

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD														
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE		AFSN/SSAN							
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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		UOTH		OTHER		DENY	
													X	
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													X	
ISSUES		A92.01			INDEX NUMBER		A67.10			EXHIBITS SUBMITTED TO THE BOARD				
		A94.05								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				
HEARING DATE		15 Mar 2007			CASE NUMBER		FD-2006-00419							
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.														
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INDORSEMENT						DATE: 3/16/2007								
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	CASE NUMBER FD-2006-00419
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUES:</p> <p>Issue 1. The applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received three Article 15s, five Letters of Reprimand, one Letter of Counseling, and two Records of Individual Counseling for misconduct. The misconduct included late for duty on divers occasions, failure to follow proper procedure, lying, insubordinate conduct towards a noncommissioned officer, failure to obey a lawful order, using disrespectful language towards a noncommissioned officer, and discharging a firearm in a residential area. 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.</p> <p>Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Shaw AFB, SC on 13 Sep 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 11 Oct 82. Enlmt Age: 18 0/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-77, E-67, G-64, M-46. PAFSC: 2A353B - F-16/F-117 - Tactical Aircraft Maintenance Journeyman. DAS: 16 Jul 01.

b. Prior Sv: (1) AFRes 30 Oct 00 - 13 Nov 00 (14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Nov 00 for 4 yrs. Svd: 03 Yrs 10 Mo 00 Das, all AMS.

b. Grade Status: Amn - 13 Jul 04 (Article 15, 13 Jul 04)
AlC - 17 Mar 04 (Article 15, 17 Mar 04)
SrA - 13 Dec 03
AlC - 13 Apr 02
Amn - 14 May 01

c. Time Lost: None.

d. Art 15's: (1) 13 Jul 04, Shaw AFB, SC - Article 134. You did, at or near Sumter, South Carolina, on or about 9 May 04, wrongfully and willfully discharge a firearm, to wit: a handgun, in a residential area, under circumstances such as to endanger human life. Reduction to Airman, and a reprimand. Twenty-one days extra duty suspended. (Appeal/Denied) (No mitigation)

(2) 17 Mar 04, Shaw AFB, SC - Article 86. You, did, on divers occasions between on or about 28 Oct 03 and on or about 29 Oct 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1630. Article 91. You, on or about 31 Oct 03, were disrespectful in language toward SSgt Adam W. Hall, an NCO, then known by you to be a superior NCO, who was then in the execution of his office, by saying to him "this was bullshit" and that you "would do whatever it fucking takes to get away from this fucking squadron," or words to that effect. Reduction to AlC, and a reprimand. (Appeal/Denied) (No mitigation)

(3) 11 Oct 01, Shaw AFB, SC - Article 86. You did, on diverse occasions between on or about 21 Sep 01 and on or about 25 Sep 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 105. Suspended reduction to AB. Forfeiture of \$100.00 pay, restriction to Shaw AFB, SC for 14 days, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 08 SEP 03 - Failure to report to duty at the appointed time.

LOR, 03 OCT 01 - Late for work.

LOR, 01 OCT 01 - Late for work on two occasions.

LOR, 17 AUG 01 - Failure to obey a lawful order.

LOR, 02 AUG 01 - Failure to obey a lawful order.

LOC, 31 JUL 01 - Late for duty, failure to follow proper procedure, lying, and insubordinate conduct towards an NCO.

RIC, 10 APR 01 - Late for duty.

RIC, 07 MAR 01 - Reporting to duty unshaven.

AETC 173, 08 FEB 01 - Late for class.

AETC 173, 08 FEB 01 - Failure to follow proper procedures and failure to have AETC Form 341 on person.

f. CM: None.

g. Record of SV: 14 Nov 00 - 11 Dec 02 Shaw AFB 4 (Initial)
12 Dec 02 - 11 Dec 03 Shaw AFB 3 (Annual)

h. Awards & Decs: AFGCM, NDSM, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (10) Mos (14) Das
TAMS: (03) Yrs (10) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Oct 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. AF Form 100.
3. Two Character References.

