










## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE <b>SSGT</b>	AFSN/SSAN 		
TYPE	<b>PERSONAL APPEARANCE</b>		<b>X RECORD REVIEW</b>		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NO				
	<b>X</b>				
<b>MEMBERS SITTING</b>			<b>VOTE OF THE BOARD</b>		
			HON	GEN	UOTHC
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
ISSUES <b>A94.05</b>		INDEX NUMBER <b>A67.30</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
HEARING DATE <b>30 Oct 02</b>		CASE NUMBER <b>FD2002-0178</b>		<b>1</b>	ORDER APPOINTING THE BOARD
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE
				<b>3</b>	LETTER OF NOTIFICATION
				<b>4</b>	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 AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.					
REMARKS <b>Case heard at Washington, D.C.</b>  <b>Advise applicant of the decision of the Board, the right to a personal appearance, and the right to submit an application to the AFBCMR.</b>					
SIGNATURE OF RECORDER 			SIGNATURE OF BOARD PRESIDENT 		
INDORSEMENT				DATE: <b>30 Oct 02</b>	
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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002		

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0178

**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.

**ISSUE:** The applicant believes his discharge was too harsh as he was suffering from manic-depressive illness. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant was punished by a Special Court Martial for being AWOL for a month, stealing currency (twice), and forged the signature of a superior (twice). Applicant was sentenced to six months confinement, demoted to Staff Sergeant and fined 2/3 pay for six months. Applicant states that he was recently been diagnosed with manic-depressive illness and believes his actions were the result of an undiagnosed medical condition. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The Board concluded the applicant knew right from wrong. 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 of discharge, thus the applicant's discharge should not be changed.

Attachment:

Examiner's Brief



Specification 2: Did, at Grand Forks Air Force Base, North Dakota, on or about 3 Dec 92, steal lawful currency, of a value of \$750.00, the property of the Civilian Distinguished Visitor Program Account.

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

Specification 1: Did, at Grand Forks Air Force Base, North Dakota, on or about 26 Jun 92, with intent to defraud, falsely make the signature of ----- to a certain check in the following words and figures, to wit: check number 123, dated 26 Jun 92, payable to the order of -----, in the amount of \$750.00, drawn upon First National Bank, and signed -----, which said check would, if genuine, apparently operate to the legal harm of another.

Specification 2: Did, at Grand Forks Air Force Base, North Dakota, on or about 3 Dec 92, with intent to defraud, falsely make the signature of ----- to a certain check in the following words and figures, to wit: check number 131, dated 3 Dec 92, payable to the order of -----, in the amount of \$750.00, drawn upon First National Bank, and signed -----, which said check would, if genuine, apparently operate to the legal harm of another. Sentence adjudged on 17 Feb 93: Confinement for 4 months, forfeiture of \$1043.00 pay per month for 6 months, and reduction to the grade of E-5.

g. Record of SV:	89/06/02 - 90/06/01	Lajes Field	4	(Annual)
	90/06/02 - 91/06/01	Lajes Field	3	(Annual)
	91/06/02 - 91/11/03	Lajes Field	3	(CRO)
	91/11/03 - 92/11/02	Grand Forks AFB	5	(Annual)

(Discharged from Grand Forks AFB)

h. Awards & Decs: AFCM (20LCS), AFGCM (40LCS), NDSM, AFOSSTR (10LC), AFOSLTR, AFLSAR (30LCS), NCOPMER, AFTR.

i. Stmt of Sv: TMS: (18) Yrs (2) Mos (23) Das  
TAMS: (17) Yrs (11) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/04/16.  
(Change Discharge to Honorable)

