



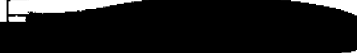


AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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



MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.01	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 19 DEC 02		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
		4	BRIEF OF PERSONNEL FILE	
		COUNSEL'S RELEASE TO THE BOARD		
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
CASE NUMBER FD2002-0252		TAPE RECORDING OF PERSONAL APPEARANCE HEARING		

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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, 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 
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INDORSEMENT	DATE: 19 DEC02
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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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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0252

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.

The applicant's issues are listed in the attached brief.

ISSUE: The applicant contends his discharge was inequitable because it was too harsh for a "few" minor incidents. The record shows that the applicant received two Article 15's for failure to go and for stealing a walkman radio. In addition, he also received a Letter of Reprimand for dereliction of duty, a Letter of Counseling for vehicle abuse, and a Record of Individual Counseling for violation of regulation by leaving his assigned military working dog unattended. If the applicant can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community. The board concluded the misconduct was a significant departure from conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge and that 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]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 88/04/07 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 67/08/04. Enlmt Age: 18 6/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-63, E-56, G-52, M-75. PAFSC: 81152A - Law Enforcement Specialist. DAS: 87/10/22.

b. Prior Sv: (1) AFRes 86/02/05 - 86/04/30 (2 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 86/05/01 for 4 yrs. Svd: 01 Yrs 11 Mo 07 Das, all AMS.

b. Grade Status: AMN - 88/03/04 (Article 15, 88/03/04)
A1C - 87/10/11
AMN - 86/11/01

c. Time Lost: None.

d. Art 15's: (1) 88/03/04, Lackland AFB, TX - Article 86. You did, on or about 16 Feb 88, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. Forfeiture of \$175.00 pay, and 7 days correctional custody (correctional custody suspended). (No appeal) (No mitigation)

(2) 87/06/09, Osan AB, Korea - Preliminary investigation has disclosed that you, did, on or about 27 May 87, steal a walkman radio, of a value of about \$30.00, the property of Major ----- . Forfeiture of \$200.00. (No appeal) (No mitigation)

e. Additional: LOC, 27 JAN 88 - Vehicle abuse.
RIC, 15 JAN 88 - Violation of regulation, and leaving assigned military working dog unattended.
LOR, 07 JAN 88 - Dereliction of duty.

f. CM: None.

g. Record of SV: 86/05/01 - 87/05/19 Osan AB 9 (Annual)

(Discharged from Grissom AFB)

h. Awards & Decs: AFTR, AFOSSTR.

i. Stmt of Sv: TMS: (02) Yrs (02) Mos (03) Das
TAMS: (01) Yrs (11) Mos (07) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/06/10.
(Change Discharge to Honorable)

Issue 1: Dear Sirs, I am requesting that my discharge be upgraded to "Honorable" because I feel it was inequitable based on a "few" minor incidents in a 23 month term of service and did not give me a true opportunity to grow and excel in my career. As a young man in the Air Force, I know I made some juvenile mistakes and that I had not "grasped" a true hold on my chosen profession. I have enclosed copies of my schools since my departure from the service. I hope these show to you my dedication to law enforcement and that without my Air Force opportunity, I would not be the man I am now. Thank you for your consideration in this matter.

ATCH

1. DD Form 214.
2. Five Training Certificates.
3. Certificate of Achievement.
4. Twelve Training Certificates.
5. Three Award Certificates.
6. Three Training Certificates.
7. Certificate of Achievement.
8. Training Certificate.

02/09/19/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 305TH COMBAT SUPPORT GROUP (SAC)
GRISSOM AIR FORCE BASE, INDIANA 46971-5000

REPLY TO
ATTN OF: JA

30 March 1988

SUBJECT: Final Legal Review of AFR 39-10 Action: [REDACTED]

TO: 305 CSG/CC

- 1. We have reviewed and found to be legally sufficient the attached AFR 39-10 action concerning [REDACTED]
- 2. On 24 March 1988, the Commander, 305 Security Police Squadron, initiated this action to effect [REDACTED] separation pursuant to AFR 39-10, Paragraph 5-46. A general discharge without probation and rehabilitation was recommended. On 29 March 1988, after consulting with military legal counsel, [REDACTED] submitted a statement in response to this action.

