

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)			GRADE		AFSN/SSAN		
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	UOTHC	OTHER	DENY
							X
							X
							X
							X
ISSUES A94.53 A92.21 A93.01		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 06 Jan 2011		CASE NUMBER FD-2009-00420					

APPLICANT'S ISSUE AND THE BOARD'S DECISION AND 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.

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE	CASE NUMBER FD-2009-00420
<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 and requests that the review be completed based on the available service record.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDING: The Board denies the upgrade of the discharge.</p> <p>The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.</p> <p>ISSUES:</p> <p>Issue 1. Applicant submitted no issues regarding the inequity or impropriety of his discharge. The applicant does submit that he believes he deserves a second chance despite his discrepancies so that he may serve his country as a law enforcement officer. The record indicates the applicant received two Article 15s for dereliction in the performance of his duty, and disrespectful language to a non-commissioned officer. The Board opined that through these administrative actions, the applicant had ample opportunities to change his behavior. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board reviewed the entire record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge.</p> <p>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.</p> <p>Issue 3. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on October 8, 2004) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.</p> <p>Issue 4. Applicant contends that he should not be penalized indefinitely for mistakes he made when young. The DRB recognized the applicant was 21 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.</p> <p>Issue 5. Applicant contends his youth and uncertainty contributed greatly to his misconduct. The record indicates the applicant received a General discharge but upon review of the record, the Board was unable to find any documentation regarding the discharge. Due to lack of evidence and supporting documentation to explain the discharge, the Board concludes that the misconduct was a significant departure from the conduct</p>	

expected of all military members. The Board relies on the presumption of regularity and finds the characterization of service appropriate.

The Board highly recommends that if the applicant can provide additional documented information to substantiate their issue(s), that he should consider exercising his right to make a personal appearance before the Board. If the applicant chooses to exercise this right, he should be prepared to provide the DRB with factual evidence of the inequity/impropriety and any exemplary post-service accomplishments as well as any contributions to the community.

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 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.

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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	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE A1C/E-4			d. SOCIAL SECURITY NUMBER	

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 20071112	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)	5. BOARD ACTION REQUESTED (X one)
	<input type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
	3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION Cape Cod, AFS MA	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)
	<input type="checkbox"/> UNCHARACTERIZED	
	<input type="checkbox"/> OTHER (Explain)	

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)
To receive G.I. Bill to further my education and to change my characterization to gain steady employment without character being judged.

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.)
Character References and Reference Letter from Last Duty Station Commander.

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 marking 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.)

F0-2009-00420

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)

b. DATE SIGNED - REQUIRED
(YYYYMMDD)

009070

RECEIVED

JUL 23 2009

BY:

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

AFDRB BRIEF							
NAME (Last, First, MI):			SSN:		DOCKET # FD-2009-00420		COMPONENT: USAF
TYPE OF DISCHARGE: GENERAL		DISCHARGE FROM: CAPE COD AFS, MA		DISCHARGE DATE: 09 NOV 07		APPEALS FOR: UPGRADE DISCHARGE	
DOB/ ENLMT AGE: 26 JUL 86 18		DISCH AGE: 21		FORMER: A1C	HGH: A1C	B. CURRENT DOR: 28 JAN 06	
						C. TIME LOST: NONE	
AFSC: 3P051 - SECURITY FORCES JOURNEYMAN				DEP DT: 01 APR 04		ASVAB SCORES: A: 56 E: 45 G: 38 M: 33	
D. ART 15 / VAC: ART 15: 2		D. LOR, LOA, RIC, LOC: UNKNOWN		E. SCM / SPCM / GCM: UNKNOWN		ADDITIONAL: (IE. CIVIL CONV, CDC) UNKNOWN	
F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT) : 28 SEP 04 - 02 OCT 06 CAPE COD AFS 4 (INITIAL) 03 OCT 06 - 13 JUL 07 CAPE COD AFS 4 (CRO)							
G. AWARDS & DECS: AFOUA, NDSM, GWOTSM, KDSM, AFOSSTR, SAEMR (RIFLE), AFTR							
EAD: 28 SEP 04		DAS: UNKNOWN		H. TMS: 3 YRS 7 MOS 9 DAS		TAMS: 3 YRS 1 MOS 12 DAS	
APPLN (DD FORM 293) DTD: 09 JUL 09		DT/ INITIALS: 27JUL10/JLL		NPA/PA: NPA		BOARD REGION:	
RECORDS :		MPR: NO	ARMS: YES	STR: YES	ISSUES: YES		ATTACHMENTS: YES
AUTH FOR DISCHARGE : AFI 36-3208, PARA 5.49 (MISCONDUCT: MINOR DISCIPLINARY INFRACTIONS)							
ART 15; VAC; SCM; SPMC; GCM; ADDITIONAL:							
<p>(1) ART 15: 30 JAN 07 - (ART 113) FOUND SLEEPING WHILE ON A ENTRY CONTROL POINT.</p> <p>(2) ART 15: 12 SEP 07 - (ART 91) DISREPECTFUL LANGUAGE TOWARD A NCO.</p>							
EXAMINER'S NOTE: NO DISCHARGE PKG IN RECORD.							
NOTES:							

