

MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
COL KENNETH M. PARSONS						X
COL HENRY F. DAVIS						X
COL FREDERICK W. HORNICK						X
COL JAMES W. SHUMARD III						X
LT COL STEVEN A. SIMON						X
ISSUES A94.53		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 980924		CASE NUMBER FD98-00311		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 an application to the AFBCMR.						
SIGNATURE OF RECORDER <i>James W. Shumard III</i> JAMES W. SHUMARD III, COLONEL, USAF				SIGNATURE OF BOARD PRESIDENT <i>Kenneth M. Parsons</i> KENNETH M. PARSONS, COLONEL, USAF		
INDORSEMENT					DATE 98/09/25	
TO: SAF/MBR 560 C Street West, Suite 40 RANDOLPH AFB, TX 78160-4742				FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 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 (DRB) 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 listed in the attached brief.

Issue 1. Applicant contends discharge should be upgraded because he regrets and is sorry for what he did in the past. The Board was compassionate with his situation, but concluded that the applicant's misconduct during his time in the service was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. 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 July 24, 1996) 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.

**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.

Attachment:  
Examiner's Brief

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

FD-98-00311

[REDACTED]

(Former AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 97/09/23 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conditions Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 75/01/10. Enlmt Age: 21 3/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A M-78, A-61, G-30, E-51. PAFSC: 2T231 - Air Transportation Apprentice. DAS: 96/10/17.

b. Prior Sv: AFRes 96/04/19 - 96/07/09 (2 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as: A1C 96/07/10 for (4) Yrs. Svd: 1 Yrs 2 Mo 14 Das, all AMS.

b. Grade Status: AMN - 97/08/20 (ART 15, 97/08/20)

c. Time Lost: none.

d. Art 15's: (1) 97/08/20, Travis AFB, CA - You did, o/a 23 Jul 97 and o/a 24 Jul 97, physically control a vehicle, to wit: a passenger car, while drunk. You, having knowledge of a lawful order issued by Col -----, to wit: preliminary suspension of installation driving privileges, dated 28 Oct 96, an order which it was your duty to obey, did, o/a 23 Jul 97, fail to obey the same by wrongfully driving on suspended driving privileges. Rdn to Amn, forfeiture of \$505.00 pay. (No appeal) (No mitigation).

(2) 96/11/15, Travis AFB, CA - You did, o/a 28 Oct 96, at the Main Gate physically control a motor vehicle, to wit: a passenger car, while drunk. Rdn to Amn (susp til 14 May 97), forfeiture of \$300.00 pay per month for 2 months, and 40 days extra duty. (No appeal) (No mitigation).

e. CM: none.

f. Record of SV: none.

(Discharged from Travis AFB)

g. Awards & Decs: AFTR.

h. Stmt of Sv: TMS: (1) Yrs (5) Mos (5) Das  
TAMS: (1) Yrs (2) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 98/06/14.  
(Change Discharge to Honorable)

Issue 1: I was in college before I joined and was the main reason I did.  
I'd like to further my education.

Issue 2: I deeply regret and am sorry for what I did but the past is the  
past! I believe with a "Honorable" - will greatly contribute to the new me.

ATCHS

1. DD Form 214.

98/09/03/ia



FD-787 (Rev. 11-18-83)



MEMORANDUM FOR AMN: [REDACTED]

02311997

FROM: 60 APS/CC  
90 Ragsdale Street  
Travis AFB CA 94535-2941

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable, general or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. You did, at Travis Air Force Base, California, on or about 28 Oct 96, at the Main Gate physically control a motor vehicle, to wit: a passenger car, while drunk, in violation of Article 111, UCMJ. For this offense, you received an Article 15, dated 15 Nov 96, which was placed in an unfavorable information file (UIF). Punishment consisted of a suspended reduction to the grade of airman, forfeiture of \$300.00 pay per month for 2 months, and 40 days extra duty (Atch 1, Tab 1).

b. You did, at Travis Air Force Base, California, between on or about 23 Jul 97 and on or about 24 Jul 97, at Tunner Street physically control a motor vehicle, to wit: a passenger car, while drunk, in violation of Article 111, UCMJ.

c. You, having knowledge of a lawful order issued by Colonel [REDACTED] to wit: preliminary suspension of installation driving privileges, dated 28 Oct 96, an order which it was your duty to obey, did, at Travis Air Force Base, California, on or about 23 Jul 97, fail to obey the same by wrongfully driving on suspended driving privileges, in violation of Article 92, UCMJ. For this offense and the offense in paragraph 2b, you received an Article 15, dated 20 Aug 97 (placed in UIF) and a control roster action was initiated. Punishment consisted of reduction to the grade of airman and forfeiture of \$505.00 pay (Atch 2, Tab 1).

3. 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

and if you are discharged, how your service will be affected. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult **Cap. [REDACTED]** Area Defense Counsel, 540 Airlift Drive, Bldg. 381, Suite D-100, Travis AFB, California, 94535-2479, DSN: [REDACTED] commercial: [REDACTED] on 05 SEP 1997 at 1030. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me by (three workdays from service of this letter) 05 SEP 1997, no later than 1715 hours unless you request and receive an extension for good cause. I will send any statements you submit to the separation authority.

6. If you fail to consult counsel or to submit statements on your behalf, your failure will constitute a waiver of your right to do so.

7. Report to **[REDACTED]**, Physical Exams Section, on 3 Sep 97 at 1130 for a separation examination. You also have a Primary Care Clinic appointment on 03 SEP 1997 consult with a physician.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the orderly room.

9. Execute the attached acknowledgment and return it to me immediately.

**[REDACTED]** USAF  
Commander

Attachments:

1. Article 15, 15 Nov 96 w/Atchs
2. Article 15/UIF, 20 Aug 97 w/Atchs
3. Other Derogatory Data:  
60 MDOS/SGOHS Memorandum, 11 Aug 97