Issue: In the winter of 1990 I began my struggle with what I know today as manic depressive illness. It's affected every aspect of my life. In December of 1992 it cost me my Air Force Career. In May 1994 after serving 18 years I was discharged. In Dec 1992 during a manic episode, (I've just recently been diagnosed with manic depressive illness) I forged a \$700.00 check from an unofficial checking account and took off across the country. I was AWOL for nearly a month before I turned myself in. I had never done anything like this before in my life. My military record was spotless. I faced a general court martial and received, six month confinement (sic), the lose(sic) of one stripe,

forfitture (sic) 2/3 pay for six months. I served my sentance (sic) and did a litle over four months because of good behavior. Next I faced an AFR 39-10 hearing. The decission (sic) was, six months probation after which my performance would be evaluated & if it was acceptable I could serve till (sic) retirement. The wing commander disregarded both the decission (sic) of the court panel & AFR 39-10 panel and gave me a general discharge. My prior record was spotless. The offences (sic) I committed were the result of an undiagnosed medical condition. I belive (sic) I deserve an honorable discharge.

**ATCH**

1. Statement in Support of Claim
2. Medical Consultation Sheets
3. The Face of Bipolar Illness Document

02/08/09/cr



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR MOBILITY COMMAND

FD 2002-0178

FROM: HQ AMC/JA  
402 Scott Drive, Unit 3L2  
Scott AFB IL 62225-5305

6 December 1993

SUBJ: LEGAL REVIEW - AFR 39-10 Discharge - [REDACTED]

TO: DPAFQ

1. On 25-26 May 1993, an AFR 39-10 administrative discharge board was held at Grand Forks Air Force Base to consider whether discharge was appropriate for Staff [REDACTED]. The allegations consisted of two acts of larceny and two of forgery. The board recommended Sergeant [REDACTED] be separated with a general discharge, and that he be offered probation and rehabilitation (P & R) with a conditional suspension of the discharge. On 13 July 1993, the Commander, 319th Bomb Wing (ACC), approved the board's recommendation that Sergeant [REDACTED] be separated with a general discharge, but disapproved the board's recommendation for P & R. Execution of the approved discharge was withheld because Sergeant [REDACTED] requested lengthy service probation under AFR 39-10, paragraph 6-35.

3. This case was initially processed by Air Combat Command (ACC). However, since Grand Forks Air Force Base is now part of AMC, a recommendation from AMC/DP is appropriate. Before the case was transferred to AMC, an excellent legal review was prepared by the Office of the Staff Judge Advocate, ACC. We adopt that legal review in its entirety, incorporate it by reference, and attach it to the case file.

4. The case is legally sufficient to support discharge. The respondent was found guilty of the offenses previously at a trial by court-martial, and found by the board members to have committed each of the acts of larceny and forgery. We do note that the defense counsel has provided another letter to AMC/DP and AFMPC, IN TURN. Although the regulation does not specifically allow submission of such a letter, we recommend that you consider it and give it what weight you consider appropriate. Nothing in the letter causes me to question or recommend any change to the legal review of ACC.

5. The sole issue is whether Sergeant [REDACTED] should be offered lengthy service probation. Although Sergeant [REDACTED] record, citations, and character references all indicate very good service, his actions in forging his supervisor's name and stealing moneys for which his supervisor was responsible, especially after previously committing the same offenses and being given a second chance, indicate that he lacks the capacity to be rehabilitated.







DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR COMBAT COMMAND  
LANGLEY AIR FORCE BASE, VIRGINIA

FROM: JAM

5 November 1993

SUBJ: AFR 39-10 Request for Lengthy Service Probation - [REDACTED]

TO: DPAF

1. SYNOPSIS: We have reviewed the attached discharge action concerning SSgt [REDACTED] 319 Mission Support Squadron, Grand Forks Air Force Base, ND. The case file is legally sufficient to support the separation of [REDACTED] from the Air Force without suspension for lengthy service probation.

