

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		GRADE <b>AB</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	
TYPE GEN		<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		NAME OF COUNSEL AND OR ORGANIZATION		
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL		
<b>X</b>		<div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		
<b>MEMBER SITTING</b> <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		<b>VOTE OF THE BOARD</b>		
		HON	GEN	UOTHC
		OTHER	DENY	
				X
				X
				X
				X
				X
ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.90</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	
HEARING DATE <b>10 May 2007</b>	CASE NUMBER <b>FD-2006-00471</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> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>				
<b>INDORSEMENT</b>		<b>DATE: 5/29/2007</b>		
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 1538 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002		

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	<b>CASE NUMBER</b> <b>FD-2006-00471</b>
<p><b>GENERAL:</b> 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><b>FINDINGS:</b> 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><b>ISSUE:</b></p> <p>Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, a Vacation, and two Letters of Reprimand for misconduct. The first Article 15 was for misuse of his Government Travel Card. He was punished with a reduction in grade to Airman, suspended forfeiture of pay and a reprimand. The Vacation action was for wrongfully wearing an earring while on a military installation and for being drunk and disorderly. He was punished with a forfeiture of pay for two months. His second Article 15 was for failure to remain alert while on duty as an Installation Entry Controller. He was reduced in grade to Airman Basic and forfeited pay. The applicant had additional misconduct and was administratively disciplined for financial irresponsibility and failure to obey an order or regulation. 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.</p> <p><b>CONCLUSIONS:</b> 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF McChord AFB, WA on 27 Sep 06 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 5 May 84. Enlmt Age: 19 9/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-28, E-33, G-55, M-36. PAFSC: 3P051 - Security Forces Journeyman. DAS: 27 Sep 05.

b. Prior Sv: (1) AFRes 25 Feb 04 - 29 Mar 04 (1 month 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Mar 04 for 6 yrs. Svd: 02 Yrs 05 Mo 28 Das, all AMS.

b. Grade Status: AB - 13 Jul 06 (Article 15, 13 Jul 06)  
Amn - 27 Jan 06 (Article 15, 27 Jan 06)  
A1C - 14 May 04

c. Time Lost: None.

d. Art 15's: (1) 13 Jul 06, Kadena AB, Japan - Article 92. You, who should have known of your duties, on or about 26 Jun 06, were derelict in the performance of those duties in that you willfully failed to remain alert in order to protect personnel and property while on duty as an Installation Entry Controller posted at Gate-1, as it was your duty to do. Reduction to AB. Forfeiture of \$636.00 pay. (Appeal/Denied) (No mitigation)

(2) 27 Jun 06, Vacation, Kadena AB, Japan - Article 92. You, did, on or about 10 Jun 06, violate a lawful general regulation, to wit: Table 2.5, Item 3, AFI 36-2903, dated 29 Sep 02, by wrongfully wearing an earring while on a military installation. Article 134. You, were, on or about 10 Jun 06, drunk and disorderly. Forfeiture of \$250.00 pay per month for 2 months. (No appeal) (No mitigation)

(3) 27 Jan 06, Barksdale AFB, LA - Article 92. You, who knew of your duties, on divers occasions between on or about 26 Aug 05 and on or about 30 Aug 05, were derelict in the performance of those duties in that you willfully failed to refrain from using your Government Travel Card

for unauthorized purchases, as it was your duty to do. Article 92. You, who knew of your duties at or near Shreveport, Louisiana, on or about 1 Sep 05, were derelict in the performance of those duties in that you willfully failed to refrain from using your Government Travel Card for unauthorized purchases, as it was your duty to do. Article 92. You, who knew of your duties at or near Salem, Oregon, on divers occasions between on or about 3 Sep 05 and on or about 12 Sep 05, were derelict in the performance of those duties in that you willfully failed to refrain from using your Government Travel Card for unauthorized purchases, as it was your duty to do. Article 92. You, who knew of your duties at or near Portland, Oregon, on divers occasions between on or about 2 Sep 05 and on or about 19 Sep 05, were derelict in the performance of those duties in that you willfully failed to refrain from using your Government Travel Card for unauthorized purchases, as it was your duty to do. Reduction to Airman. Suspended forfeiture of \$250.00 pay per month for 2 months. Reprimand. (No appeal) (No mitigation)

- e. Additional: LOR/UIF, 18 JAN 06 - Financial irresponsibility.  
LOR/UIF, 28 JAN 06 - Failure to obey an order or regulation.
- f. CM: None.
- g. Record of SV: 30 Mar 04 - 30 Nov 05 Kadena AB 4 (HAF Dir)
- h. Awards & Decs: AFTR, NDSM, GWOTSM, AFOSLTR.
- i. Stmt of Sv: TMS: (02) Yrs (07) Mos (03) Das  
TAMS: (02) Yrs (05) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 05 Dec 06.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

- 1. Applicant's Issues.
- 2. Character Reference.
- 3. DD Form 214 (Member-4).

