

PERSONAL APPEARANCE		X RECORD REVIEW				
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	X					

MEMBERS SITTING	MEMBERS SITTING				
	HON	GEN	DOTC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53	INDEX NUMBER A67.30	1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
HEARING DATE 01 04 19	CASE NUMBER FD01-00068	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]
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TO: SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 RD FLOOR ANDREWS AFB, MD 20762-7002
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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. 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 May 23, 1995) 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. The records indicated the applicant received an Article 15, a Letter of Reprimand, four Letters of Counseling, and was court-martialed for misconduct. The misconduct included unlawfully carrying on his person a concealed weapon (a loaded semi-automatic handgun), failing to go at the time prescribed to his appointed place of duty on several occasions, and violating curfew. 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.

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

[REDACTED]
 [REDACTED]
 (Former AB)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 98/09/10 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 75/02/12. Enlmt Age: 20 2/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-72, E-68, G-57, M-80. PAFSC: 2A333A - Tactical Aircraft Maintenance Apprentice. DAS: 98/01/27.

b. Prior Sv: AFRes 95/04/26 - 95/05/09 (14 days)(Inactive).

3. SERVICE UNDER REVIEW:

a. Enld as AB 95/05/10 for 4 yrs. Svd: 3 Yrs 4 Mo 1 Das, of which AMS is 3 Yrs 2 Mos 1 Day (excludes 2 months lost time)

b. Grade Status: AB - 98/08/07 (SPCMO# 13, 98/08/09)
 A1C - 96/09/10
 AMN - (EPR Indicates): 95/05/10-97/03/24

c. Time Lost: 98/06/28-98/08/28 (2 months).

d. Art 15's: (1) 98/01/16, RAF Lakenheath, UK - Article 86. You did,
 o/a
 19 Dec 97, w/o authority, fail to go at the time prescribed to your appointed place of duty. Rdn to Amn (susptill 15 May 98), and a reprimand. (No appeal) (No mitigation)

e. Additional: none.

f. CM: Special Courts Martial Order No.13 - 98 Aug 07.
 CHARGE: Article 92,134.
 Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Hampton, Virginia, o/a 28 Jun 98, unlawfully carry on or about his person a concealed weapon, to wit: a loaded semi-automatic handgun. Sentence adjudged on 23 July 98: 75 days confinement, reduction to airman basic, and forfeiture of \$500.00 pay per month for two months.

g. Record of SV: 95/05/10 97/03/24 RAF Lakenheath 2 (Initial) REF
 97/03/25 97/12/07 RAF Lakenheath 3 (CRO)
 (Discharged from Langley AFB)