2. BASIS FOR SEPARATION:

a. On 25 March 1993, 319 MSS/CC initiated discharge action against SSgt [REDACTED] pursuant to AFR 39-10, paragraph 5-49c, for the commission of a serious offense. The discharge action stemmed from [REDACTED] commission of two separate incidents of larceny and forgery, for which he was tried and convicted by special court-martial.

b. The evidence presented at the board indicated that in June 1992, SSgt (then TSgt) [REDACTED] dissatisfied with his job and home life, and formulated a plan to abandon both his family and the Air Force. In order to not deplete his personal savings or place a significant financial burden on his family, [REDACTED] stole money from the Civilian Distinguished Visitor (CDV) Program account maintained by the Public Affairs office in which he worked. On 26 June 1992, [REDACTED] drew a check from the CDV account, made it out to himself in the amount of \$750.00, forged the name of the Chief of Public Affairs ([REDACTED] on the check, and then cashed it. He subsequently had second thoughts about his actions and three days after stealing the money, redeposited it into the CDV account. Approximately one to two weeks later, [REDACTED] was confronted by his supervisor, [REDACTED] who had discovered what [REDACTED] had done. [REDACTED] explained his reasoning for his actions, stated that he was getting counseling, and convinced [REDACTED] that he was sincere in his remorse. [REDACTED] elected not to take any type of action for the misconduct, and in a thank you letter to [REDACTED] for giving him another chance, [REDACTED] assured [REDACTED] "you won't regret it".

c. In November 1992, [REDACTED] again began having thoughts of running away due to his dissatisfaction with his job and family life. Proving once again the truth of the adage "No good deed will go unpunished for long," on 3 December 1992, [REDACTED] again drew a check from the CDV Program account, made it out to himself in the amount of \$750.00, again forged [REDACTED] name to the check, and cashed it. On Friday, 4 December 1992, a "down day" for the base, [REDACTED] departed without authority for [REDACTED]. On 5 January 1993, 28 days after going AWOL, [REDACTED] voluntarily turned himself in to a U.S. Marshall's office in Oregon. Upon



his return to Grand Forks AFB, [REDACTED] was tried and convicted in a special court-martial for the AWOL, the two larcenies, and the two forgeries. He was sentenced by court members to four months confinement, forfeitures of \$1043.00 per month for six months, and reduction to the grade of staff sergeant.

d. [REDACTED] received notification of AFR 39-10 action against him on 25 March 1993. The AFR 39-10 administrative discharge board took place on 25-26 May 1993. The board members found that [REDACTED] committed each of the acts of larceny and forgery alleged, and that a punitive discharge was authorized for each offense under the UCMJ. The AWOL offense was not included as a reason for discharge, but was properly put before the members on the issue of whether SSgt should be discharged. The board members recommended [REDACTED] be separated with a general discharge, and that he also be offered probation and rehabilitation (P&R) with a conditional suspension of the discharge. On 13 July 1993, 319 BW/CC approved the board's recommendation that [REDACTED] be separated with a general discharge, but disapproved the board's recommendation for P&R. The 319 BW/CC cited SSgt [REDACTED] repeated criminal acts of larceny and forgery after having previously been given a second chance as his rationale for finding P&R inappropriate.

3. RESPONDENT'S BACKGROUND: [REDACTED] began his current term of enlistment on 20 April 1990, and presently has just over seventeen and one half years of active duty Air Force service. His Enlisted Performance Reports, beginning with the most recent, reflect promotion recommendations of 5, 3, 3, and 4. He had 16 prior Airman Performance Reports, each with an overall rating of 9. [REDACTED] spent most of his Air Force career in the fields of communications, radio broadcasting, and media/public relations. During the board hearing, he testified that he was sorry for his actions, that he had turned his life around, and that he desired to either complete his current enlistment or separate under the early retirement program. His testimony can be reviewed at pages 85-105 of the record.

4. ERRORS AND IRREGULARITIES:

a. There are no errors or irregularities prejudicial to the substantive rights of [REDACTED]. The only issue of note during the hearing concerned the legal advisor's refusal to admit two exhibits submitted by Respondent's counsel (See pages 10-17 and 76-78). The exhibits were statements from two of the three individuals who sat as court members on [REDACTED] court-martial. The statements generally indicated that the court members believed neither a punitive (which the court-martial could have adjudged) nor an administrative discharge (which was outside of the court's purview) was appropriate. Both cited factors they believed mitigated [REDACTED] actions. The legal advisor denied the admission of the two exhibits, as well as a similar type exhibit offered by the Recorder from an airman who was appalled by the leniency of the sentence. The evidentiary rules applicable to administrative discharge boards, set out in AFR 11-31, require the admission of "all matters that are relevant or material to an issue or inquiry". Paragraph 8-13 of AFR 39-10 provides that "the legal advisor may impose reasonable restrictions of relevancy, competency, and materiality". While the Respondent is entitled to a full and fair hearing, the legal