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August 5, 2006

Air Force Discharge Review Board
SAF/MIBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

Dear Members of the Air Force Discharge Review Board,

I am writing this letter to request and upgrade of an Administrative discharge, titled as General/Under Honorable Conditioned Discharge. I am making this request on the basis of equity. I do not believe this discharge is an accurate reflective of my service history which was 2 months shy of my full 4 year commitment. The reason for my 2 month early discharge was due to an approved downsizing program implemented at that time.

Over the past year and a half, I have had time to grow, acknowledge, and accept the fact that if I would not have committed offenses which resulted in disciplinary actions I would have received an Honorable discharge and retained my complete GI bill. I would like to sincerely apologize for my misconduct and for any embarrassment it brought upon the United States Air Force and for the time and energy that was wasted while going through the disciplinary process.

I would be extremely grateful if the General/Under Honorable conditions discharge could be lifted from my record and upgraded to an Honorable discharge as it is causing me great difficulty in financing and completing my college education. In addition, it could cause me difficulty in attaining Federal and/or Corporate employment in the future. Since being discharged from the Air Force, I have maintained a position on the preload sort at UPS in Columbia, South Carolina to assist with the financing of my education. I am currently pursuing an undergraduate degree in Business Management from University of South Carolina's prestigious Darla Moore School of Business. As of spring semester 2006, I have maintained a 3.4 GPA and I am looking forward to the fall semester.

Before my discharge, I had served three years, ten months, and two days of my four years as a first-term airman. In May 2004, I had received paperwork from my supervisor Master Sergeant [redacted] stating, I had been approved for the downsizing program and my final out date was set for September 15, 2004. At that time, I began completing the out processing checklist to ensure that I would have all the necessary procedures completed

before that date. When the "word" of my early Honorable discharge reached my squadron commander Lieutenant [redacted] in August 2004, he immediately began submitting paperwork for an Administrative discharge of his own. As you can see on attachment (A), I have provided a copy of my original Honorable Discharge orders which I had received prior to my commander's intervention.

I am not trying to question his authority; however, I do not believe his actions were necessary, nor were they done solely in the best interest of the United States Air Force. At the time of his intervention, I was already out processing. I had received my orders and had a final out date of September 15, 2004. In most cases, an individual is administratively discharged years prior to their designated discharge date because they are not meeting military standards. In my case, it had already been determined that I would be honorably discharged. Due to my squadron commander's involvement in my discharge, I was discharged on September 13, 2004, 2 days early, with a General/Under Honorable condition instead of being discharged on September 15, 2004 with the Honorable discharge orders. I believe his actions were vindictive and done solely to cause me financial hardship in obtaining a college education. Therefore, the concern of propriety should also be reviewed to determine if an error or unnecessary actions were taken solely to change my honorable discharge status.

I am not writing this letter to make it seem like I had no wrongdoings which resulted in my discharge. I gained many great values, customs, and an organized lifestyle from my time in the service that I still implement in my civilian life. I have learned and grown from the experience and I am now seeking to resolve a segment of my life in which I served but did not receive my full recognition.

In order for me to continue to become a successful contributor to society, I must first fix my past which is to; hopefully, upgrade my General/Under Honorable conditions discharge. I am requesting the characterization be changed back to the Honorable discharge that I earned for my dedicated maintenance on my assigned F-16 aircraft, to my exceptional performance on the base Honor Guard. I ask that serious consideration of my discharge characterization be given in helping me to move forward in my life with a positive note on my service to my country. I would hope that my childish actions as a young adult would not haunt and impair what could be an extremely bright future. Thank you for your time and consideration.