07FEB07/ia

# APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL 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 Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. 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 ADDRESS. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

## PRIVACY ACT STATEMENT

AUTHORITY: TO 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		d. SOCIAL SECURITY NUMBER		
2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		5. BOARD ACTION REQUESTED (X one)		
20060927	<input checked="" type="checkbox"/> HONORABLE <input type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS <input type="checkbox"/> BAD CONDUCT (Special court-martial only) <input type="checkbox"/> UNCHARACTERIZED <input type="checkbox"/> OTHER (Explain)		<input checked="" type="checkbox"/> CHANGE TO HONORABLE <input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) <input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:		
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION Security Forces SQ McChord					

## 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 was inequitable because there were mitigating circumstances in each incident that cumulatively resulted in my general discharge. At no time did I premeditatedly break any rule and I served honorably during my time in service.

## 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.)

Letter of recommendation from Joshua Siebert, SRA USAF  
Narrative Statement

## 9. TYPE OF REVIEW REQUESTED (X one)

<input checked="" type="checkbox"/> 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.
<input type="checkbox"/> 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.
<input type="checkbox"/> 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 the name (print) and relationship by making 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. DATE SIGNED REQUIRED (YYYYMMDD)

December 5, 2006

FD2006-00471

## 14. CONTINUATION OF ITEM 8, ISSUES (If applicable)

Please see attached sheet.

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

## 16. REMARKS (If applicable)

## 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 (S-WPM)  
 2100 Second Street, S.W. Room 5500  
 Washington, DC 20593

**DISCHARGE UPGRADE  
CONTINUED FROM DD FORM 293**

**NARRATIVE STATEMENT**

While in service, I was reprimanded for three separate incidents. First, I was accused of wrongly using my government credit card. Then I was accused of being drunk and disorderly. Lastly, I was accused of sleeping on my post. In each case, I believe I was wrongly accused and the circumstances of the incidents prove my innocence.

**Government Credit Card**

I had been stationed at Barksdale AFB in Shreveport, LA and was PCSing to Kadina AFB in Japan. Before departing Barksdale, I specifically asked my commander support staff for what purposes I could use the government credit card. I was told that I could use it for airline tickets, car rentals, hotels, food, and any other travel issues. I then went online to confirm what I had been told. The Bank of America government credit card website confirmed what I had been told. Before reaching Kadina, I took leave enroute and I rented a car, believing this was well within the rules of the use of the government credit card based upon what I had been told and my own research. Upon reaching Kadina, I went to my new unit's commander support staff to arrange to pay my credit card bill. This is when I was told that I was not authorized to use the card as I had. Due to this simple mistake, I was given an Article 15 and busted down one grade. There was no intent on my part to defraud the government. I believed I was following the rules and had every intention to pay my bill. I simply did not understand the rules and how they were applied. Based upon what I was told, I thought I was doing the right thing.

**Drunk and Disorderly**

It was as Saturday night and I had been drinking in the dorms. Some friends and I left the dorms to go to the airman's club; however, I forgot I was wearing an ear ring and was not allowed in. I returned to the dorms where I went directly to my room and called my girlfriend in Shreveport, LA. The fire alarm went off. This was a regular occurrence so I didn't think much of it. But it continued to blare, so I left my room and went to a buddy's room. He was playing his guitar with his earphones on and did not hear the alarm. I grabbed him and we started to leave the building. By this time, the security forces and fire department had arrived and they stopped my buddy and me. They had heard that two white males were seen running down the hallway after the alarm was pulled and because we matched the "description" we were apprehended. We were put into interrogation rooms for two and a half hours. A full investigation was performed and there was no evidence we did anything wrong. However, during the investigation, I was constantly under suspicion by my command. This incident in which I was wrongly accused damaged my reputation among my new command.

