

<b>PERSONAL APPEARANCE</b>		<b>X RECORD REVIEW</b>	
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NO		
	X	NONE	

MEMBERS SITTING	TYPE OF DECISION				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES 92.35	INDEX NUMBER 60.00	1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
HEARING DATE 010307	CASE NUMBER FD01-00028	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

**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: [REDACTED]

SIGNATURE OF BOARD PRESIDENT: [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 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002

**GENERAL:** The applicant appeals for an upgrade of his 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 issue is listed in the attached brief

**Issue.** Applicant believes her discharge to be inequitable/too harsh since it was based on one isolated incident (Article 15) is **58** months. Upon careful review of the record, the DRB was unable to confirm the full nature of the misconduct since the facts and circumstances surrounding her involuntary discharge were not in file. There was evidence of punishment under Article 15 for one infraction of communicating a threat and one of disorderly conduct, however, the administrative discharge case file was missing. In reviewing the case file, the Board also noted that subsequent to the Article 15 action, at the time of her separation processing, she was indebted to AAFES for bad checks for over \$450. In light of the presumption of regularity and the absence of any compelling evidence to the contrary, the DRB concluded that the discharge was appropriately administered, the member's misconduct was a significant departure from conduct expected of all military members, and the characterization of the discharge received by the applicant was appropriate. However, if the applicant can provide additional documented information to substantiate his issue, the applicant should consider exercising her right to make a personal appearance before the Board. If she should choose to exercise her right to a personal appearance hearing, the applicant should be prepared to provide the Board with evidence of inequity and any exemplary post-service accomplishments as well as any contributions to the community.

**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 change of reason for 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

(Former SRA) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 98/07/02 UP AFI 36-3208 (Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 75/08/20. Enlmt Age: 17 2/12. Disch Age: 22 10/12. Educ:HS DIPL. AFQT: N/A. A-40, E-41, G-68, M-21. PAFSC: 3A051 - Information Apprentice. DAS: 93/12/18.

b. Prior Sv: (1) AFRes 92/12/22 - 93/08/04 (7 months 13 days) (Inactive).

(2) Enld as AB 93/08/05 for 4 yrs. Ext 97/08/05 for 3 months. Svd: 4 yrs 2 mos 29 das, all AMS. AMN-(EPR Indicates): 93/08/05-95/04/04. A1C - 94/12/05. SRA - 96/08/05. EPRs: 5,5,5,4.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 97/11/04 for 4 yrs. Svd: 0 Yrs 7 Mo 28 Das, all AMS.

b. Grade Status: none.

c. Time Lost: none.

d. Art 15's: (1) 98/01/29, Maxwell AFB, AL - Article 134. You did, o/a 29 Dec 97, wrongfully communicate to ----- a threat to kill -----, and did further wrongfully communicate to ----- a threat to damage his stereo equipment and other belongings located at your base quarters. You were, o/a 29 Dec 97, disorderly in that you engaged in a loud argument with ----- outside your base quarters, which argument continued inside your quarters where you grabbed a box-cutter knife and waved it at Mr -----, who also pulled out a knife and waved it at you, and which conduct was of a nature to bring discredit upon the armed forces, Rdn to A1C (susptill 29 Jul 98), forfeiture of \$200.00 pay per month for two months, and 30 days restriction. (Appeal/Denied) (No mitigation)

e. Additional: Unknown.

f. CM: none.

g. Record of SV: none.

(Discharged from Maxwell AFB)

h. Awards & Decs: AFOEA, AFGCM, AFLSA, AFTR.

i. Stmt of Sv: TMS: (5) Yrs (6) Mos (11) Das  
TAMS: (4) Yrs (10) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 00/10/20.  
(Change Discharge to Honorable)

Issue 1: My discharge is inequitable because it was based on one isolated incident (Article 15) in 58 months. All appraisals show outstanding work, as well as dedication and appearance. I am presently continuing my education. I am a single parent of two kids, providing to the best of my ability. I would appreciate your consideration in upgrading my discharge so I can further my education, a benefit that I have paid for in advance.

ATCH

1. Certificate of Training.

01/01/24/ia