

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					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>		YES	No		X	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				
							X				
							X				
							X				
							X				
							X				
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD							
A92.35 A92.21 A92.01 A94.55		A67.50		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		CASE NUMBER									
16 Jun 2011		FD-2009-00707									
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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>											
TO:				FROM:							
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				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-2009-00707

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.

ISSUE: Applicant received a General discharge for Misconduct-Pattern of Misconduct

Applicant contends discharge was inequitable because it was based on an isolated incident. The record indicates the applicant received two Article 15s. His misconduct included violation of a no contact order (2x). The DRB recognized the fact that the applicant had served six years total service before the discharge was initiated, but concluded the applicant's misconduct outweighed the positive aspects of his time in the Air Force. 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.

The Board highly recommends that if the applicant can provide additional documented information to substantiate their issue(s), that he should consider exercising their 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.

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>		<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
b. NAME <i>(Last, First, Middle Initial)</i>			c. GRADE/RANK AT DISCHARGE E2		d. SOCIAL SECURITY NUMBER	
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 <i>(Forward notification of any change in address.)</i>					f. TELEPHONE NUMBER <i>(Include Area Code)</i>	
					g. E-MAIL	
					h. FAX NUMBER <i>(Include Area Code)</i>	

2. DATE OF DISCHARGE OR SEPARATION <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i> 19970716	4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i>		5. BOARD ACTION REQUESTED <i>(X one)</i>	
	<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 <i>(Not applicable for Air Force)</i>
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 27 SPS Cannon AFB, New Mexico	<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>		CHANGE NARRATIVE REASON FOR SEPARATION:	
	<input type="checkbox"/> UNCHARACTERIZED			
	<input type="checkbox"/> OTHER <i>(Explain)</i>			

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST *(Continue in Item 13. See instructions on Page 3.)*
My discharge was iniquitable, because it was based on an isolated incident while I was stationed at Cannon AFB, NM. It was a situation in my personal life and did not involve my performance in the Air Force. I had no other incidents that would support a reduction in pay grade or this discharge. My enlistment term was almost ending so I was discharged with a reduction in rank and no

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.)*

AF Form 910 dated 19921216, AF Form 910 dated 19931215, AF Form 910 dated 19950414
US Department of Justice letter of Grant Request for the City of LaMonte when I was Chief of Police in LaMonte, MO
AF Form 100 Authorization for Separation, AF Form DD214 Certificate of Discharge

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 <i>(counsel/representative)</i> WILL NOT APPEAR BEFORE THE BOARD.
<input type="checkbox"/>	I AND/OR <i>(counsel/representative)</i> 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 <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO <i>(enter city and state)</i> <i>(NOTE: The Navy Discharge Review Board does not have a traveling panel.)</i>

10.a. COUNSEL/REPRESENTATIVE <i>(If any)</i> NAME <i>(Last, First, Middle Initial)</i> AND ADDRESS <i>(See Item 10 of the instructions about counsel/representative.)</i>	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. *(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)

20091111

PD 2009-00707

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

further action would occur. While stationed at Elmendorf AFB, AK, (1991-1995) I received PACAF Airman of the Year. I have attached three performance evaluation reports (AF Forms 910) to show proof of my excellent job performances. I also received Expert Marksman and the Air Force Good Conduct Medal. Through out my Air Force career, I served my country with pride. I performed my job in Law Enforcement to the best possible. It was an honor to be in the Air Force. I feel the incident in New Mexico was an isolated incident and could have been handled differently. Leaving the Air Force was difficult. In civilian life, I became the Chief of Police in LaMonte, Missouri which proved good character. I applied for grants for the City of LaMonte to receive additional law enforcement protection. I have attached the letter of approval from the US Department of Justice proving this grant acceptance. Please consider to upgrade my discharge to an honorable discharge and authorize my discharge grade to be reinstated to an E-4. Based on my performance before this New Mexico incident and following it in the civilian life, I am a person of good character and excel in my job duties.

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

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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-2009-00707		COMPONENT: USAF
TYPE OF DISCHARGE: GENERAL		DISCHARGE FROM: CANNON AFB, NM		DISCHARGE DATE: 09 JUL 97		APPEALS FOR: UPGRADE DISCHARGE TO HONORABLE
DOB/ ENLMT AGE: 19 SEP 72 18		DISCH AGE: 24		FORMER: AMN	HGH: SRA	B. CURRENT DOR: 22 APR 97 C. TIME LOST: NONE
AFSC: 3P052 - LAW ENFORCEMENT JOURNEYMAN				DEP DT: 8 FEB 91		ASVAB SCORES: UNKNOWN
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) :						
15 DEC 93 - 14 DEC 94 ELMENDORF AFB 4 (ANNUAL)						
15 DEC 94 - 13 APR 95 ELMENDORF AFB 5 (CRO)						
14 APR 95 - 13 APR 96 CANNON AFB 5 (ANNUAL)						
14 APR 96 - 13 APR 97 CANNON AFB 4 (ANNUAL)						
G. AWARDS & DECS: AFLSR, AFTR, AFOSLTR, NDSM, AFGCM w/1OLC						
EAD: 15 APR 91		DAS: UNKNOWN		H. TMS: 6 YRS 5 MOS 1 DAS		TAMS: 6 YRS 2 MOS 23 DAS
APPLN (DD FORM 293) DTD: 11 NOV 09		DT/ INITIALS: 15MAR11/CM		NPA/PA: NPA		BOARD REGION:
RECORDS :	MPR: YES	ARMS: NO	STR: NO	ISSUES: YES		ATTACHMENTS: YES
AUTH FOR DISCHARGE : AFI 36-3208, PARA UNKNOWN (PATTERN OF MISCONDUCT)						
ART 15; VAC; SCM; SPMC; GCM; ADDITIONAL:						
<p>*(1) ART 15: 26 OCT 94 - (ART 92) VIOLATED A NO CONTACT ORDER.</p> <p>*(2) ART 15: 22 APR 97 - (ART 92) VIOLATED A NO CONTACT ORDER.</p>						
EXAMINER'S NOTE: NO DISCHARGE PACKAGE IN RECORD. ARTICLE 15s LISTED ABOVE OCCURRED DURING THE CURRENT ENLISTMENT.						
NOTES:						

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