

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 20px;"></div>		GRADE A1C		<div style="background-color: black; width: 100%; height: 20px;"></div>				
TYPE GEN		PERSONAL APPEARANCE		X	RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No							
	X							
				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
								X
								X
								X
								X
								X
ISSUES A92.21 A92.01 A94.05		INDEX NUMBER A67.10		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 HEARING								
HEARING DATE 09 Sep 2010		CASE NUMBER FD-2009-00076						
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.								
ST		DATE: 11/1/2010						
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 20762-7001						

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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.

FINDINGS: 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.

ISSUES:

Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s and a Record of Individual Counseling for misconduct. His misconduct included failure to go, underage drinking and misuse of his Government Travel Card. 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.

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. 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.

The DRB was pleased to see that the applicant was doing well, has a family and continuing his education. 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.

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 the applicant 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 *(X one)*

ARMY

MARINE CORPS

NAVY

c. GRADE/RANK AT DISCHARGE

E-3

notification of any change in address.)

(Forward

2. DATE OF DISCHARGE OR SEPARATION

(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)

20000602

4. DISCHARGE CHARACTERIZATION RECEIVED

HONORABLE

☒ GENERAL/UNDER HONORABLE CONDITIONS

UNDER OTHER THAN HONORABLE CONDITIONS

BAD CONDUCT *(Special court-martial only)*

UNCHARACTERIZED

OTHER *(Explain)*

☒ CHANGE TO HONORABLE

CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS

CHANGE TO UNCHARACTERIZED *(Not applicable for Air Force)*

CHANGE NARRATIVE REASON FOR SEPARATION:

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION

335 FS, SJAFB

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST *(Continue in Item 13. See instructions on Page 3.)*

I fully understand the harm that was caused to myself and to the U.S. Air Force by my actions. I deeply regret my actions and am very proud of my years of service to the Air Force and my country. I was very immature at the time of my actions that led to my discharge and feel that I have grown and matured since that time. I am requesting a change to my discharge so that I can move on

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.)*

Copy of AF Form 910 (3), copy of AF Form 3070 (2), copy of DD214, copy of Phi Theta Kappa invitation letter, copy of Spring 2007 Dean's List letter

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 *(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 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. *(U.S. Code, Title 18, Sections 287)*

CASE NUMBER
(Do not write in this space.)

a. S

b. DATE SIGNED - REQUIRED
(YYYYMMDD)

20090129

FD-2009-00076

1 FEB 09

DD FORM 100, 1-01

THIS FORM IS OBSOLETE.

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

from this and so that I proudly tell others that I was honorably discharged. This has been a source of great shame for me. My actions have prevented me from obtaining jobs and getting accepted to certain colleges. Since my discharged from the military I have gotten married and started a family. I have also started working on a college degree. I completed my first two years at a community college and will be attending a four-year university soon. I will be majoring in Political Science with a emphasis on international affairs. I would like to either go to graduate school or law school after that. I have a strong desire to work for the government and hope that my behavior as a young airman will not prevent me from achieving my goals in life and providing a good life for my family. I am proud of the path I have taken since leaving the military. I have achieved very good grades and was invited to join an honor society in college. I love my country and would like the opportunity to serve it again one day. I was discharged after receiving two Article 15's during my enlistment. One was for underage drinking and the other was for failure to report to assigned place at the prescribed time. I was discharged within one month of completing my four-year enlistment. I received a five on all of my EPR's and had no other disciplinary problems during my service. Thank you for time and consideration of this matter.

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

AFDRB BRIEF							
				DOCKET # FD2009-00076		COMPONENT: USAF	
GENERAL		GE FROM: SEYMOUR JOHNSON AFB, NC		DISCHARGE DATE: 2 JUN 00		APPEALS FOR: HONORABLE DISCH	
DOB/ ENLMT AGE : 13 JUN 78 18		DISCH AGE: 21		FORMER: HGH: A1C SRA		B. CURRENT DOR: C. TIME LOST: 10 MAY 00 NONE	
AFSC: 2A353A - F - 15 TACTICAL AIRCRAFT MAINTENANCE JOURNEYMAN				DEP DT: 9 APR 96		ASVAB SCORES: A: 99 E: 86 G: 88 M: 85	
D. ART 15: ART 15: 2		D. LOR, LOA, RIC, LOC: RIC: 1		E. SPCM / GCM: NONE		ADDITIONAL: (IE. CIVIL CONV, CDC) NONE	
F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT) : 2 JUL 96 – 1 MAR 98 SEYMOUR JOHNSON AFB 5 (INITIAL) 2 MAR 98 – 1 MAR 99 SEYMOUR JOHNSON AFB 5 (ANNUAL) 2 MAR 99 – 1 MAR 00 SEYMOUR JOHNSON AFB 5 (ANNUAL)							
G. AWARDS & DECS: AFTR, AFEM w/ 10LC, ARGCM							
EAD: 2 JUL 96		DAS: 7 MAR 97		H. TMS: 4 YRS, 1 MOS, 22 DAS		TAMS: 3 YRS, 11 MOS, 1 DAS	
APPLN (DD FORM 293) DTD: 29 JAN 09		DT/ INITIALS: 20OCT09/LM		NPA: YES		PA: NO	
RECORDS : MPR: X		ARMS: STR: X		ISSUES: YES		ATTACHMENTS: YES	
AUTH FOR DISCHARGE : AFI 36-3208, PARA 5.49 (MISCONDUCT: MINOR DISCIPLINARY INFRACTIONS)							
ART 15; SPMC; GCM; ADDITIONAL: (1) ART 15: 24 JUN 99 - (ART 92) CONSUMED ALCOHOL UNDERAGE. (2) ART15: 3 MAY 00 - (ART 86) FAILED TO GO. RIC: 11 MAY 00 - MISUSED GTC.							
EXAMINER'S NOTE:							
NOTES:							

