

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN																	
[REDACTED]		SRA	[REDACTED]																	
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW																	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		YES	NO		X	ADDRESS AND OR ORGANIZATION OF COUNSEL														
YES	NO																			
	X																			
MEMBERS SITTING		VOTE OF THE BOARD																		
		HON	GEN	UOTHC	OTHER	DENY														
						X														
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ISSUES A95.00		INDEX NUMBER A67.10		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> <tr> <td style="width: 5%;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td>2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td>3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td>4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </table>	EXHIBITS SUBMITTED TO THE BOARD		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		TAPE RECORDING OF PERSONAL APPEARANCE HEARING
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HEARING DATE 6 FEB 03		CASE NUMBER FD2001-0300																		
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 Travis AFB, California. Applicant was scheduled to appear before the DRB, but failed to respond. Advise applicant of the decision of the Board, the right to a personal appearance and the right to submit an application to the AFBCMR.																				
SIGNATURE OF RECORDER		SIGNATURE OF BOARD PRESIDENT																		
[REDACTED]		[REDACTED]																		
INDORSEMENT		DATE: 6 FEB 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, 3 RD FLOOR ANDREWS AFB, MD 20762-7002																		

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD01-0300

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. 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 applicant received an Article 15 for dishonorably failing to pay two debts. In addition, the applicant also received two Letter's of Reprimand and two Letters of Counseling for failure to go, financial irresponsibility, altering an official document, and operating a business without permission. The Board concluded these disciplinary infractions were a significant departure from the 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.

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

(Former SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 92/03/24 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 61/10/29. Enlmt Age: 25 10/12. Disch Age: 30 4/12. Educ: HS DIPL. AFQT: N/A. A-86, E-98, G-98, M-99. PAFSC: 45157 - B-1B Avionics Test Station & Computer Specialist. DAS: 89/01/11.

b. Prior Sv: (1) AFRes 87/09/11 - 88/03/24 (6 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 88/03/25 for 6 yrs. Svd: 4 Yrs 0 Mo 0 Das, all AMS.

b. Grade Status: SRA - 91/03/13 (Vacation of NCO status)
SRA-SGT (EPR Indicates): 89/11/25-90/05/04
AB-A1C (EPR Indicates): 88/03/25-89/11/24

c. Time Lost: none.

d. Art 15's: (1) 91/03/13, Ellsworth AFB, SD - Article 134. You, being indebted to ----- in the sum of \$11.65 for a thing of value, which amount became due and payable on or about 20 Feb 91, did at or near Rapid City, South Dakota, from 20 Feb 91 to 7 Mar 91, dishonorably fail to pay said debt. Further investigation has disclosed that you being indebted to ----- in the sum of \$20.00 for a thing of value, which amount became due and payable on or about 13 Feb 91, did, at or near Rapid City, South Dakota, from 13 Feb 91, to 7 Mar 91, dishonorably fail to pay said debt. Thirty days correctional custody, and reduction to A1C (suspended until 12 Sept 91). (No appeal) (No mitigation)

e. Additional: LOC, 06 FEB 92 - Operating a business without permission.
LOR, 04 FEB 92 - Altering an official document.
LOC, 17 MAY 90 - Financial irresponsibility.
LOR, 21 FEB 92 - Failure to go.

f. CM: none.

g. Record of SV: 88/03/25 - 89/11/24 Ellsworth AFB 5 (Initial)
89/11/25 - 90/05/04 Ellsworth AFB 4 (CRO)
90/05/05 - 91/05/04 Ellsworth AFB 3 (Annual)

A95.00

(Discharged from Ellsworth AFB)

h. Awards & Decs: AFOUA, NDSM, AFLSAR, NCOPMER, BMTHGR, AFTR.

i. Stmt of Sv: TMS: (4) Yrs (6) Mos (14) Das
TAMS: (4) Yrs (0) Mos (0) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01/07/15.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

01/09/25/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 28TH WING (SAC)

ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA 57706-5000

REPLY TO: JA [REDACTED] 5-2329)

13 Mar 92

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

TO: CC

1. I have reviewed the attached administrative discharge case file on Senior Airman [REDACTED] 28th Avionics Maintenance Squadron, and find it legally sufficient to support discharge. It also supports 28 AMS/CC's recommendation to separate the respondent with a general discharge without a conditional suspension of the discharge for a period of Probation and Rehabilitation (P & R).