advisor must balance that right against permitting the admission of evidence that is not material or relevant (OpJAGAF 1985/15). In this case, the legal advisor determined that the exhibits were neither character statements nor statements offered in extenuation, mitigation or explanation of the offenses. Instead, he considered them an effort to state that the failure of the court-martial to adjudge a punitive discharge should somehow carry over to the board itself, which he felt would be misleading. The legal advisor's determination, in our view, was not an abuse of discretion.

b. After the board concluded, Respondent's counsel submitted a letter (with three attachments), dated 12 July 1993, to 319 BW/CC for consideration on the issue of P&R. A 14 July 1993 letter forwards those matters. The letter addresses Respondent counsel's discussions with the board members after the hearing, his belief as to the impact the two excluded statements may have had on the outcome of the board proceedings, and his rationale as to why lengthy service P&R should be approved. While there is no provision within AFR 39-10 for the submission of such matters, I recommend DP carefully consider the matters presented giving them the weight he deems appropriate.

c. After the separation authority took action on the case, the file was returned to the base because the record of the hearing had been summarized, rather than transcribed verbatim, as required by Table 8-2 of AFR 39-10. After being transcribed verbatim, the record was forwarded directly to HQ ACC. There is no indication the verbatim record, once complete, was ever forwarded through the separation authority for his consideration. We contacted the OPR for AFR 39-10 actions at HQ AFMPC for their assessment of whether the separation authority was required to review the verbatim record, or whether his review of the summarized record was sufficient to meet procedural due process requirements. The OPR concluded that since the separation authority is not required to read the board record, there was no requirement he review the case a second time once the verbatim record was prepared.

## 5. DISCUSSION:

a. Pursuant to AFR 39-10, paragraph 6-35, members who have served more than 16 years, but less than 20 years, of creditable active duty service are entitled to special consideration for probation upon their request. A MAJCOM DP recommendation concerning lengthy service P&R is required upon the member's request. [REDACTED] has requested he be given lengthy service probation consideration.

b. The case file provides ample evidence to support the 319 BW/CC decision to deny the board's recommendation for P&R. Although [REDACTED] APR/EPRs, citations, and character references all indicate very good service to the Air Force, his actions in forging his supervisor's name and stealing monies for which his supervisor was responsible, especially after previously committing the same offenses and being given a second chance, indicate that he lacks the capacity to be rehabilitated. His retention on active duty would be inconsistent with the maintenance of good order and discipline.

6. RECOMMENDATION: The case file is legally sufficient to support SSgt [REDACTED] discharge without the offer of lengthy service probation. We

recommend the case file be forwarded to HQ AFMPC/DPMARS2 with a HQ ACC/DP recommendation that lengthy service probation be denied.



Chief, Adverse Actions

1 Atch  
Case File

I concur.



Chief, Military Law



FD 2002 - 0178

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 319TH BOMB WING (ACC)  
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

