inspections in 1.5 years one of which was due to the bathroom flooding while I was at the movies. I never failed any re-inspections. I was accused of Poor Hygiene while in a Combat Zone (Dubai, UAE 1990-1991) by Airmen who slept at the back of the building (approx. 40ft away) while my bunk-mate stated they were wrong. I took 2 showers per 24hr period while being a Crew Chief on the flight line for 12hr shifts. The Dorm Chief, who worked in Ops for 8hr shifts even during Combat Operations, took the word of people 40ft away over the Airman on the bottom bunk. It is my Affirmation that this was done in Spite and Dishonor. On the final room inspection (15OCT91, the 3rd "surprise/random inspection in 4 weeks) I was asleep and on leave preparing to go home. I had asked my roommate to remove his pile of trash the previous night and all he did was put it in a large trash bag on top of the can. I only had a basket of Clean clothes I had finished late the night before. The rest of the room was in good shape. We were woke up, berated for over a half-hour, and failed on our inspection because our beds were unmade. We were then told the Commander was going to re-inspect in 2 hours and it had better be in top shape. This was, in fact, Excessive as we had not failed any inspections since 15JUL90. Our new First Sergeant was the same one who gave me a Letter of Counseling during Desert Storm for Hygiene. He encouraged False Witness statements from CQ who saw me pack my clothing and papers into trash bags and take them to my car. The statements testified that I "Removed 14 Bags of Trash" from my room.

**15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)****16. REMARKS (If applicable)**

I served my Country faithfully and I believe in Lady Liberty. I wish to continue my education and contribute to a smart and prosperous United States, to do this I need my Montgomery GI Bill benefits that I contributed. I feel a Miscarriage of Justice was perpetrated upon me. I would have been a career Airman had this not occurred like my uncle. \_\_\_\_\_ CMSGT (reserves). I seek justice and believe it will be carried out.

**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



**DEPARTMENT OF THE AIR FORCE**  
**388TH AIRCRAFT GENERATION SQUADRON (TAC)**  
**HILL AIR FORCE BASE, UTAH 84056-5000**

REPLY TO  
 ATTN OF: CC

07 OCT 1991

SUBJECT: Letter of Notification

TO: A1C [ ]

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, this action could result in your separation with a general discharge. I am recommending that you receive a general discharge.

2. My reasons for this action follows:

a. On or about 23 May 90, at Hill AFB UT, you failed to report for your initial Buddy Care Training appointment. As a result, you received a Letter of Counseling from the Squadron Section Commander. (atch 1a)

b. On or about 25 Jun 90, at Hill AFB UT, you were issued DD Form 1408, citation #R672172, for operating your motor vehicle without insurance or current registration. As a result, your vehicle was impounded and you received a Letter of Reprimand from the First Sergeant. (atch 1b)

c. On or about 6 Jul 90, at Hill AFB UT, you exhibited poor personal hygiene and room cleaning habits as evidenced by a letter of complaint by your roommate in room 258, bldg 523, to the dormitory manager. (atch 1c)

d. On or about 11 Jul 90, at Hill AFB UT, you failed to report for your wire chafing training appointment. As a result, you received a Letter of Counseling from the Squadron Section Commander. (atch 1d)

~~e. On or about 28 Nov 90, at a deployed location, you failed to maintain your personal hygiene and living area to acceptable standards. As a result, you received a Letter of Counseling from the First Sergeant. (atch 1e)~~

f. On or about 29 Jan 91, at a deployed location, you failed to maintain the proper standards of personal hygiene and failed to clean your clothing, bedding, and living area. As a result, you received a Letter of Reprimand from the First Sergeant. (atch 1f)

g. On or about 15 Apr 91, at Hill AFB UT, you failed your room inspection conducted by the First Sergeant as per Memo For Record dated 15 Apr 91. (atch 1g)

h. On or about 10 Jul 91, at Hill AFB UT, you received an overall rating of unsatisfactory on your regularly scheduled room inspection. As a result, you received a Letter of Reprimand and a UIF was established. (atch 1h)

*Readiness is our Profession*

i. On or about 11 Sep 91, at Hill AFB UT, you were derelict in the performance of your duties by willfully failing to maintain your dorm room in satisfactory condition. As a result, you received nonjudicial punishment consisting of reduction to the grade of Amn with a new date of rank of 24 Sep 91. The Article 15 was filed in your UIF. (atch 1i)

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 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 Capt [redacted] in bldg #396 on 10 OCT 1991 at 0800 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me by 10 OCT 1991, 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 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, USAF Hospital Hill at 0700 hours on 9 Oct 91.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the 388 AGS Orderly Room.

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

[redacted]  
Commander

2 Atch

1. Supporting documents for the reason for discharge
  - a. LOC dtd 11 Jun 90
  - b. LOR dtd 15 Aug 90
  - c. MFR dtd 11 Jul 90
  - d. LOC dtd 19 Jul 90
  - e. LOC dtd 28 Nov 90
  - f. LOR dtd 29 Jan 91, w/4 atch
  - g. MFR w/2 atch
  - h. AF Form 1058 dtd 31 Jul 91, w/2 atch
  - i. Art 15 dtd 13 Sep 91 w/8 atch
2. Airman's receipt of letter of notification