2. On 14 Feb 92, 28 AMS/CC initiated this separation action pursuant to AFR 39-10, paragraph 5-46, for misconduct involving minor disciplinary infractions. On the same date, [REDACTED] received and acknowledged notification of this action. On 19 Feb 92, the commander granted an Area Defense Counsel delay until the close of business 21 Feb 92. On 21 Feb 92, the commander granted another Area Defense Counsel delay until close of business 3 Mar 92. On 3 Mar 92, the Area Defense Counsel submitted a letter on [REDACTED] behalf for your consideration. On 4 Mar 92, an addendum was made to the commander's notification letter. On the same date, [REDACTED] received and acknowledged notification of this action. [REDACTED] submitted statements on his own behalf for your consideration after consulting with legal counsel.

3. The reasons for the proposed discharge action are:

a. On or about 20 Feb 92, [REDACTED] failed to go to his appointed place of duty, to wit: Bldg 6000, 28th Strategic Hospital. For this offense, he was given a Letter of Reprimand on 21 Feb 92.

b. On or about 6 Feb 92, [REDACTED] operated a business from his on-base quarters without the necessary permission. For this offense, he was given a Letter of Counseling on 6 Feb 92.

c. On or about 3 Feb 92, [REDACTED] wrongfully altered a South Dakota temporary vehicle registration document on his automobile. For this offense, he was given a Letter of Reprimand on 4 Feb 92 which was placed in his Unfavorable Information File (UIF).

d. On or about 7 Mar 91, [REDACTED] dishonorably failed to pay just debts to Conomart and Boothill in the combined amount of \$31.65. For these offenses, he was given nonjudicial punishment under Article 15.

e. On or about 4 May 90, [REDACTED] was financially irresponsible to the extent that he did not have enough money to drive home after work. For this offense, he was given a Letter of Counseling on 17 May 90.

4. The respondent is 30 years old. He entered active duty on 25 Mar 88 for a term of four years. He has three enlisted performance reports with an overall performance rating of 4.

5. The Area Defense Counsel submitted a statement (See Tab 3) expressing what he feels are discrepancies in this case. He feels that due to [REDACTED] background as a three-time Honor Graduate, Airman of the Quarter, promotion below-the-zone and recipient of the [REDACTED] Award that he is the type of airman who would qualify for probation and rehabilitation.

a. [REDACTED] submitted a statement and several character references (See Tab 3). He states that he has always had money problems due to his child support and insurance obligations. His wife's business was a chance for him to overcome his financial situation. He feels that he is on the verge of solving his financial problems and would like a chance to continue serving in the Air Force.

b. Eleven individuals also submitted character statements regarding [REDACTED] (See Tab 3). The common theme of each of these statements is that the respondent is an excellent duty performer who is always courteous. Several of these statements acknowledge his financial irresponsibility.

6. After reviewing the entire case file, I have determined that the respondent is subject to discharge and should be separated from the service. The respondent has deviated from Air Force standards on more than one occasion. Through his actions, the respondent demonstrated his disregard of Air Force standards. Consequently, the respondent's separation is in the best interests of the Air Force. Furthermore, the respondent's misconduct makes his presence on Ellsworth AFB undesirable and I recommend that he be debarred from the base.

7. After considering all the facts in this case, I find that the respondent's misconduct outweighs the positive aspects of his military record. The respondent failed to go, operated a business from his on-base quarters without proper authorization, altered vehicle registration, and was financially irresponsible. I believe that his service should be characterized as general under honorable conditions.

