

**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>A1C</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>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>
						<b>X**</b>
						<b>X**</b>
						<b>X**</b>
						<b>X**</b>
<b>ISSUES</b> <b>A93.19</b> <b>A94.05</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	
<b>HEARING DATE</b> <b>20 Mar 2007</b>		<b>CASE NUMBER</b> <b>FD-2006-00404</b>				
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>						
<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>						
		<b>SIGNATURE OF BOARD PRESIDENT</b>				
<b>INDORSEMENT</b>		<b>DATE: 3/26/2007</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-2006-00404**

**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:**

Issue 1. Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He admits he had an alcohol problem and that is when he would get into trouble. He states that he has been sober for over three years and has expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The records indicated the applicant received two Article 15s, two Letters of Reprimand, and a Letter of Counseling for misconduct. His first Article 15 was for possession of beer while under the age of twenty-one. He received a suspended reduction in grade to Airman, forfeiture of pay for two months, restriction to base for 30 days, and 30 days extra duty. His second Article 15 was for remaining outside the limits of Osan Air Base and for being drunk and disorderly. He was punished with a reduction in grade to Airman Basic (reduction below Airman First Class was suspended), restriction to base for 45 days, restriction from clubs for 45 days, and 45 days of extra duty. His records indicate he had additional misconduct and was administratively disciplined for unauthorized use of his government travel card, failure to obey a lawful order and financial irresponsibility. 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 June 7, 1999, 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Ellsworth AFB, SD on 29 Mar 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 16 Feb 80. Enlmt Age: 19 3/12. Disch Age: 23 1/12. Educ: HS DIPL. AFQT: N/A. A-65, E-45, G-36, M-76. PAFSC: 2A654 - Aircraft Fuel Systems Journeyman. DAS: 21 Feb 02.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 26 May 99 for 6 yrs. Svd: 03 Yrs 10 Mo 04 Das, all AMS.

b. Grade Status: A1C - 18 Feb 03 (Article 15, 18 Feb 03)  
SrA - 26 Sep 01

c. Time Lost: None.

d. Art 15's: (1) 18 Feb 03, Osan AB, Korea - Article 92. You did, at or near Songtan Entertainment District, Republic of Korea, on or about 27 Jan 03, violate a lawful general order, to wit: USKF Regulation 190-2, Appendix B, paragraph B-5c(1), by wrongfully remaining outside the limits of Osan Air Base, Republic of Korea, after 2400 hours. Article 134. You were, at or near Songtan Entertainment District, Republic of Korea, on or about 27 Jan 03, drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces. Reduction to AB (reduction below A1C suspended). Restriction to Osan Air Base, Republic of Korea for 45 days. Restriction from both the Challenger and Mustang Enlisted Clubs and all hooches on Osan Air Base, Republic of Korea for 45 days and 45 days extra duty. (No appeal) (No mitigation)

(2) 25 Apr 00, Shaw AFB, SC - Article 134. You did, at Shaw AFB, South Carolina, an area of exclusive federal jurisdiction, on or about 8 Apr 00, unlawfully possess beer while under the age of twenty-one years, in violation of South Carolina Code Annotated Section 20-7-8920, as made applicable to military members pursuant to the Federal Assimilative Crimes Act, Title 18 United

States Code, Section 13. Suspended reduction to Airman.  
 Forfeiture of \$280.00 pay per month for two months.  
 Restriction to Shaw AFB, South Carolina for 30 days, and  
 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR/UIF, 06 DEC 02 - Unauthorized use of government travel card.  
 CR, 08 NOV 02 - Pattern of Misconduct.  
 LOR/UIF, 08 NOV 02 - Failure to obey a lawful order given by Security Forces.  
 LOC/UIF, 31 JUL 02 - Financial irresponsibility.
- f. CM: None.
- g. Record of SV: 26 May 99 - 25 Jan 01 Shaw AFB 4 (Initial)  
 26 Jan 01 - 25 Jan 02 Shaw AFB 5 (Annual)  
 26 Jan 02 - 04 Nov 02 Osan AB 2 (CRO)REF
- h. Awards & Decs: AFOUA, NDSM, AFOSSTR, AFTR.
- i. Stmt of Sv: TMS: (03) Yrs (10) Mos (04) Das  
 TAMS: (03) Yrs (10) Mos (04) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 11 Sep 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.

03NOV06/ia

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL 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.

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 E-3 d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 2003 Mar 29

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:

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 51MXS OSAN AB Korea

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

My discharge is improper because I had a problem. I am an alcoholic. When I was at Shaw AFB, I got an article 15 for minor in possession of alcohol. Then about three years later I went to OSAN AB. About 6 months later I started getting in trouble.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE. N/A

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 papers from my treatment in America and I can not get so them I am working out of country.

