

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
	AIC	

COUNSEL	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW
YES	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
NO		
<input checked="" type="checkbox"/>		

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	LOTHC	OTHER	DENY
X+*					
X+*					
X+*					
X*					
X+*					

ISSUES <b>A92.36</b>	INDEX NUMBER <b>A67.10</b>	EXHIBITS SUBMITTED TO THE BOARD			
		1	ORDER APPOINTING THE BOARD		
		2	APPLICATION FOR REVIEW OF DISCHARGE		
		3	LETTER OF NOTIFICATION		
HEARING DATE <b>02 10 17</b>	CASE NUMBER <b>FD2001-0409</b>	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**  
 + Change Reenlistment Code (RE): \*Change of Reason to Secretarial Authority

Case heard at Washington, D.C.

The AFDRB determined the applicant's reenlistment code (RE) would be changed to 3K and that the reason for discharge should be "Secretarial Authority"

The Board finds the evidence of record and that provided by the applicant substantiates an inequity or impropriety which justifies upgrading his discharge from general to honorable.

Advise applicant of the decision of the Board.

ENDORSEMENT		DATE: <b>02 09 17</b>
TO: SAFMIBR 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, EF WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2001-0408

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable, change of reason for discharge, and change of reenlistment eligibility (RE) code.

The applicant appeared and testified before the Discharge Review Board (DRB), at Andrews AFB, MD on October 17, 2002.

The following additional exhibits were submitted at the hearing:

Exhibit 5: Applicant's contentions

**FINDINGS:** The Board grants the relief requested.

**ISSUES:** The member received a general discharge for misconduct - minor disciplinary infractions. The misconduct included failure to pay just debt, illegal use of government credit card and failure to go. Applicant states the discharge was too harsh and he should have been offered probation and rehabilitation. After a thorough and complete consideration of the information submitted by the applicant, the applicant's compelling personal testimony, and information contained in the record, the Board concluded there was sufficient mitigation and extenuation to substantiate upgrade of the discharge, to change the reason for discharge, and to change the RE code. The Board did find the illegal use of the government credit card to be misconduct; but while not condoning the applicant's actions, the Board did not find his misconduct to warrant the discharge he received. Specifically, the Board opined that the applicant's command element neither offered the applicant the opportunity to resolve his indebtedness nor provided any positive intervention or rehabilitation that would likely prevented further disciplinary actions. As a result, the Board found the characterization of his discharge to be too harsh and inequitable.

**CONCLUSIONS:** The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation. However, the inequities in this record require a change to his service characterization and re-enlistment code. The Board concludes the following changes should be made to the applicant's records: (1) the applicant's service characterization should be changed from "General" to "Honorable"; (2) the reason for discharge should be changed to "Secretarial Authority"; and (3) that his re-enlistment code be changed from "2B" to "3K".

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

(Former A1C) (HGH A1C)

**MISSING DOCUMENTS**

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 97/02/24 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 66/12/30. Enlmt Age: 27 0/12. Disch Age: 30 1/12. Educ:HS DIPL. AFQT: N/A. A-46, E-68, G-72, M-86. PAFSC: 2T231 - Air Transportation Apprentice. DAS: (EPR Indicated): 94/04/20-94/04/19..

b. Prior Sv: (1) AFRes 94/01/28 - 94/04/19 (2 months 22 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as 94/04/20 for 4 yrs. Svd: 02 Yrs 10 Mo 05 Das, all AMS.

b. Grade Status: A1C - 95/08/20  
AMN - (EPR Indicates): 94/04/20-95/12/19

c. Time Lost: none.

d. Art 15's: none.

e. Additional: LOR, 16 JAN97 - Failure to pay just debt.  
LOR, 07 NOV 96 - Illegal use of government credit card.  
VBC, 03 OCT 96 - Failure to go.

f. CM: none.

g. Record of SV: 94/04/20 - 95/12/19 Charleston AFB 3 (Initial)  
95/12/20 - 96/08/01 Charleston AFB 4 (CRO)

(Discharged from Little Rock AFB)

h. Awards & Decs: AFAM, AFOUA, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (00) Mos (27) Das  
TAMS: (02) Yrs (10) Mos (05) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/07/30.  
(Change Discharge to Honorable)

Issue 1: I am requesting that my discharge be upgraded to Honorable so that I might be accepted into the Air Force Reserve/Air Guard. I have been to the

recruiter of both branches and was told that I would need an Honorable discharge to join.

**ATCH**

1. DD Form 214.

02/03/19/ia

DEPARTMENT OF THE AIR FORCE  
39TH WING (USAF)

MEMORANDUM FOR [REDACTED] FR [REDACTED]

31 JAN 97

FROM: 628 AMSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. 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:

On 13 January 1997, you were delinquent in paying your American Express account, which was 84 days overdue in the amount of \$634.97. As a result you received a Letter of Reprimand (LOR) on 16 January 1997 and an entry to your existing Unfavorable Information File (UIF) on 27 January 1997.

From October 1995 to August 1996 you used your government American Express card 65 times for personal use in the amount of \$1,698.00. As a result of your actions, you received a LOR on 7 November 1996, UIF entry on 20 November 1996, and placement on the Control Roster.

On 27 September 1996, you violated UCMJ Article 86, in which you failed to go to your scheduled base orientation appointment. You were verbally counselled on 3 October 1996 as a result of your action.

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. Any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment has been scheduled for you to consult the Area Defense Counsel, Capt [REDACTED] on 3 Feb 97 at 1300 hrs in Building 885. You may consult civilian

counsel at your own expense. The Air Force does not pay expenses incident to the employment of civilian counsel.

5. 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 Feb 97 unless you request and receive an extension for good cause shown. I will send them to the separation authority. 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 39 MDG Physical Exams Section at 0730 hrs on 3 Feb 97 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, is available for your use in Building 979, Base Information Library.

  
Lt Col, USAF  
Commander, 628 AMSS

Attachments:

1. AF Form 1058 w LOR dated 16 Jan 97, AMEX Aging Analysis
2. AF Form 1058 w/ LOR dated 7 Nov 96, AMEX Monthly Activity Report
3. Missed Appointment Memorandum dated 27 Sep 96