8. The respondent's failure to conform to standards of financial responsibility after specifically being reprimanded for the same offense indicates that he is not a suitable prospect for P & R. Even though the respondent has a shining record of other accomplishments, he has repeatedly been involved in disciplinary infractions. Even after having been notified of a pending discharge action, he failed to go to a scheduled appointment. He is clearly not willing to conform to Air Force standards. Retention in a probationary status would be prejudicial to good order and discipline.

9. As the Special Court-Martial Convening Authority, you may:

- a. Retain the respondent;
- b. Recommend to 8 AF/CC that the respondent be separated with an honorable discharge, with or without P & R;
- c. Direct that the respondent be separated with a general discharge, with or without P & R; or
- d. Direct that the case be reinitiated and processed according to AFR 39-10, Chapter 6, Section C, if you believe that a UOTHC discharge is appropriate.

10. I recommend that you separate [REDACTED] under AFR 39-10, paragraph 5-46, with a general discharge, without P & R. I further recommend that you direct 28 SPS/SPAR to draft a letter debarring [REDACTED] from Ellsworth AFB.

[REDACTED]

1 Atch
Case File



FD2001-0300

DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 28TH WING (SAC)

ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA 57706-5000

REPLY TO
ATTN OF: 28 AMS/CC

4 Mar 1992

SUBJECT: Addendum to Notification Letter, dated 14 Feb 92

TO: 

1. This is an addendum to the Notification Letter served on you on 14 Feb 92 which recommended you for administrative discharge. I am adding an additional reason for discharge. 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 additional reason for discharge is:

On or about 20 Feb 92, you failed to go to your appointed place of duty, to wit: Bldg 6000, 28th Strategic Hospital. For this offense, you were given a Letter of Reprimand on 21 Feb 92.

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. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statement you want the separation authority to consider must reach me by 9 Mar 92, unless you request and receive an extension for good cause shown. I will send any statement that you submit to the separation authority for his consideration.

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. 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 in your orderly room.

7. Execute the attached acknowledgment and return it to me immediately.



1 Atch
LOR w/atck - 21 Feb 92

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FD2001-0300

DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 28TH WING (SAC)

ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA 57706-5000

REPLY TO
ATTN OF:

28 AMS/CC

14 Feb 1992

SUBJECT:

Notification Letter

TO: [REDACTED] 28 AMS

1. I am recommending your discharge from the United States Air Force for misconduct involving 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 or about 6 Feb 92, you operated a business from your on-base quarters without the necessary permission. For this offense, you were given a Letter of Counseling on 6 Feb 92.

b. On or about 3 Feb 92, you wrongfully altered a South Dakota temporary vehicle registration document on your automobile. For this offense, you were given a Letter of Reprimand on 4 Feb 92 which was placed in your Unfavorable Information File (UIF).

c. On or about 7 Mar 91, you dishonorably failed to pay just debts to Conomart and Boothill in the combined amount of \$31.65. For these offenses, you were given nonjudicial punishment under Article 15.

d. On or about 4 May 90, you were financially irresponsible to the extent that you did not have enough money to drive home after work. For this offense, you were given a Letter of Counseling on 17 May 90.

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 Matthew Samuelson at Bldg 1208 on 14 Feb 92 at 1400 hrs. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statement you want the separation authority to consider must reach me by 20 Feb 1992, unless you request and receive an extension for good cause shown. I will send any statement that you submit to the separation authority for his consideration.

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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 are scheduled for a medical examination. You must report to the Base Hospital Physical Exam at 1300 on 20 Feb 92 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 in your orderly room.

8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

3 Atchs

1. Supporting documents
 - a. LOC - 6 Feb 92
 - b. LOR/UIF - 4 Feb 92
 - c. Art 15 - 13 Mar 91
 - d. LOC - 17 May 90
2. Other derogatory information
 - a. Library Ltr - 24 Jan 92
 - b. MFR w/atchs - 28 Feb 91
 - c. MFR w/atch - 8 Jan 91
 - d. Bad Check Notice - 17 Jul 90
 - e. Support Ltr - 20 Jul 89
 - f. MFR 5 Jul 89
 - g. Bad Check Notice - 6 Jun 89
3. Amn's Receipt of Notification Ltr