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	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS			<input type="checkbox"/> CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>	
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	<input type="checkbox"/> UNCHARACTERIZED				
	<input type="checkbox"/> OTHER <i>(Explain)</i>				

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CASE NUMBER

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F0-2009-00420

a. **SIGNATURE - REQUIRED** *(Applicant or person in Item 11 above)*

b. **DATE SIGNED - REQUIRED**
(YYYYMMDD)

20090707

RECEIVED

BY:

JUL 23 2009

MEMORANDUM FOR ALL REVIEWING AUTHORITIES

NAME:

DATE: October 29, 2008

SUBJECT: Discharge Characterization Review

Dear Review Board,

My name is _____ I was enlisted from September 2004 until November 2007. I served three strong years in the military and left as Airman First Class. I served as a security forces member at Kunsan Air Base, Republic of Korea and was released at Cape Cod Air Force Station, Massachusetts. That was a little information on my military background, here is a little information about me and what I have done with my life since being released from the military.

If you don't know already, I am writing this letter in regards to the characterization of my discharge. I would like it to be upgraded to a full honorable discharge for various reasons. The first reason is for the ability to receive my G.I. Bill that I invested in and I was unable to receive because I did not receive a full honorable discharge. The second reason is to gain the respect and honor for the years I did serve in the military. The last reason is to be able to use my experience with my career path without my character being questioned.

When I was when in the military, I was a very good spirited and high speed individual. I never failed any quality control exams, nor did I ever fail an inspection. I always had my things together. I was very proud to serve my country and defend my country's people. I also enjoyed having the benefits of being able to get my education and maintain good health. I always stayed fit to fight. I passed all my physical training test and even received a hundred percent on one. I always volunteered to help the community and participated in events to help out the less fortunate. I was known for my ability to play sports and stay active.

While being stationed at Kunsan Air Base, I was offered a chance to join the Air Force Academy as enlisted member which is very rare. I turned down the offer but this motivated me to do other great things to be recognized for. While being stationed at Kunsan, I never got into any trouble nor did I receive any paperwork. I really enjoyed my time over there and would love to go back. My next base was Cape Cod Air Station, Massachusetts. This was my first time being stationed state-side and I was near the end of my 2nd year of enlistment going into my third. I didn't know what to think as I arrived at this base, which was really small and not an actual Air Force base.

I started off on the right foot, I passed all my entry exams and begin to work with no problems. I also started to go to school online and helped others, such as my leadership, with their educational goals and how to obtain their degree. I was very inspirational to the other troops and never caused any problems for any of them. Then, I started to get in trouble for small things that I should of asked questions about instead of taking matters into my own hands. I was so used to doing things a certain way overseas that I was breaking the rules state-side.

After a while, I started to get into serious trouble but I never gave up I tried to correct my mistakes and move forward. I felt as though I was never given a chance though but I don't blame anyone for my mistakes or my actions. There was one incident that cause me to file an Military Equal Oppurtunity Complaint. A month before I was discharged I had a meeting with my Chief. He started to talk to me about things that was being said around the squadron and then made a comment to me that truly hurt my character. He stated to me " You are not in the hood anymore with your homies". This comment was very inappropriate but as my Chief I maintained my bearing and took the appropriate action. I was discomforted by this comment because it made me feel that I was characterized as this type of person the whole time I was stationed at this base but I never put off that type of characteriztation. I never grew up in a hood, I actually grew up in a strong household and went to a very distinguished Acadmeic school and graduated with high honors.

A month or so later I was released from the military but one thing I could say proudly is my Commander always believed in me and never doubted that I was a good troop. To show the support that my Commander had for me, he typed a letter of recommendation for me to get a job with the United States Postal Service. Attached to this package will be that letter.

My life after my military career has moved on gradually. I am now proudly working for the United States Postal Service with several other veterans. I work very hard and go to work on time. Also, attached is a letter from my supervisor stating the hard work that I have done. I still volunteer and coach for a Youth Basketball League. I am currently enrolled at Kaplan University and having to pay a high tuition because I did not receive my G.I. Bill. I really need to receive this G.I. Bill because I am having to pay for school on my own and it is becoming very difficult. My education is the top goal of my life to accomplish first. I joined the military to have these type of benefits and that's why I invested in the G.I. Bill.

I also want the ability to get a career in law enforcement and pursue the path I have chosen from my military experience but it makes it kind of hard when the agencies look at the characterization of my discharge. I just want the ability to change my life and complete the goals that I have tasked out for myself. I want to be the first person in my family to do something with my life and get a college education and a career and be able to start a new path for my family. These are the things that I pray and hope for everyday.

I am not a criminal nor am I trouble maker. I am aware of my mistakes and I am sorry for any problems that I have caused but I do believe in change. If you allow me this chance I promise you I won't let you down. You will be making a change in a young mans life that will truly guide him to happiness. I thank you for you time and consideration. God bless you all.

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