

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE AMN		AFSN/SSAN	
TYPE GEN		PERSONAL APPEARANCE			X RECORD REVIEW		
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL		
MEMBER SITTING				VOTE OF THE BOARD			
				HON	GEN	UOTHC	OTHER
							X*+
							X*+
							X*+
							X*+
							X*+
ISSUES A92.21 A94.05		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD			
				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 29 Jun 2007		CASE NUMBER FD-2007-00034					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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> <p>* Reason and Authority + Reenlistment Code</p>							
ENDORSEMENT				DATE: 7/16/2007			
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-2007-00034

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. The records indicated the applicant received an Article 15, three Letters of Reprimand, and two Records of Individual Counseling for misconduct. The applicant received an Article 15 for kicking and destroying the door to his residence and for driving under the influence of alcohol. He was punished with a reduction in grade to Airman and forfeiture of pay. He had additional misconduct and was administratively disciplined for financial irresponsibility, being late for work, missing a mental health appointment, and taking 30 Motrin with wine and drove a vehicle while impaired which caused an accident. 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 DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

Issue 3. The applicant stated he was told his discharge would automatically be upgraded in six months. While a discharge may be upgraded after six months, 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. In this case, none was found, so the Board denied the appeal.

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 Wright Patterson on 28 Oct 96 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable, to Change the RE Code and Change the Discharge.

2. **BACKGROUND:**

a. DOB: 15 Aug 72. Enlmt Age: 21 3/12. Disch Age: 24 2/12. Educ: HS DIPL. AFQT: N/A. A-43, E-52, G-66, M-60. PAFSC: 2T131 - Vehicle Operator Dispatcher Apprentice. DAS: 17 Apr 95.

b. Prior Sv: (1) AFRes 29 Nov 93 - 05 Jan 94 (1 month 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Jan 94 for 4 years. Svd: 02 Yrs 09 Mo 23 Das, all AMS.

b. Grade Status: Amn - 30 Sep 96 (Article 15, 30 Sep 96)
A1C - 06 May 95
Amn - 06 Jul 94

c. Time Lost: None.

d. Art 15's: (1) 30 Sep 96, Ramstein AB, Germany - Article 108. You did, at or near Building 1115, Apartment B-8, Ramstein AB, Germany, on or about 8 Sep 96, without authority, willfully destroy by kicking the door to your residence, military property of the US, the amount of said damage being of some value. Article 111. You did, at or near the Vogelweh Community Center, Kaiserslautern, Germany, on or about 18 Sep 96, at or near the base exchange parking lot, operate a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was 0.10 grams of alcohol per 210 liters of breath or greater, specifically .112 grams of alcohol per 210 liters, as shown by chemical analysis. Reduction to Amn. Forfeiture of \$225.00 pay. (No appeal)
(No mitigation)

e. Additional: LOR/UIF, 24 MAY 96 - Financial irresponsibility.
LOR/UIF, 23 JAN 96 - Financial irresponsibility and registered vehicle was uninsured.
RIC, 07 DEC 95 - Late for work.
RIC, 21 NOV 95 - Late for work.
LOR, 01 NOV 95 - Took 30 motrin with wine and drove while

impaired causing an accident.
CR, 01 NOV 95 - Pattern of Misconduct.
LOC, 24 OCT 95 - Missing a second appointment with mental health.

f. CM: None.

g. Record of SV: 6 Jan 94 - 05 Sep 95 Ramstein AB 4 (Initial)
6 Sep 95 - 18 Sep 96 Ramstein AB 1 (Annual)REF

h. Awards & Decs: AFOUA, NDSM, AFOSLTR, AFTR.

i. Stmt of Sv: TMS: (02) Yrs (10) Mos (00) Das
TAMS: (02) Yrs (09) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 23 Jan 07.
(Change Discharge to Honorable, Change the RE Code and Reason for Discharge.)

ISSUES ATTACHED TO BRIEF.

