

PERSONAL APPEARANCE		X RECORD REVIEW				
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	X					
MEMBERS SITTING		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES	INDEX NUMBER	1 ORDER APPOINTING THE BOARD				
A92.21, A92.35	A67.30	2 APPLICATION FOR REVIEW OF DISCHARGE				
		3 LETTER OF NOTIFICATION				
HEARING DATE	CASE NUMBER	4 BRIEF OF PERSONNEL FILE				
01 03 07	FD01-00019	COUNSEL'S RELEASE TO THE BOARD				
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE				
		TAPE RECORDING OF PERSONAL APPEARANCE HEARING				
REMARKS						
Case heard at 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.						
SIGNATURE OF RECORDER		SIGNATURE OF BOARD PRESIDENT				
[REDACTED]		[REDACTED]				
TO:	FROM:					
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMANDER, EE WING, 3 RD FLOOR ANDREWS AFB, MD 20762-7002					

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change of reason for discharge, and change of reenlistment eligibility (RE) code.

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/change of reason for discharge and change of RE code are 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 was inequitable because it was based on an isolated incident in 16 months of service with no other adverse action. The records indicated the applicant was found guilty in a Special Court-Martial for unlawfully entering the dormitory room of another military member with the intent to commit larceny, and thereafter, stole a check. Later, he did utter and falsely make the signature to a check, and steal currency of a value of about \$250.00. The Board concluded the misconduct 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 applies to the applicant's post-service activities. The DRB noted that the applicant would like to serve in the military again. However, no inequity or impropriety in his discharge was found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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/change of reason for discharge and change of RE code, 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**

(Former AB)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 98/02/06 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable and Change in RE Code Disch.

2. BACKGROUND:

a. DOB: 78/07/27. Enlmt Age: 17 11/12. Disch Age: 19 6/12. Educ: HS DIPL.
AFQT: N/A. A-77, E-49, G-33, M-32. PAFSC: 2S031 - Supply Specialist.
DAS: 97/02/17.

b. Prior Sv: AFRes 96/07/19 - 96/10/16 (2 months 28 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enld as AB 96/10/17 for 4 yrs. Svd: 1 Yrs 3 Mo 20 Das, of which AMS is 1 Yr 2 Mos 1 Day (excludes 1 month 21 days lost time).

b. Grade Status: AB - 97/12/16 (SPCMO No.3, 98/01/12)
AMN - 97/04/17

c. Time Lost: 97/12/16-98/02/04 (1 month 21 days)

d. Art 15's: none.

e. Additional: none.

f. CM: Special Court Martial Order No.3 - 98 Jan 12
CHARGE I: Article 121. Plea: Guilty. Finding: Guilty.

Specification 1: Did, o/a 1 Aug 97, steal U.S. currency, of a value of \$250.00, the property of A1C ----- . Plea: Guilty.
Finding: Guilty.

Specification 2: Did, o/a 26 Jul 97, steal a blank check, of a nominal value, the property of A1C ----- . Plea: Guilty.
Finding: Guilty.

CHARGE 11: Article 123. Plea: Guilty. Finding: Guilty.

Specification: Did, o/a 1 Aug 97, with intent to defraud, uttered a certain check, drawn upon the account of A1C -----, in the amount of \$250.00, a writing which would, if genuine, apparently -- operate to the legal harm of another, the signature to which said check was falsely made. Plea: Guilty. Finding: Guilty.

CHARGE 111: Article 130. Plea: Guilty. Finding: Guilty.

Specification: Did, o/a 26 Jul 97, unlawfully enter a dormitory room, the property of the U.S. Government, assigned to A1C -----, with the intent to commit criminal offense, to wit: larceny. Plea: Guilty. Finding: Guilty. Sentence: adjudged on 16 Dec 97: Confinement for two months, forfeiture of \$300.00 pay per month for four months, and reduction to airman basic.

g. Record of SV: none.

(Discharged from Mountain Home AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (4) Mos (27) Das

TAMS: (1) Yrs (2) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 00/11/18.
(Change Discharge to Honorable and Change RE Code)

Issue 1: My discharge was inequitable because it was based on one isolated incident in 16 months of service with no other adverse action. The reason why I'm taking time out to do this is because, several weeks ago I attempted to get a job on the AFB in Mountain Home, according to requirements you had to have a honorable discharge. Not this job being the only job in the world, but one job I could of had. The second reason I would like the change is because I would like to have another chance in the military. I've been out the military (sic) since 98 and over the years I have matured and feel if the opportunity is given that I would never make the same mistake again. The time that I was in I enjoyed my self and could really make it a career.'. I hope that you would consider changing my discharge to a honorable and the seperation code if possible. I thank you for your time.

ATCH

none.

01/01/18/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 366TH WING (ACC)
MOUNTAIN HOME AIR FORCE BASE, IDAHO

FD01-00019

30 JAN 1998

MEMORANDUM FOR 366 WG/CC

FROM: 366 WG/JA

SUBJECT: Legal Review, AFI 36-3208 Discharge [REDACTED]
[REDACTED] Squadron

1. **Initiation of Action:** This action was initiated by the 366th Supply Squadron [REDACTED] on 13 Jan 98, against [REDACTED]

(Respondent) pursuant to AFD 36-32 and AFI 36-3208, paragraph 5.52.3: Commission of a Serious Offense. He recommends a general discharge characterization without probation and rehabilitation (P&R).

2. **Respondent's Personal Data:** This 19 year old Respondent has approximately one year and three months of creditable service. A detailed summary of Respondent's personal data is contained in paragraph 2 of the Commander's Recommendation for Discharge letter.

3. **Basis for Discharge:** Airmen are subject to discharge under AFI 36-3208, paragraph 5.52.3, based on commission of a serious offense if a punitive discharge would be authorized for the same offense under the UCMJ. In this matter, the Respondent unlawfully entered the dormitory room of another military member with the intent to commit larceny and, thereafter, stole a check. Furthermore, on or about 1 Aug 97, he uttered and falsely made the signature to that check, and stole US currency of a value of about \$250.00. Respondent was convicted of these crimes in a special court-martial on 15 Jan 98, and although the court did not give Respondent a punitive discharge, the UCMJ authorized one for these offenses.

4. **Respondent's Statement:** Respondent was informed of his right to submit matters in response to this action, and he did so. (See Tab 4). The Respondent requests reconsideration of the decision to discharge him for a number of reasons. First, he asserts that he deeply regrets his actions and realizes he has disappointed his commander and members of his unit. Secondly, however, Respondent points out that he pled guilty to his offenses and has paid his debt to society by serving his sentence. He hopes these facts will be taken into consideration during the review of his package, in addition to the fact that he has never engaged in any type of misconduct before. Finally, Respondent states that he is dedicated to his job and would like the opportunity to prove himself.

5. **Errors or Irregularities:** None.