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) 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 b. TELEPHONE NUMBER (Include Area Code) c. E-MAIL d. FAX NUMBER (Include Area Code) International address State Side

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.)

13.a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above) b. DATE SIGNED - REQUIRED (YYYYMMDD) 2006 Sept. 11

FD 2006-00404

FD3026-00404

14. CONTINUATION OF ITEM 6, ISSUES (if applicable)  
 I received a lot for drunk and disorderly, mis use of government card on different dates. I went into ADAPT and it really did not work for long. I started drinking again. I was given a article 15 for breaking curfew, so I asked my first shirt to go into inpatient care for better help. He said I was not worth it. He told me I was getting discharged but I could enlist into another branch but he lied about that to, so I wonder what else he lied about to other people. After I got out I got a D.U.I. after that I went to treatment and AA and got better. I have been sober about 3 years now. In Jan. 07. The only time I got in trouble was when I drank now I don't.

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

16. REMARKS (if applicable)  
 Hello Thank you for reviewing my discharge. I want to serve my country again. At this time I am unable because of my discharge and reentry code which is 2B. I would like to be there but I am over seas working right now. I wish I could give you more but it's hard from over here. Thank you again. Also if my discharge is changed will I be able to use my G.I.B.I.I.

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  
 650-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

51st Maintenance Squadron

UNIT 2069

APO AP 96278-2069

FD 2006-00404

07 MAR 2003

MEMORANDUM FOR A1C: \_\_\_\_\_; 51 MXS

FROM: 51 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force based upon Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, then your service will be characterized as Honorable or General (Under Honorable Conditions). I am recommending that you receive a General Discharge.

2. My reasons for this discharge action are as follows:

a. On or about 8 Apr 00, you unlawfully possessed beer while under the age of twenty-one years, in violation of South Carolina Code Annotated Section 20-7-8920, as made applicable to military members pursuant to the Federal Assimilative Crimes Act, Title 18 United States Code, Section 13. For this misconduct you received an Article 15, dated 25 Apr 00, and an Unfavorable Information file (UIF) was established. (Atch 1a)


b. On or about 29 Jul 02, you dishonorably failed to pay your debt on your Military STAR account in the amount of \$83.00. For this misconduct you received a Letter of Counseling (LOC), dated 31 Jul 02. (Atch 1b)

c. On or about 30 Aug 02, you failed to obey a direct order rendered to you by Security Forces Town Patrol to return immediately to Osan Air Base, Republic of Korea. For this misconduct you received a Letter of Reprimand (LOR), dated 8 Nov 02. For the misconduct in paragraphs "b" and "c" you were also placed on the Control Roster, and a UIF was established on 13 Nov 02. (Atch 1c)

d. On or about 24 Aug 02, you were derelict in the performance of your duties by making an unauthorized cash withdrawal of \$200.00 from your Government Travel Card. For this misconduct you received a LOR, dated 6 Dec 02, and it was placed in your UIF on 13 Dec 02. (Atch 1d)

e. On or about 27 Jan 03, you violated a lawful general -order, USFK Regulation 190-2, Appendix B, paragraph B-5c(1), by wrongfully remaining outside the limits of Osan Air Base, Republic of Korea, after 2400 hours. Furthermore, on or about 27 Jan 03, you were drunk and disorderly. For this misconduct you received an Article 15, dated 18 Feb 03, and it was placed in your UIF. (Atch 1e)

3. Copies of the document to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial 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. Any special pay, bonus, or education assistance funds may be subject to recoupment.
4. You have the right to consult legal counsel. Military legal counsel is available to assist you. You may consult the Area Defense Counsel (Bldg 937, Rm 101) at 784-6774. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements that you want the separation authority to consider must reach me by 1045 hours on 12 MAR 03 (three workdays) unless you request and receive an extension for good cause. I will forward any such statements to the separation authority.
6. If you fail to consult or submit statements in your own behalf, then 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 hospital at 1045 hours on 11 MAR 03, PRIMARY CARE CLINIC.
8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available at the Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.

  
Commander

Attachments:

1. Supporting documents
  - a. Article 15, dated 25 Apr 00
  - b. LOC, dated 31 Jul 02
  - c. LOR, dated 8 Nov 02, with Response, and AF Form 1058, dated 13 Nov 02
  - d. LOR, dated 6 Dec 02, with Response, and AF Form 1058, dated 13 Dec 02
  - e. Article 15, dated 18 Feb 03, with Response
2. Airman's Acknowledgment