ATCH

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

15MAR07/day

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and social security number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS



ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board also will review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I, Jonathan L. Goler, returned home one evening to find my wife at the time cheating on me with another Airmen. My Commander made me leave her money and my car. I went to a friend's home off base and I had a few drinks. Another friend of mine overheard the Airmen whom I caught with my wife. After walking to a dayroom together that he and some of his friends would take care of me. Not thinking I decided to go to this dayroom and confront him. A fight broke out. I turned myself in to the S.P. My 1st Sgt & Commander got me and while in my Commander's office I was asked if everything was over. I told my Commander I do not know. My Commander stated that it was nothing she could do to my wife. However she could do something to me. (A) I could go to Correctional Custody (B) Court martial or (C) I can be discharged under Honorable Condition. I could later come back to the military after months of no trouble. I have learned a lot about control of one's emotions and will never under any situation lose control. I attempted to reenter the military and have a nonsecrecy code in which I request please to be changed. I am a district manager for a retail company but my heart still belongs to the military.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date)
AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both)

a. DATE (YYYYMMDD)

2007 Jan. 23

b. SIGNATURE

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200	Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 801 M Street, S.E. Washington, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (WPM-80) U.S. Coast Guard Headquarters Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE
86TH AIRLIFT WING (USAFE)

1 OCT 1996

MEMORANDUM FOR AMN: [REDACTED] 86 TRANS

FROM: 86 TRANS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, conduct prejudicial to good order and discipline. The authority is AFPD 36-32 and AFI 36-3208, Section H, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are that:

a. You did, on or about 18 Sep 96, operate a car while drunk. In addition, you did, on or about 8 Sep 96, kick the door of your residence, Building 1115, Apartment B-8, Ramstein AB, causing damage. For these actions, you received nonjudicial punishment on 18 Sep 96 (Atch 1a). This Article 15 was filed in your Unfavorable Information File (UIF) on 30 Sep 96.

b. You did, between on or about 8 Jan 96 and on or about 9 Jan 96, fail to obey a lawful general regulation by wrongfully using your United States Government American Express Card for personal purposes in the sum of about \$119.80. You also failed to pay said debt to American Express, which became due on or about 23 Feb 96. For these actions, you received a Letter of Reprimand (LOR) 24 May 96 (Atch 1b). This LOR was filed in your UIF on 29 May 96.

c. You did, on or 30 Nov 95, issue a check to 86 Services Squadron in the amount of \$123.50 which was returned for insufficient funds. You did, in the month of Sep 95, fail to pay your Ramstein Enlisted Club Account. For these actions, you received an LOR on 26 Jan 96, dated 23 Jan 96 (Atch 1c). This LOR was filed in your UIF on 5 Feb 96.

d. You did, on or about 7 Dec 95, report for duty 45 minutes late. For this action, you received a Letter of Counseling (LOC) on 7 Dec 95 (Atch 1d).

e. You did, on or about 20 Nov 95, report for duty 20 minutes late. For this action, you received an LOC on 21 Nov 95 (Atch 1e).

f. You did, on or about 27 Sep 95, take approximately 30 Motrin and drink an undetermined amount of wine, drive your car and cause an accident. For these actions, you received an LOR on 1 Nov 95 (Atch 1f) and a UIF was established. This LOR was filed in your UIF on 1 Nov 95.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court Martial 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 United States Air Force, and any special pay, bonus, or education assistance funds you have received 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 with Capt: [redacted] Area Defense Counsel at Building 2111, DSN 480-2182/2492 on 1 Oct 96 at 1400. You may consult civilian counsel at your own expense. The Area Defense Counsel requests that you stop by their office prior to your appointment to pick-up the Administrative Discharge Booklet.

5. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me NLT (3 duty days) 4 Oct 96 at 1400 hours 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 submit statements in your behalf, your failure will constitute a waiver of your right to do so.

7. You were previously scheduled for a medical examination at the base clinic, Physical Exams in Building 2182 on 1 Oct 96 at 0830.

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 orderly room.

[redacted]

Section Commander

Attachments:

1. Supporting Documents
 - a. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 30 Sep 96 w/ atch and response
 - b. LOR, dated 24 May 96 w/ atch and UIF Action
 - c. LOR, dated 23 Jan 96 w/ atchs, response and UIF Action
 - d. AF Form 174, Record of Individual Counseling, dated 7 Dec 95
 - e. AF Form 174, Record of Individual Counseling, dated 21 Nov 95
 - f. LOR, dated 1 Nov 95
2. Other Derogatory Information
 - a. LOC, dated 24 Oct 95
3. Airman's Receipt of Notification Memorandum