

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
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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
					X

ISSUES A93.07	INDEX NUMBER A67.50	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 17 Jun 2011	CASE NUMBER FD-2009-00701		

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.

<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>		
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

FD-2009-00701

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 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.

ISSUE:

Applicant submitted no issues regarding the inequity or impropriety of his discharge. The applicant does submit that he believes he had a difficult time due to the end of a 13 year marriage in divorce. The record indicates the applicant received two Article 15s. His misconduct included resisting arrest, DWI (2x), and drunk and disorderly. The Board opined that through these administrative actions, the applicant had ample opportunities to change his behavior. The DRB also took note of the applicant's duty performance as documented by his performance reports and other accomplishments. 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, and found no evidence of impropriety or inequity to warrant an upgrade of the discharge.

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 (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		d. SOCIAL SECURITY NUMBER		
		E-4 / SRA			
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 (Forward notification of any change in address.)				f. TELEPHONE NUMBER (Include Area Code)	
				g. E-MAIL	
				h. FAX NUMBER (Include Area Code)	

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)	
	<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 88th SEPARATION 245th Medical Group Wright Patterson AFB OH.	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)		CHANGE NARRATIVE REASON FOR SEPARATION:	
	<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 13. See instructions on Page 3.)

Please see attached letter.

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.)

- Statements in support

- DD Form 214

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 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 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. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)	b. DATE SIGNED - REQUIRED (YYYYMMDD)
	2009 11 09
FD2009-00701	

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

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											
NAME (Last, First, MI):			SSN:		DOCKET # FD-2009-00701		COMPONENT: USAF				
TYPE OF DISCHARGE: GENERAL		DISCHARGE FROM: WRIGHT- PATTERSON AFB, OH		DISCHARGE DATE: 01 MAY 09		APPEALS FOR: UPGRADE DISCHARGE TO HONORABLE					
DOB/ ENLMT AGE: 08 NOV 73 20		DISCH AGE: 35		FORMER: HGH: SRA TSGT		B. CURRENT DOR: 27 JAN 09		C. TIME LOST: NONE			
AFSC: 4N071- AEROSPACE MEDICAL SERVICE CRAFTMAN				DEP DT: 14 FEB 94		ASVAB SCORES:					
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) : 02 SEP 04 - 01 SEP 05 WRIGHT- PATTERSON AFB 5 (ANNUAL) 02 SEP 05 - 01 SEP 06 WRIGHT- PATTERSON AFB 5 (ANNUAL) 02 SEP 06 - 10 JUN 07 WRIGHT- PATTERSON AFB 4 (CRO) 11 JUN 07 - 10 JUN 08 WRIGHT- PATTERSON AFB 2 (ANNUAL) REFERRAL											
G. AWARDS & DECS: AFAMw/1OLC, AFOUaw/1OLC, ARGCMw/4OLC, NDSMw/SS, GWOTEM, GWOTSM, AFLSRw/2OLC, USAF PMEGRw/1OLC, AFTR											
EAD: 20 JUL 94		DAS: UNKNOWN		H. TMS: 15 YRS 2 MOS 18 DAS		TAMS: 14 YRS 9 MOS 12 DAS					
APPLN (DD FORM 293) DTD: 09 NOV 09		DT/ INITIALS: 14MAR11/CM		NPA/PA: NPA		BOARD REGION:					
RECORDS :		MPR: NO		ARMS: YES		STR: NO		ISSUES: YES		ATTACHMENTS: YES	
AUTH FOR DISCHARGE : AFI 36-3208 (MISCONDUCT)											
ART 15; VAC; SCM; SPMC; GCM; ADDITIONAL:											
<div style="text-align: center; margin-top: 20px;"> <p>*(1) ART 15: 05 FEB 08 - (ART 95) RESISTING ARREST. (ART 111) DWI. (ART 134) DRUNK AND DISORDERLY.</p> <p>*(2) ART 15: 27 JAN 09 - (ART 111) DWI.</p> </div>											
EXAMINER'S NOTE: NO DISCHARGE PACKAGE IN MEMBERS FILE. *ARTICLE 15s LISTED ABOVE OCCURRED DURING THE CURRENT ENLISTMENT.											
NOTES:											

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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

6. Issues: Why an upgrade or change is requested.

To whom it may concern,

About a year and a half ago my wife told me she wanted a divorce which absolutely devastated me. We had been married for 13 years and have two beautiful children. I later found out the reason she was leaving me was because she had met some one on the internet through a site called My Space. She then proceeded to move to Florida along with our two children to be with him leaving me in Ohio. I had an extremely difficult time dealing with this life changing event and started drinking more to deal with the pain. As a result I got into trouble and was sent to rehab. My commander decided it would be best that I got out of the service and move closer to my children. My job performance was never an issue and never suffered during this devastating time. I had never gotten in trouble my entire 15 years of service or before I joined the military until this event in my life. I have always been a hard worker for the military and loved my job as an EMT caring for the wounded and the sick. I have been deployed to Iraq, England, and Germany in support of Iraqi Freedom to care for our wounded soldiers. I have since moved to Florida and see my children on a regular basis and I no longer drink alcohol. I believe an upgrade to my discharge would provide a better chance for me at finding a job to provide a better life for me and my children.

Thank you for your time in this matter.

Sincerely,