

MEMBERS SITTING		VOTE OF THE BOARD				
		NON	GEN	UOTHC	OTHER	DENY
COL LLOYD F. LeROY		X				
COL FREDERICK W. HORNICK						X
COL JAMES W. SHUMARD III						X
LT COL ROBERT LAMOND, JR.						X
LT COL STEVEN A. SIMON						X
ISSUES A93.07, A93.11, A93.33, A94.53		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 980917		CASE NUMBER FD98-00229		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		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AFHQ FORM 0-454.						
REMARKS Case heard at Washington, DC Advise applicant of the decision of the Board, the right to a personal appearance and the right to submit a application to the AFBCMR.						
SIGNATURE OF RECORDER <i>Steven A. Simon</i> STEVEN A. SIMON, LT COLONEL, USAF			SIGNATURE OF BOARD PRESIDENT <i>Lloyd F. LeRoy</i> LLOYD F. LeROY, COLONEL, USAF			
INDORSEMENT					DATE 98/09/22	
TO: SAF/MIBR 650 C Street West, Suite 40 RANDOLPH AFB, TX 78160-4742			FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1636 COMMAND DR, EE WING 3rd Floor ANDREWS AFB MD 20331-7002			
ADVISE THE APPLICANT, NEXT OF KIN, LEGAL GUARDIAN OR OTHER OF THE BOARD'S DECISION. SEE REMARKS SECTION FOR ADDITIONAL INSTRUCTIONS.						

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

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

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would justify a change of discharge.

The applicant's issues are in the attached brief.

Issues 1 and 2 are similar and will be addressed together. The applicant contended his marital and financial problems contributed to his discharge, especially when he sought counseling. The Board carefully reviewed the applicant's military record and could find no evidence that his misconduct was identified and documented because he had sought counseling. While sympathetic to the difficulties the applicant was undergoing during the period, the Board found the misconduct sufficient to warrant separation with a General discharge.

Issue 3: The applicant alleged "someone was out to destroy my life." The applicant provided no documentation to corroborate his claim, and the Board was unable to find any evidence in his record. Consequently, the Board found the issue to be without merit.

Issue 4: The applicant stated he would like to reenter the Air Force. The Board, having determined the discharge was appropriate, also found this issue to be without merit. The inability to reenter the military is a collateral consequence of his discharge, and not a matter of equity or propriety upon which the board could base an upgrade.

NOTE: During its review, the Board discovered the applicant may have been entitled to an administrative discharge board (ADB), as his total service (inactive during the delayed enlistment and active) appeared to have exceeded six years. There was no indication in the record that he was provided an opportunity to contest his discharge at an ADB. The Board, in denying the appeal, determined that, based on the available evidence, an ADB would likely have upheld the commander's recommendation to discharge the applicant. If the applicant has additional documentation to support his contentions, the Board invites him to apply for a personal appearance before the Discharge Review Board, at which time he can address this discrepancy.

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 that 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, thus the applicant's discharge should not be changed.

**1 Attachment
Examiner's Brief**

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

(Former A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 93/12/16 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 67/01/13. Enlmt Age: 20 4/12. Disch Age: 26 11/12. Educ: HS DIPL. AFQT: N/A M-58, A-89, G-76, E-60. PAFSC: 1N451 - Signals Intelligence Analyst Journeyman. DAS: 92/02/27.

b. Prior Sv: (1) AFRes 87/05/22 - 88/01/25 (8 months 4 days) (Inactive).

(2) Enld as AB 88/01/25 for 4 years. Svd: 3 years, 2 months, 1 day, all AMS. AMN - 88/07/25. A1C - 89/05/25. SRA - 91/01/25. APRs: 9. EPRs: 3,3.

3. **SERVICE UNDER REVIEW:**

a. Reenld as: SRA 91/03/25 for (6) Yrs. Svd: 2 Yrs 8 Mo 22 Das, all AMS.

b. Grade Status: A1C - 93/09/16 (ART 15, 93/09/16).

c. Time Lost: none.

d. Art 15's: (1) 93/09/16, RAF Chicksands, England - You, who knew of your duties, from about 9 May 93 to about 2 Sep 93, were derelict in the performance of those duties in that you negligently failed to register your vehicle at the 774th Security Police Squadron Pass and Registration Office, as it was your duty to do. Rdn to A1C, and a reprimand. (No appeal) (No mitigation).

e. CM: none.

f. Record of SV: 90/03/07 91/03/30 San Vito AS 4 (Annual)
91/03/31 91/12/16 San Vito AS 4 (CRO)
91/12/17 92/12/16 RAF Chicksands 5 (Annual)
92/12/17 93/09/14 RAF Chicksands 2 (CRO)
(Discharged from McGuire AFB)

g. Awards & Decs: NCOPMER, NDSM, AFTR, AFLSAR, AFOSLTR W/1 OLC, AFGCM.

h. Stmt of Sv: TMS: (6) Yrs (6) Mos (25) Das
TAMS: (5) Yrs (10) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 98/05/26.
(Change Discharge to Honorable)

SEE ATTACHED ISSUES.