12 JUL 1993

FROM: JA

SUBJ: AFR 39-10 Discharge Legal Review [REDACTED] 319 MSSQ

TO: CC

1. I have reviewed and found legally sufficient the attached AFR 39-10 discharge file contingent upon inclusion of a medical report clearing the respondent for separation.
2. 319 MSSQ/CC initiated this action on 25 Mar 93 because the respondent twice committed the serious offenses of larceny and forgery. For his misconduct, the respondent was convicted by court-martial and sentenced to confinement for 4 months, forfeiture of \$1043.00 pay per month for 6 months, and reduction to the grade of E-5. The respondent is subject to discharge per AFR 39-10, paragraph 5-49c for commission of a serious offense. 319 MSSQ/CC recommends a general discharge without probation and rehabilitation (P&R).
3. The respondent is 40 years old and began his present enlistment on 20 Apr 90, with his TAFMSD being 12 May 76. He formerly was the NCOIC of Public Affairs and his most recent four EPRs have overall ratings of 5, 3, 3, and 4. He also has 16 prior APR's, each with overall rating of 9.
4. The respondent was entitled to a hearing before an administrative discharge board, and, after consulting with counsel, chose to exercise that right. An AFR 39-10 discharge board was convened on 25 May 93. After a full hearing, the board found that the respondent was subject to discharge for the commission of a serious offense and recommended that he be discharged with a general service characterization. While the type of misconduct engaged in by the respondent would ordinarily warrant an under other than honorable conditions service characterization, since the respondent had been convicted by court-martial and did not receive a punitive discharge, his commander recommended a general discharge. The respondent's acts of misconduct are significant negative aspects of his service record which clearly outweigh his satisfactory duty performance. Respondent should be discharged and a general discharge certificate would be appropriate under these circumstances.
5. The discharge board recommended that the respondent be offered probation and rehabilitation (P&R) with a conditional suspension of discharge. However, this recommendation is not binding. You must determine independently whether P&R is suitable in this case. The length of the respondent's service in the Air Force entitles him to special consideration for probation, but this needs to be balanced against the serious nature of the offenses he committed. After he committed the first forgery and theft in Jun 92, his supervisor [REDACTED] gave him a second chance for which the respondent stated [REDACTED] "would not regret." The respondent used his second chance to again commit the same forgery and larceny and go AWOL for 28 days. He has proven he cannot be trusted.

*Global Power for America*

The retention on active duty in a probationary status of [REDACTED] who has been convicted of forgery and larceny, is inconsistent with the maintenance of good order and discipline in the Air Force. Therefore, I do not recommend that this respondent receive P&R.

6. If you determine that P&R is not appropriate and should not be offered in this case, then the respondent, with 17 years of service, has requested and will receive lengthy service probation consideration by HQ AFMPC, per AFR 39-10, chapter 6, section F. Execution of the respondent's approved discharge will be held in abeyance and the case, along with your recommendation concerning lengthy service probation, will be sent through ACC/DP to HQ AFMPC/DPMARS2 for further review and processing. Specific instructions for final disposition of the case will follow from HQ AFMPC.

7. As SPCM separation authority, you may:

- a. Retain the respondent;
- b. Approve the respondent's separation with a general discharge with or without probation and rehabilitation;
- c. Forward the case to 8AF/CC recommending separation with an honorable discharge with or without probation and rehabilitation; or
- d. Direct reinitiation of the action if you determine that an under other than honorable conditions discharge is the only appropriate service characterization in this case.

I recommend you approve the respondent's separation with a general discharge without P&R.

[REDACTED]  
Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE  
 HEADQUARTERS 319TH BOMB WING (ACC)  
 GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

25 MAR 1993

FROM: 319 MSS/CC  
 226 Steen Ave  
 Grand Forks AFB, ND 58205-6219

SUBJ: Notification Letter - Board Hearing

TO: [REDACTED]  
 319 MSS

1. I am recommending your discharge from the United States Air Force for commission of a serious offense. The authority for this action is AFR 39-10, paragraph 5-49c. 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. On or about 3 Dec 92, you stole currency of a value of \$750.00, the property of the Civilian Distinguished Visitor Program account, for which you were court martialed and convicted on 17 Feb 93;

b. On or about 3 Dec 92, you forged the signature of [REDACTED] to a certain check in the amount of \$750.00, for which you were court martialed and convicted on 17 Feb 93;

c. On or about 26 Jun 92, you stole currency of a value of \$750.00, the property of the Civilian Distinguished Visitor Program account, for which you were court martialed and convicted on 17 Feb 93; and,

d. On or about 26 Jun 92, you forged the signature of [REDACTED] to a certain check in the amount of \$750.00, for which you were court martialed and convicted on 17 Feb 93.

3. This action could result in your separation with a discharge characterized as general. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

a. Consult legal counsel.

b. Present your case to an administrative discharge board.

c. Be represented by legal counsel at a board hearing.

d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.

e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to the 319 Medical Group on 26 Mar at 0730 hours. You must not drink any alcohol for 72 hours prior, and must not eat for 12 hours prior to the scheduled appointment.