Sincerely,

[Redacted signature box]

Enclosures:

- Attachment A: Original Discharge Orders
- Attachment B: Character Reference Letter
- Attachment C: Character Reference Letter



**DEPARTMENT OF THE AIR FORCE
20TH FIGHTER WING (ACC)
SHAW AIR FORCE BASE SOUTH CAROLINA**

FD2006-00419

MEMORANDUM FOR AMN: [REDACTED]

AUG 23 2004

FROM: 20 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. If your discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 9 May 04, you willfully endangered human life by discharging a firearm in a residential area. For this incident, you received an Article 15, dated 13 Jul 04.

b. Between on or about 28 Oct 03 and on or about 29 Oct 03, you failed to report to work on time. Further, on or about 31 Oct 03, you used disrespectful language to a Noncommissioned officer. For this incident, you received an Article 15, dated 17 Mar 04, were denied reenlistment on 14 Apr 04 and placed on a control roster on 16 Apr 04.

c. On or about 7 Sep 03, you failed to report to weekend duty as ordered. For this incident, you received a Letter of Reprimand, dated 8 Sep 03.

d. On or about 21 Sep 01 and on or about 25 Sep 01, you failed to report to work on time. For this incident, you received an Article 15, dated 11 Oct 01.

e. Between on or about 7 Sep 01 and on or about 9 Sep 01, you failed to report to work on time. For this incident, you received a Letter of Reprimand, dated 1 Oct 01.

f. On or about 20 Jul 01, while assigned to the First Term Airmen's Center (FTAC), you failed to have your service dress ready for your appointment, as instructed. Additionally, you lied about your service dress being in the cleaners. For this incident, you received a Letter of Reprimand, dated 17 Aug 01.

g. On or about 2 Aug 01, while assigned to FTAC, you failed to obey and order to report to duty 15 minutes prior to roll call. For this incident, you received a Letter of Reprimand, dated 2 Aug 01.

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h. On or about 31 Jul 01, while assigned to FTAC, you failed to report to the classroom on time. For this incident, you received a Letter of Counseling, dated 31 Jul 01.

i. On or about 10 Apr 01, while assigned to 362 Training Squadron, Sheppard Air Force Base, you missed formation and reported late for school. For this incident, you received a Record of Individual Counseling, dated 10 Apr 01.

j. On or about 7 Mar 01, while assigned to Training Squadron, Sheppard Air Force Base, you reported to work without having shaved. For this incident, you received a Record of Individual Counseling, dated 7 Mar 01.

k. On or about 8 Feb 01, while assigned to 362 Training Squadron, Sheppard Air Force Base, you failed to report to class on time. For this incident, you received a Student Record of Nonacademic Counseling (SRNC), dated 8 Feb 01.

l. On or about 8 Feb 01, while assigned to 362 Training Squadron, Sheppard Air Force Base, you violated your marching waiver by trying to board a bus without an authorized bus pass. Further, you were unable to produce an AETC Form 341, as required by your instructor. For this incident, you received a Student Record of Nonacademic Counseling, dated 8 Feb 01.

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 Captain: _____ Area Defense Counsel, 895-9530, 321 Cullen Street, at 1600 hours on 23 Aug 2004. 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 by 1530 hours on 26 Aug 2004 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 20th Medical Group, Primary Care Clinic at 1105 hours on 24 Aug 2004 and an additional examination will be scheduled if necessary.

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8. 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 unit orderly room.

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

Commander

Attachments:

- a. AF Form 3070, 4 Aug 04 w/evidence and response
- b. AF Form 3070, 17 Mar 04 w/evidence and response
- c. AF Form 3070, 11 Oct 01 w/evidence and response
- d. LOR, 8 Sep 03
- e. AF Form 3070, 11 Oct 01 w/evidence
- f. LOR, 1 Oct 01
- g. LOR, 17 Aug 01
- h. LOR, 2 Aug 01
- i. LOC, 31 Jul 01
- j. ROIC, 10 Apr 01
- k. ROIC, 7 Mar 01
- l. SRNC, 8 Feb 01
- m. SRNC, 8 Feb 01