

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> AMN	<b>AFSN/SSAN</b> [REDACTED]			
<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>			
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
NAME OF COUNSEL AND OR ORGANIZATION						
<b>YES</b>	<b>No</b>					
	<b>X</b>					
		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
						X
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
A94.11 A94.05		A67.10		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		
<b>HEARING DATE</b>		<b>CASE NUMBER</b>				
14 Oct 2010		FD-2008-00557				

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.

10/18/2010

<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 20762-7001
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2008-00557**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined and requests that the review be completed based on the available service record.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDING:** The Board denies the upgrade of the discharge.

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. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, three Letters of Reprimand, and a Letter of Counseling for misconduct. His infractions included multiple altercations with his spouse, use of provoking and disrespectful speech, multiple incidents of disrespect to Non-Commissioned Officers (NCOs), and failure to obey a lawful order. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career. The characterization of the discharge received by the applicant was found to be appropriate.

**CONCLUSION:** 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 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 and determines the discharge should remain unchanged.

Attachment:

Examiner's Brief

**APPLICATION FOR THE REVIEW OF DISCHARGE  
FROM THE ARMED FORCES OF THE UNITED STATES**  
*(Please read instructions on Pages 3 and 4 BEFORE completing this application.)*

OMB No. 0704-0004  
OMB approval expires  
Oct 31, 2009

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 the Department of Defense, Executive Services Directorate (0704-0004). 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 ORGANIZATION. 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 <i>(X one)</i>	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME <i>(Last, First, Middle Initial)</i>	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
[REDACTED]	E-2		[REDACTED]		
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 <i>(Forward notification of any changes in address.)</i>				f. TELEPHONE NUMBER	[REDACTED]
[REDACTED]				g. E-MAIL	[REDACTED]
[REDACTED]				h. FAX NUMBER <i>(If applicable)</i>	[REDACTED]

2. DATE OF DISCHARGE OR SEPARATION <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i>	4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i>		5. BOARD ACTION REQUESTED <i>(X one)</i>	
	HONORABLE		<input checked="" type="checkbox"/> CHANGE TO HONORABLE	
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS		CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS	
20080701	UNDER OTHER THAN HONORABLE CONDITIONS		CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>	
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	BAD CONDUCT <i>(Special court-martial only)</i>		CHANGE NARRATIVE REASON FOR SEPARATION:	
	UNCHARACTERIZED			
	OTHER <i>(Explain)</i>			
314 MOS/MXOOS				

**6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST** *(Continue in Item 13. See instructions on Page 3.)*  
I feel that I was at an unfair advantage. When I appeal the paperwork that was given to me, it was always reviewed by the same individual. I would produce paperwork that was very significant to the problems, and still receive it. I am requesting for an upgrade to Honorable. Thanks!

**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 14. If military documents or medical records are relevant to your case, please send copies.)*  
N/A

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

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 <i>(if any)</i> NAME <i>(Last, First, Middle Initial)</i> AND ADDRESS <small>(See Item 10 of the instructions about counsel/representative.)</small>	b. TELEPHONE NUMBER <i>(Include Area Code)</i>
	c. E-MAIL
	d. FAX NUMBER <i>(Include Area Code)</i>

**11. APPLICANT MUST SIGN IN ITEM 12.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. 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. <i>(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.)</i>	CASE NUMBER <i>(Do not write in this space.)</i>
	b. DATE SIGNED - REQUIRED <i>(YYYYMMDD)</i> 20081105

FD 2008-00557

13. CONTINUATION OF ITEM 6, ISSUES (If applicable)

N/A

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

N/A

15. REMARKS (If applicable)

N/A

**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 (CG-122)  
2100 Second Street, S.W. Room 5500  
Washington, DC 20593

**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 Little Rock AFB, AR on 1 Jul 08 UP AFI 36-3208, para 5.49 (Misconduct: Minor Disciplinary Infractions). Appeals for an Honorable Disch.

**2. BACKGROUND:**

a. DOB: 10 Jun 85 Enlmt Age: 20 4/12 Disch Age: 23 0/12 Educ: HS DIPL.

AFQT: N/A. A-37, E-35, G-47, M-36. PAFSC: 2R151 – Maintenance Management Production Management Journeyman.

DAS: 26 Jun 06.

b. Prior Sv: AFRes 10 Jun 05 – 24 Oct 05 (4 Mos, 14 Das) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enlisted as AB on 25 Oct 05 for 4 yrs Svd: 2 Yrs, 8 Mos, 4 Das, all AMS.

b. Grade Status: AMN - 1 May 08 (Article 15)  
A1C - 25 Feb 07  
AMN - 25 Apr 06

c. Time Lost: None.

d. Art 15's & Additional:

LOR	1 Jun 07	Had a verbal and physical altercation with your spouse, poked her in the head by committing this offense you violated the UCMJ article 128 assault.
LOC	18 Jul 07	Was unprofessional and disrespected two NCOs.
LOR	21 Aug 07	Had an altercation with your spouse left her with several bruises on her legs after you pushed her over a couch.
LOR	17 Jan 08	Used provoking speech toward an NCO and had to be escorted from the football field.
Article 15	1 May 08	Little Rock AFB, AR – Article 92. You, who knew of your duties at or near Little Rock AFB, AR, on or about 25 Mar 08, were derelict in the performance of those duties in that you willfully failed to not send out





