

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
NAME OF COUNSEL AND OR ORGANIZATION		
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A92.37, A93.11, A94.53	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 02-10-03	CASE NUMBER FD2002-0189	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 AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

REMARKS
 Case heard at Washington, D.C.

 Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel.

 DD Form 149 submitted. Case will be forwarded to the AFBCMR for further processing.

SIGNATURE OF RECORDER [REDACTED] **SIGNATURE OF BOARD PRESIDENT** [REDACTED]

ENDORSEMENT _____ **DATE: 02-10-03**

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, 3RD FLOOR
ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0189

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for minor disciplinary infractions. He had a Letter of Counseling, a Letter of Reprimand, an Article 15, an Unfavorable Information File, and had been placed on the Control Roster. His misconduct included failure to go, writing five worthless checks, sleeping on duty, and misappropriating a POV owned by another airman. At the time of the discharge, member waived his right to submit a statement in his own behalf, according to a note in the file. Applicant submits no issues now and some of the discharge documents are missing from the file. The Board noted that member was the same age as other airmen who adhere to the standards when his misconduct occurred, and he knew right from wrong. He was sent to the Personal Financial Management Program and placed on the Control Roster in an effort to help him correct his deficiencies. He was mature and responsible for his actions, and therefore was held accountable for them. Although he was counseled and given several opportunities to improve his behavior, he failed to respond to those rehabilitative efforts. No inequity or impropriety was found in this discharge in the course of the records review.

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] (Former A1C) (HGH A1C) MISSING DOCUMENTS
 [REDACTED]

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 94/12/20 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 73/02/15. Enlmt Age: 20 5/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-51, E-74, G-50, M-88. PAFSC: 2S031 - Inventory Management Journeyman. DAS: 93/12/02.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 93/08/03 for 4 yrs. Svd: 1 Yr 4 Mos 18 Das, all AMS.

b. Grade Status: A1C - 93/08/03

c. Time Lost: None.

d. Art 15's: (1) 94/11/15, Elmendorf AFB, Alaska, Article 86. You, did, on or about 3 Nov 1994, without authority, go from your appointed place of duty, to wit: building 42-300, hanger 8, Support Section. Article 121. You, did, on or about 3 Nov 1994, wrongfully appropriate a truck, of a value in excess of \$100.00, the property of A1C -----
 ---. Suspended reduction to the grade of AMN, and a reprimand. (No appeal) (No mitigation).

e. Additional: LOC, 7 NOV 94 - Asleep on duty.
 LOR, 15 SEP 94 - Writing worthless checks.

f. CM: None.

g. Record of SV: None.

(Discharged from Elmendorf AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yr (4) Mos (18) Das
 TAMS: (1) Yr (4) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/04/22.

FD2002-0189

(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. DD Form 149.

02/08/09/cr

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD 2002-0189

MEMORANDUM FOR 962 AACS/MAU (A1C [REDACTED])

NOV 30 1994

FROM: 962 AACS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, Section H, paragraph 5-46. If my recommendation is approved, your discharge 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. From on or about 13 Aug 94 to on or about 1 Sep 94, you wrote five checks to Army Air Force Exchange Services (AAFES) with insufficient funds as evidenced by a Letter of Reprimand (LOR), dtd 15 Sep 94; four Dishonored Check Notifications, dtd 25 Aug 94, 29 Aug 94, 1 Sep 94, and 9 Sep 94; an AAFES Form 7200-7, dtd 5 Oct 94. For these incidents, an Unfavorable Information File was initiated as evidenced by an AF Form 1058, dtd 15 Sep 94. (Atch 1)

b. On or about 7 Nov 94, you fell asleep while on duty as evidenced by a Letter of Counseling (LOC), dtd 7 Nov 94. (Atch 2)

c. On or about 3 Nov 94, you, without authority, went from your appointed place of duty and wrongfully appropriated a truck, the property of A1C Fiveash as evidenced by an Article 15, dtd 9 Nov 94. (Atch 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 higher authority will decide whether you will be discharged or retained in the Air Force; and, if you are discharged, how your service will be characterized. If you are discharged you will be ineligible for reenlistment in the Air Force.


3. 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 Capt Riggles, 552-3887, at Bldg 6-920, rm 330 on 1 Dec 94 at 1400. You may consult civilian counsel at your own expense.

4. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 5 DEC 94 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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

6. You have been scheduled for a medical examination. You must report to the 3rd Aerospace Medicine Squadron, Building 24-850 at 0715 on 1 DEC 94. Fast (drink water only) for 14 hours prior, no alcohol 72 hours prior, no tobacco products 6 hours prior to examination, bring eyeglasses and contact solution if using contacts, and you must be in uniform for the examination.

7. 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 at your Squadron Orderly Room.

 , 1LT, USAF FOR
Col, USAF
Commander

Attachments:

1. LOR, dtd 15 Sep 94, w/ 7 Atchs
2. LOC, dtd 7 Nov 94, w/ 1 Atch
3. Art 15, dtd 9 Nov 94, w/ 2 Atchs
4. Other Supporting Documents (1)