3. SUMMARY OF THE EVIDENCE

a. For the Government: This action is based on [REDACTED] failure to go to his place of duty, as evidenced by an Article 15, dated 4 March 1988; his theft of property, as evidenced by an Article 15, dated 9 June 1988; his unprofessional conduct which injured another member of the Air Force, as evidenced by a Letter of Reprimand, dated 7 January 1988; for negligence in the care of a military working dog, as evidenced by a Record of Counselling, dated 15 January 1988; and his abuse of a vehicle, as evidenced by a Letter of Counselling, dated 27 January 1988.

b. For the Respondent: [REDACTED] is 20 years of age, married, and has served approximately 1 year and 11 months of his current enlistment. APRs for the current enlistment reflect the following ratings: 9. [REDACTED] asks that he be retained and given another chance or receive an honorable discharge.

4. DISCUSSION:

a. In our opinion, by a preponderance of the evidence standard, the evidence is clearly sufficient to merit [REDACTED] separation pursuant to AFR 39-10, paragraph 5-46. In balancing the positive with the negative features of the current enlistment, we believe a general discharge to be an appropriate characterization of [REDACTED] service for the current enlistment. A suspension for a period of probation and rehabilitation would

UNITED STATES AIR FORCE



SEPTEMBER 18, 1947

not, in this case, be consistent with maintenance of good order and discipline.

b. Errors or Irregularities: A physical examination, qualifying the individual for world-wide service, must be added to the package before separation can be effected.

c. We further find that there has been substantial compliance with the applicable provisions of AFR 39-10.

5. As the special courts-martial convening authority, you may:

a. Terminate the action if you determine it lacks merit;

b. Direct separation with a general discharge, with or without probation and rehabilitation;

c. Forward the case to the Commander, 8th Air Force, with an accompanying recommendation of separation with an honorable discharge with or without probation and rehabilitation;

d. Direct reinitiation under a more appropriate provision of AFR 39-10.

6. Consistent with the above findings and observations we recommend you direct [redacted] separation with a general discharge, without probation and rehabilitation.

[redacted]
[redacted] USAF
Assistant Staff Judge Advocate

1 Atch
Case file - [redacted]

[redacted]
[redacted] USAF
Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS 305TH COMBAT SUPPORT GROUP (SAC)
 GRISSOM AIR FORCE BASE, INDIANA 46971-5000



REPLY TO
 ATTN. OF: SPS/CC

24 MAR 1988

SUBJECT: Letter of Notification

TO: [REDACTED] 305 SPS

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, paragraph 5-46. 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 23 Dec 87, you were involved in horseplay while on duty at the Main Gate which resulted in the injury of another member. This is evidenced by a Letter of Reprimand dated 7 Jan 88.

b. On 14 Jan 88, you left your assigned Military Working Dog unattended in the parking lot of Building 101. This is evidenced by a Record of Individual Counseling, SAC Form 174, dated 15 Jan 88.

c. On 27 Jan 88, you were involved what appeared to be a clear case of vehicle abuse. This is evidenced by a Letter of Counseling dated 27 Jan 88.

d. You did, at Lackland AFB TX, on or about 16 Feb 88, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 5100, visitor's center. This is evidenced by an Article 15 dated 4 Mar 88.

e. You did, at Osan AB Korea, on or about 27 May 87, steal a walkman radio, of a value of about \$30.00 the property of [REDACTED]

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander 305th Combat Support Group 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 [REDACTED] at the Area Defense Counsel at Building 308 on 24 Mar 88 at 1430. You may consult civilian counsel at your own expense.



4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1630 hours 29 Mar 88 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 Grissom AFB Clinic, Physical Examination at 0715 hours on 25 Mar 88 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 6. A copy of AFR 39-10 is available for your use in the Orderly Room.

 USAF
Commander

2 Atch

1. Supporting Documents
 - a. LOR, dated 7 Jan 88
 - b. LOC, dated 15 Jan 88
 - c. LOC, dated 27 Jan 88
 - d. Article 15 dated 4 Mar 88
 - e. Article 15 dated 9 Jun 87
2. Receipt of Notification