6. Deliver to me immediately your military identification card and those of your dependents. I have requested that temporary identification cards be issued IAW AFR 30-20, paragraph 2-9. You will report to me by COB 25 MAR 1993 to verify that issuance of Temporary Identification Card(s) has been accomplished.

7. Military legal counsel has been obtained to assist you. You have been scheduled for an appointment at the office of the Area Defense Counsel on 30 Mar at 1100 hours located at Grand Forks AFB, ND in Bldg 216. You can contact the office of the Area Defense Counsel at (DSN) 362-3341 or (Commercial) 701-747-3341. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

8. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 319TH BOMB WING (ACC)  
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

FROM: JA

18 May 93

SUBJ: NOTIFICATION OF HEARING BEFORE ADMINISTRATIVE DISCHARGE BOARD

TO: [REDACTED]  
319 MSS

1. Be advised that the discharge action initiated against you on 25 Mar 93 by the commander, 319 MSS, under authority of AFR 39-10, paragraph 5-49c, will be considered before an administrative discharge board which will convene at 0800 hours, 25 May 93, in the court room at building 307, Grand Forks Air Force Base, North Dakota.

2. The purpose of the board is to develop and review information bearing upon the recommendation for your discharge, to make findings of fact and formal recommendations on the issues of whether you should be discharged, the characterization of any such discharge, and whether you should be offered an opportunity for probation and rehabilitation. The specific allegations to be investigated are contained in the Notification Letter, dated 25 Mar 93.

3. The following persons could be called by the recorder to testify before the board, although they may not necessarily be so called:

- a. [REDACTED] 319 BW/PA, Grand Forks AFB  
DP: 747-5017
- b. [REDACTED] Commander, 319 MSS, Grand Forks AFB  
DP: 747-4924

4. The following documents could be presented for consideration by the board:

- a. Recommendation Letter, dated 6 Apr 93, and all attached documents.

5. You have the following rights before the board:

- a. To appear before the board in person, subject to your availability.
- b. To be represented by a judge advocate, either one assigned by the USAF Headquarters Judiciary or one selected by you, provided the judge advocate you select is reasonably available, as determined by AFR 111-1, but not by both. You may employ civilian counsel at your own expense.
- c. You may challenge any voting member of the board or the legal advisor for cause only.
- d. Upon your written request, the convening authority will substitute a noncommissioned officer for one of the three officers who are the voting members of the board.

*Global Power for*

GOVERNMENT EXHIBIT 2 FOR ID  
Offered: 2

P. 1 of 2



e. To arrange for the presence at the hearing of any witnesses who agree to testify, without cost to the government.

f. To request that the recorder arrange for the presence of specifically named witnesses, upon showing of materiality and necessity, as outlined in AFR 39-10, paragraph 8-10.

g. To question any witness who appears before the board.

h. To submit evidence in your behalf to the board. You are not required, by reason of Article 32, UCMJ, and chapter 8, AFR 39-10, to present any matters to the board; but you may do so. This may be testimony you provide under oath or any unsworn statement (oral or written) submitted by you through your counsel. You may also submit other material for the board's consideration, including sworn or unsworn statements of others, affidavits, certificates, stipulations, or deposition testimony of unavailable witnesses.

[Redacted signature]

Recorder

Cy to [Redacted signature]  
Area Defense Counsel


Receipt acknowledged at 1505 hours on 19 MAY 93.

[Redacted signature]

9. If this discharge recommendation results in an approved discharge, you may request that it be reviewed in the Office of the Secretary of the Air Force prior to execution.

10. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in your Squadron Orderly Room.

11. Execute the Attached acknowledgment and return it to me immediately.

  
Commander, 319 MSS

4 Atch

1. Supporting Documents
  - a. Special Court-Martial Order No. 1 dated 16 Mar 93
  - b. Stipulation of Fact dated 17 Feb 93
2. Airman's Acknowledgment
3. EPRs
4. RIP