

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>  		<b>GRADE</b>  A1C	<b>AFSN/SSAN</b>  			
<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>  		<b>VOTE OF THE BOARD</b>				
		<b>HON</b>	<b>GEN</b>	<b>UOTHIC</b>	<b>OTHER</b>	<b>DENY</b>
		X*				+
		X*				+
						X**
						X**
<b>ISSUES</b> <b>A94.05</b>		<b>INDEX NUMBER</b> <b>A67.30</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 (IE					
<b>HEARING DATE</b> <b>20 Mar 2007</b>		<b>CASE NUMBER</b> <b>FD-2006-00409</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>* CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY + REENLISTMENT CODE</p>						
<b>INDORSEMENT</b>						
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				<b>DATE:</b> 4/19/2007		
<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-2006-00409**

**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:** The discharge is upgraded to honorable and the reason for discharge is changed to Minor Disciplinary Infractions. Change of reenlistment code is denied.

**ISSUE:**

The applicant received a general discharge for Misconduct, Commission of a Serious Offense. The applicant contends at the time of his discharge he was in the middle of a divorce with the possibility of losing his children. At the time, he thought the best thing to do was to request a hardship discharge so that his ex-wife could not use the military against him to obtain custody of his children. The hardship discharge request was denied and he was offered a general, under honorable discharge with the understanding that he would be able to upgrade his discharge at a later time. Since his discharge, the applicant has expressed a desire for upgrade of his discharge to qualify for a reenlistment into the armed forces. While a discharge may be upgraded, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. After a thorough and complete consideration of the information submitted by the applicant, and information contained in the record, the Board concluded there was sufficient mitigation and extenuation to substantiate upgrade of the discharge and to change the reason for the discharge. The Board did not agree to change applicant's reenlistment code.

**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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Misconduct, Minor Infractions with a Separation Program Designator as "JKN" under the provisions of Title 10, USC 1553.

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 Dover AFB, DE on 17 Jan 96 UP AFI 36-3208, para 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge, to Change the RE Code, and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 18 Sep 67. Enlmt Age: 22 5/12. Disch Age: 28 3/12. Educ: HS DIPL. AFQT: N/A. A-74, E-35, G-50, M-62. PAFSC: 2S051 - Inventory Mangement Journeyman. DAS: 11 Nov 92.

b. Prior Sv: (1) AFRes 2 Mar 90 - 13 Jun 90 (3 months 12 days) (Inactive).

(2) Enlisted as A1C 14 Jun 90 for 4 years. Extended 13 Aug 92 for 10 months. Svd: 03 Yrs 03 Mo 29 Das, all AMS. SrA - 14 Oct 92. EPRs: 5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 13 Oct 93 for 4 years. Svd: 02 Yrs 03 Mo 05 Das, all AMS. (EXAMINERS NOTE: DD FM 4 MISSING FROM MPR)

b. Grade Status: A1C - 25 Sep 95 (Article 15, 25 Sep 95)

c. Time Lost: None.

d. Art 15's: (1) 25 Sep 95, Dover AFB, DE - Article 90. You, having received a lawful command from LTC [redacted] your superior commissioned officer, then known by you to be your superior commissioned officer, to complete AF Form 357, the Dependent Care Certificate, in compliance with AFI 36-2908, or words to that effect, did, on or about 1 Sep 95, willfully disobey the same. Reduced to A1C and forfeiture of \$150.00 pay. (No appeal) (No mitigation)

e. Additional: LOR, 19 JUL 95 - Failure to complete the Dependent Care Certificate.

f. CM: None.

g. Record of SV: 03 Aug 93 - 02 Aug 94 Dover AFB 5 (Annual)  
 03 Aug 94 - 02 Aug 95 Dover AFB 4 (Annual) REF

h. Awards & Decs: AFLSAR, AFTR, NDSM, AFOUA W/1 OLC, AFGCM.

i. Stmt of Sv: TMS: (05) Yrs (10) Mos (16) Das  
TAMS: (05) Yrs (07) Mos (04) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 Sep 06  
(Change Discharge to Honorable, to Change the RE Code, and Reason for Discharge.)

Issue 1: I would like to join the ANG however to do so I need an Honorable discharge. At the time of my discharge I was in the middle of a divorce with the possibility of losing my children. I thought at the time the best thing to do was try for a hardship discharge so my ex wife could not use the military against me in getting custody of my children. I spoke to my First shirt and was told that there should be no problem with me getting the hardship. Unfortunately the hardship did not go through and was offered an under honorable discharge and was told that I would be able to upgrade it to an Honorable discharge at a later time so I took what they offered me. Since then I just have not thought about it until 5 years ago when I decided I really wanted to be part of the Service and started to look into joining. I am now at the point to make this change and deserve to have an honorable discharge because, my entire time in the military I was an outstanding Airmen and deserve to have the proper type of discharge which reflects my time in the service.

ATCH  
None

8Nov06/day

19 Dec 95

MEMORANDUM FOR A1C: [REDACTED] 436 SUPS

FROM: 436 SUPS/CC  
639 Evreux St.  
Dover AFB DE 19902-6639

SUBJECT: Notification Letter

1. I withdraw the discharge proceedings initiated against you on 14 Dec 95. I am initiating new discharge proceedings against you according to this memorandum. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.52.3. If you are discharged for the commission of a serious offense your service will be characterized as Honorable, General or Under Other Than Honorable Conditions. I am recommending that your service be characterized as General.
2. My reason for this action is that you have committed a serious offense on two separate occasions. Specifically, on 12 June 95, you willfully disobeyed a lawful order from 436 SUPS/CCF to complete AF From 357 (Dependent Care Certification). Also, on 1 Sep 95, you willfully disobeyed my lawful order to complete AF From 357. (See attachments 1a and 1b) 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.
3. You have the right to consult counsel. Military legal counsel, Capt [REDACTED] Bldg 263, Room 318, ext 6995, has been obtained to assist you. An appointment has been scheduled for you to consult with him at **0900 19 Dec 95**. You may consult with 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 **26 Dec 95** 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. You reported to Bldg 305 on 15 Aug 95 at 0730 hours for the examination.

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 the Orderly Room (Bldg 639 Rm 221).



Commander, 436th Supply Squadron

Attachments:

1. Supporting documents
  - a. LOR, dtd 17 Jul 95
  - b. Art 15, dtd 22 Sep 95
2. Airman's Receipt of Notification Letter