DEPARTMENT OF THE AIR FORCE  
463 MAINTENANCE OPERATIONS SQUADRON  
LITTLE ROCK AFB, ARKANSAS 72099

09 JUN 2008

MEMORANDUM FOR [REDACTED]

FROM: 314 MOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. 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. On or about 1 May 2007, [REDACTED] received notification that you and your wife had been in a verbal and physical altercation. When he arrived on scene, both of you were being questioned separately by 314th Security Forces. Both you and your wife were charged with Article 128, simple assault. Your spouse also made a sworn statement that you "poked her in the head and then clinched your fists at her as she pushed you away". By committing this offense, you violated the Uniform Code of Military Justice, Article 128, *Assault*. For this misconduct, you received a Letter of Reprimand (LOR) dated 1 June 2007 (Attachment 1-1).

b. On or about 16 July 2007, at or near the ISO Dock, during a Predock meeting, a discussion became heated. Although the discussion was of an unprofessional manner, you continued to show disrespect toward an NCO at which point you were asked to leave the meeting and you were counseled by two SNCOs. Unacceptable actions toward an NCO include; rolling eyes, raising voice, not utilizing proper terms of address, not standing at parade rest when being corrected, and any other acts that would cause loss of your military bearing. These actions, and your disregard for respect, not only affect your image, but the overall image of our work section. For your actions, you received a Letter of Counseling dated 18 July 2007 (Attachment 1-2).

c. On or about 6 August 2007, you came into [REDACTED] office and stated that the previous night you and your spouse were engaged in an argument. You stated that she hit you as you were attempting to leave the apartment and your response was to push her. You used enough physical force to cause her to fall over a couch causing several bruises on her legs. For your misconduct, you received an LOR dated 21 August 2007 (Attachment 1-3).

d. On or about 29 October 2007, you were in violation of Article 117 of the Uniform Code of Military Justice. Specifically, during an intramural flag football game you used provoking speech toward an NCO and had to be escorted from the football field. For this misconduct, you received an LOR dated 17 January 2008 (Attachment 1-4).

e. On or about 25 March 2008, you were derelict in the performance of your duties in that you willfully failed to not send out missing form letters via e-mail and you failed to not label the aircraft 781 forms, as it was your duty to do. Also, on or about 25 March 2008, you received a lawful order

from an NCO in which you willfully disobeyed. You also did treat with disrespect in language toward two NCOs by saying, "I am not going to do that," and "no" or words to that effect. For your misconduct, you received nonjudicial punishment under Article 15 of the Uniform Code of Military Justice consisting of reduction to the grade of Airman Basic, with reduction below Airman suspended through 31 October 2008, after which time it will be remitted without further action, unless sooner vacated. The new date of rank for Airman is 1 May 2008. You also received 15 days extra duty, suspended through 31 October 2008, after which time it will be remitted without further action, unless sooner vacated (Attachment 1-5).

f. On or about 12 May 2008, you failed to correctly sign in from leave. You took leave from 3-9 May 2008 and you left the local area by airline on 3 May 2008. When you returned from leave, you documented that you took leave from 5-9 May 2008. When questioned why you only reported 5 days instead of 7, you responded you forgot. When you were asked if you knew you must account for the days you were not in the local area you said yes. This behavior is unacceptable and for your actions, you received a Letter of Admonishment dated 28 May 2008 (Attachment 1-6).

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 Little Rock AFB, on **10 June 2008, at 0830 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 12 JUNE 08 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

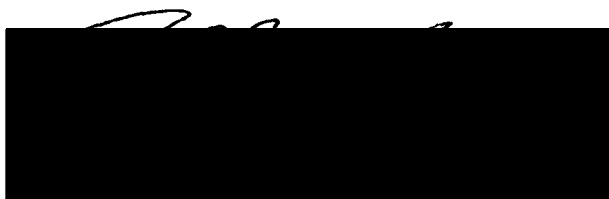
6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You are scheduled for the following appointments. You must first report to the Military Personnel Flight, Separations Section, located at 1255 Vandenberg Blvd, Room 100 on **9 June 2008 at 1430 hours**. You must then report to the Medical Clinic, located at 1090 Arnold Drive at **1520 hours on 11 June 2008** for your examination. You must fast 14 hours prior to the examination and may drink only water during that time. You must not smoke 14 hours prior, nor may you consume alcohol 72 hours prior to your examination. If you wear glasses, bring them with you. If you wear contact lenses, bring a container to store them in during your eye 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 the orderly room.



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



Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum

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				E-2		
<b>e. NAME OF APPLICANT OR PERSON NAMED IN ITEM 11 (Forward)</b>				<b>f. TELEPHONE NUMBER</b>		
				<b>g. E-MAIL ADDRESS</b>		
				<b>h. FAX NUMBER (include Area Code)</b>		

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	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
<b>3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION</b>	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION:
314 MOS/MXOOS	<input type="checkbox"/> UNCHARACTERIZED	
	<input type="checkbox"/> OTHER (Explain)	

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	<b>c. E-MAIL</b>
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SPOUSE     WIDOW     WIDOWER     NEXT OF KIN     LEGAL REPRESENTATIVE     OTHER (Specify)

<b>12. 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 288. Making a false statement or claim while in the title or imprisoned not more than 5 years, or both.)</b>	<b>CASE NUMBER (Do not write in this space.)</b>  FD 2008-00557
<b>b. DATE SIGNED - REQUIRED (YYYYMMDD)</b>  20081105	