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b. GRADE/RANK AT DISCHARGE		E-3				
c. DATE OF APPLICATION		M 11 (Forward)				
d. DATE OF DISCHARGE		M 11 (Forward)				
e. DATE OF LAST ADDRESS CHANGE		M 11 (Forward)				
f. DATE OF LAST ADDRESS CHANGE		M 11 (Forward)				
g. DATE OF LAST ADDRESS CHANGE		M 11 (Forward)				
h. DATE OF LAST ADDRESS CHANGE		M 11 (Forward)				

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 20000602	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)	
	<input type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<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)
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 335 FS, SJAFB	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION:
	<input type="checkbox"/> UNCHARACTERIZED	
	<input type="checkbox"/> OTHER (Explain)	

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☐ 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. (U.S. Code, Title 18, Sections 287 and 288. Perjury is a crime punishable by imprisonment not more than 5 years, or both.)

CASE NUMBER
(Do not write in this space.)

FD-2009-00076

1 FEB 09

b. DATE SIGNED - REQUIRED
(YYYYMMDD)

20090129

DD FORM 1300 (10-2008) IS OBSOLETE.

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

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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

4TH FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

30 May 2000

MEMORANDUM FOR 4 FW/CC

FROM: 4 FW/JA

SUBJECT: Legal Review—Discharge under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49, [REDACTED]

1. HISTORY: The 335th Fighter Squadron Commander has recommended that [REDACTED] be discharged from the Air Force for misconduct, specifically minor disciplinary infractions. The basis for this recommendation is AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. The commander recommends a general discharge without a period of probation and rehabilitation (P&R). The respondent is eligible for, and has been processed by, notification procedures in accordance with AFI 36-3208, paragraph 6.2. The respondent did consult counsel and submitted a statement in his own behalf.

2. BASIS FOR ACTION: [REDACTED] received one documented counseling and two Article 15s since 24 June 1999. These actions were taken to correct various types of misconduct to include willfully consuming alcoholic beverages while under the legal age of 21; failing to go to his appointed place of duty; and misuse of his government credit card. A more detailed discussion of specific instances of misconduct is contained in the squadron commander's 23 May 2000 Notification Memorandum located at Tab 1.

3. EVIDENCE FOR THE RESPONDENT: [REDACTED] is 21 years old and has served on active duty since 2 July 1996. The respondent has received three (3) enlisted performance reports, all with ratings of overall five. [REDACTED] did submit a statement in his own behalf. In his statement [REDACTED] indicates he does not wish to be retained because he has come to the realization that the military lifestyle is not for him. He requests, however, an honorable discharge based on his duty performance.

4. ERRORS AND IRREGULARITIES: None

5. CONCLUSIONS:

a. Discharge is appropriate under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49, which subjects a member to discharge when there is evidence of misconduct, specifically minor disciplinary infractions. [REDACTED] wrongfully consumed alcoholic beverages while under the legal age of 21, failed to go to his appointed place of duty, and repeatedly misused his government credit card. [REDACTED] actions disrupted good order, discipline and morale within the military community; hence, discharge is appropriate.

b. Characterization of Service: I concur with the commander's recommendation of a general discharge. According to AFI 36-3208, paragraph 5.48.4, an honorable characterization is appropriate in a discharge for misconduct when "the member's record has been so meritorious that any other

Global Power For America

characterization would be clearly inappropriate." In such cases, the GCM convening authority approves the service characterization. On the other hand, a general discharge is warranted, according to paragraph 1.18.2, when "significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record." [REDACTED] has a well-documented history of minor misconduct since his arrival at Seymour Johnson AFB. His repeated misconduct far outweighs the positive aspects of his service; therefore, a general discharge is appropriate.

c. Probation and Rehabilitation: I concur with the commander's recommendation that [REDACTED] not be offered P&R. The Air Force has already made substantial efforts to rehabilitate this member through counseling and discipline. Rather than take responsibility for his actions and correct his behavior in response to these measures, [REDACTED] continued to engage in misconduct, thereby showing that he does not have the capacity to be [REDACTED] continued military service. Therefore, P&R is not appropriate in this case.

6. LEGAL SUFFICIENCY: This case is legally sufficient, contingent upon a finding that the respondent is medically qualified for worldwide duty.

7. OPTIONS: As the separation authority, you have the following options in this case:

- a. Retain the respondent; or
- b. Approve separation and recommend to the 9 AF/CC that the respondent be discharged with an honorable discharge with or without probation and rehabilitation; or
- c. Approve separation and discharge the respondent with a general discharge with or without probation and rehabilitation; or
- d. If you believe an under other than honorable conditions (UOTHC) discharge is appropriate, return the case file to the squadron commander and direct processing by administrative board procedures IAW AFI 36-3208, paragraph 6.13.

8. RECOMMENDATION: That you approve the separation of [REDACTED] from the United States Air Force with a general discharge, without probation and rehabilitation, by signing the attached memorandum.

[REDACTED]

Attachment:
Case File— [REDACTED]