ATCHS

1. Applicants Issues.
2. Physical Fitness Evaluation.
3. Weight Evaluation Record.
4. Written Presentation to AFR 39-10.
5. Commander's Memo.
6. Request for 3 Day Pass.
7. Letter of Commendation.
8. Certificate of Recognition.
9. VA Forms 21-4138.
10. DD Form 149.

98/06/25/ia

DEPARTMENT OF THE AIR FORCE
AIR INTELLIGENCE AGENCY

10 NOV 1993

FROM: 450 IS/CCQ
Unit 5305
APO AE 09465-6375

SUBJ: Notification Letter

TO: [REDACTED]
450th Intelligence Squadron

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically, Minor Disciplinary Infractions according to AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. During the period of July through September 1993, at RAF Chicksands, you did fail to pay a just debt, as evidenced by a Letter of Reprimand, dated 27 Sep 93.

b. On or about 3 Sep 93, you failed to go to a scheduled appointment, as evidenced by a Letter of Reprimand, dated 16 Sep 93 and establishment of an Unfavorable Information File (UIF).

c. From about 9 May 93 to about 2 Sep 93, you were derelict in your duties, as evidenced by an Article 15, dated 3 Sep 93. Punishment consisted of reduction from SrA to A1C, seven (7) days extra duty, and a reprimand.

d. On or about 11 Aug 93, you were derelict in your duties, as evidenced by a Letter of Reprimand, dated 14 Aug 93.

e. On or about 7 Aug 93, you were derelict in your duties, as evidenced by a Letter of Counseling, dated 7 Aug 93.

f. On or about 26 Jul 93, you failed to pay a just debt. On or about 16 Jun 93, you failed to go to a scheduled appointment, as evidence by a Letter of Counseling, dated 28 Jul 93.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.

STATEMENT IN SUPPORT OF CLAIM

PRIVACY ACT INFORMATION: The law authorizes us to request the information we are asking you to provide on this form. (38 U.S.C. 210(c) (1)) The responses you submit are considered confidential. (38 U.S.C. 3301) They may be disclosed outside the Department of Veterans Affairs (VA) only if the disclosure is authorized by the Privacy Act, including the routine uses identified in the system of records, 58VA21/22, Compensation, Pension, Education and Rehabilitation Records-VA, published in the Federal Register. The requested information is considered relevant and necessary to determine maximum benefits under the law. Information submitted is subject to verification through computer matching programs with other agencies.

RESPONDENT BURDEN: Public reporting burden for this collection of information is estimated to average 1/4 hour 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 this burden, to the VA Clearance Officer (732), 810 Vermont Ave., NW, Washington, DC 20420; and to the office of Management and Budget, Paperwork Reduction Project (2900-0075) Washington, DC 20503. Do not send requests for benefits to these addresses.

FIRST NAME - MIDDLE NAME - LAST NAME OF VETERAN (Type or print)	SOCIAL SECURITY NO.	VA FILE NO.
[REDACTED]	[REDACTED]	C-

The following statement is made in connection with a claim for benefits in the case of the above-named veteran:

FROM DD Form 149 Aug 93 #9 (1 of 2)

I believe the record to be in error and unjust in the following particulars:

- 1.) Letter of Counseling dated 28 July 93 regarding a late payment on an AAFEEs DPP and a missed dental appt. I was never given any verbal counseling prior to this.
- 2.) LOC dated 7 AUG 93 regarding being late for work for the second time in 5 1/2 years of service
- 3.) Letter of Reprimand dated 14 Aug 93 regarding dereliction of duty.
- 4.) Article 15 dated 9 Sep 93 regarding not registering my vehicle on base within 30 days. Which I was trying to work with SPS on base until my Chief Master Sergeant had me investigated.
- 5.) LOR dated 16 Sep 93 regarding 2ND dental appt missed which the CMSgt detained me from going to.