**Sleeping on Post**

During the time I was under investigation for the fire alarm incident, I was pulling guard duty. I was at Gate 1 at Kadina with three other airman. Although it was not regulation, it was standard operating procedure for the guards to take shifts watching the gate during non rush times. It was about noon and another airman told me I could take a break, which I did. I went in the guard shack and relaxed. It was June and the heat was stifling. While I was taking my break, a Japanese CG supervisor walked in and thought I was sleeping. I was not sleeping; I was on a break. The supervisor reported this to my command and I was reprimanded for dereliction of duty, a charge I find completely arbitrary and capricious. Again, I was given an Article 15 and demoted a grade, and my commander began discharge proceedings against me.

As you can clearly see, at no time did I premeditatedly do anything wrong. In the first incident, I believed I was following the rules. I was acquitted of the second incident, and I simply was not guilty of what I was charged with in the third incident.

You also can see that I was punished severely; two Article 15s and two grade demotions. I believe this punishment was not equitable as is a general discharge. I was not perfect, but I did serve my country honorably.

I would ask the Board to consider my statement. I never intended to break any rule. I was a good airman and believe I should have been awarded an Honorable Discharge due to my service and the circumstances surrounding these incidents.

Thank you for your consideration.




DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES



SEP 06 2006

MEMORANDUM FOR AIRMAN BASIC: 

FROM: 18 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. Between on or about 26 Aug 2005 and on or about 30 Aug 2005, you were derelict in the performance of your duties in that you willfully failed to refrain from using your Government Travel Card for unauthorized purchases, as it was your duty to do. On or about 1 Sep 2005, you were derelict in the performance of your duties in that you willfully failed to refrain from using your Government Travel Card for unauthorized purchases, as it was your duty to do. Between on or about 3 Sep 2005 and on or about 12 Sep 2005, you were derelict in the performance of your duties in that you willfully failed to refrain from using your Government Travel Card for unauthorized purchases, as it was your duty to do. On divers occasions between on or about 2 Sep 2005 and on or about 19 Sep 2005, you were derelict in the performance of your duties in that you willfully failed to refrain from using your Government Travel Card for unauthorized purchases, as it was your duty to do. As a result, you received an Article 15, dated 27 Jan 2006, which punishment consisted of a reduction to the grade of Airman, suspended forfeiture of \$250.00 pay per month for 2 months and a reprimand (Tab 1-1). Subsequently, an Unfavorable Information File (UIF) was established (Tab 1-2).

b. On or about 11 Jan 2006, you dishonorably failed to pay your Government Travel Card debt. As a result, you received a Letter of Reprimand (LOR), dated 18 Jan 2006 (Tab 1-3). This LOR was filed in your existing UIF.

c. On or about 26 Dec 2005, you failed to obey an order or regulation, to wit: you failed to get your influenza vaccination. As a result, you received an LOR, dated 28 Jan 2006 (Tab 1-4). This LOR was filed in your existing UIF.

d. On or about 10 Jun 2006, you violated a lawful general regulation, to wit: Table 2.5, item 3, Air Force Instruction 36-2903, dated 29 September 2002, by wrongfully wearing an earring while on a military installation. On or about 10 Jun 2006, you were drunk and disorderly. As a result, you received a Vacation action, AF Form 366, dated 27 Jun 2006. Your previous suspended punishment of forfeiture of \$250.00 pay per month for 2 months was vacated (Tab 1-5). This action was filed in your existing UIF.

e. On or about 26 Jun 2006, you were derelict in the performance of your duties in that you willfully failed to remain alert in order to protect personnel and property while on duty as an Installation Entry Controller posted at Gate-1, as it was your duty to do. As a result, you received an Article 15, dated 13 Jul 2006, which punishment consisted of a reduction to the grade of Airman Basic and forfeiture of \$636.00 pay (Tab 1-6). This action was filed in your existing UIF.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 the Area Defense Counsel at Building 1460, Kadena Air Base, Okinawa, Japan, on 7 Sep 2006, at 1830 hours. 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 9 Sep 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 Building 626, 18th Medical Operations Squadron on 6 Sep 2006, at 1440 hours for the examination.

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 at Area Defense Counsel's Office, Bldg 1460.

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

Commander, 18th Security Forces Squadron

**Attachments:**

- 1. Supporting Documents**
- 2. Receipt of Notification Memorandum**