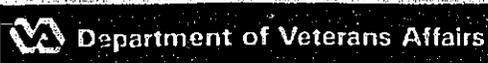
(CONTINUE ON REVERSE)

I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

SIGNATURE [REDACTED]	DATE SIGNED 3/19/98
-------------------------	------------------------

ADDRESS
[REDACTED], Fulton, MS 38843

PENALTY - The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false.



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FIRST NAME - MIDDLE NAME - LAST NAME OF VETERAN (Type or print)	SOCIAL SECURITY NO.	VA FILE NO.
[REDACTED]	[REDACTED]	C-

The following statement is made in connection with a claim for benefits in the case of the above-named veteran:

FROM DD form 149 Aug 93 #9 (2 of 2)

6) LOR dated 27 Sep 93 regarding failing to pay car loan

7) Sensitive Compartmented Information Access barred.

8) discharge seperation code, reentry code and reason for discharge.

(CONTINUE ON REVERSE)

I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

SIGNATURE [REDACTED]	DATE SIGNED 3/19/98
ADDRESS [REDACTED], Fulton, MS 38843	

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FIRST NAME - MIDDLE NAME - LAST NAME OF VETERAN (Type or print)

SOCIAL SECURITY NO.

VA FILE NO.

The following statement is made in connection with a claim for benefits in the case of the above-named veteran:

FROM DD149 FORM Aug 93 # 17 1 of 3

On July 28, 1993 I received my very first letter of counseling for being late on an AAFES Deferred Payment Plan Account payment and for missing a dental appt. This information came out after I had bought a new car on May 9, 1998 and that's when I began to have problems. I found out my now ex-wife had been having an affair with a good friend of mine, also in the military and stationed with us. I began to not care about things and developed an attitude. I kept to myself, did my job and went home day after day feeling sorry for myself. Well one day I woke up and realized I was throwing my USAF career away. So I went to marriage and financial counseling. I realized my marriage was over but I could fix the financial part. But after I went to counseling I was summoned by the First Shirt about my financial problems. And he knew all my problems. He had found out from the financial

(CONTINUE ON REVERSE)

I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

SIGNATURE

DATE SIGNED

3/19/98

ADDRESS
[Redacted], MS 38843

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 Department of Veterans Affairs

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FIRST NAME - MIDDLE NAME - LAST NAME OF VETERAN (Type or print)

SOCIAL SECURITY NO.

VA FILE NO.

The following statement is made in connection with a claim for benefits in the case of the above-named veteran:

FROM DD form 149 Aug 93 #17 2 of 3

counselor and my exwife. Shortly after this I started to steadily start to receive all of this bad paperwork like someone was out to destroy my life.

On August 7, 1993 I received another LOC for being late to work for the second time in my whole Air Force career

On August 14, 1993 I received a letter of reprimand for dereliction of duty. Which to this day I swear I'm innocent. I was training with my subordinate while the person I had asked to watch my position was not. He was certified and I told him when the next report was due, I ended up doing it and was late. There was no one to back me up so I got the blame. I wasn't ready for this position. I lacked the background, experience and knowledge to be effective. I expressed this to everyone but to no avail.

(CONTINUE ON REVERSE)

I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

SIGNATURE

DATE SIGNED

ADDRESS

Fulton, MS 38843

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FURNISH FULL NAME - LAST NAME OF VETERAN (Type or print) [REDACTED]	SOCIAL SECURITY NO. [REDACTED]	VA FILE NO. C-
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The following statement is made in connection with a claim for benefits in the case of the above-named veteran:
From: DD form 149 Aug 93 #17 3 of 3

On September 16, 1993 I received an LOR for missing a second dental appt but it was not my fault because my First shirt was keeping me in his office the whole time and then gave me an LOR for it.

On September 27, 1993 I received an LOR for not paying an Auto loan. I had gone to financial counseling but noone would help or work anything out.

All of this started because I needed help and made the mistake of getting help instead of doing it myself. I got punished for needing help.

I never wanted out of the USAF. But I was human, made some mistakes and wasn't given the chance to fix them. This is my life I'm begging you for. I want back in the USAF if there is any way please consider my request. If not at least give me an honorable so I can get into another Military. Thank you.

(CONTINUE ON REVERSE)

I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

SIGNATURE [REDACTED]	DATE SIGNED 3/19/98
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Fulton, MS 38843

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