

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b> <b>A94.05</b>	<b>INDEX NUMBER</b> <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</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	

<b>HEARING DATE</b> <b>24 Nov 2003</b>	<b>CASE NUMBER</b> <b>FD-2001-0526</b>	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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**  
[REDACTED]

<b>INDORSEMENT</b>		<b>DATE: 11/25/2003</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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

**FD-2001-0526**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge and change the reenlistment code.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) 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, change of reason for discharge, and change of reenlistment code is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s. The first one for willfully disobeyed a direct order to not operate a motor vehicle on base because of lack of insurance. The second one was for a failure to go. Additionally, he received two Letters of Reprimand for dereliction of duty and for larceny. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to a personal appearance before the Board. If he should choose to exercise his 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.

**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]  
[REDACTED]  
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 90/02/22 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, and Change the Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 68/03/17. Enlmt Age: 17 9/12. Disch Age: 21 11/12. Educ:HS DIPL. AFQT: N/A. A-74, E-46, G-44, M-58. PAFSC: 70250 - Information Management Specialist. DAS: 88/06/03.

b. Prior Sv: (1) Enlisted Army National Guard as Pvt E-2 86/01/04. Svd: 1 yr 7 months 26 days, of which AMS is 4 months 27 days.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 88/03/31 for 4 yrs. Svd: 01 Yrs 10 Mo 22 Das, all AMS.

b. Grade Status: AMN - 90/01/03 (Article 15, 90/01/03)

c. Time Lost: none.

d. Art 15's: (1) 90/01/03, Offutt AFB, NE - Article 90. That you, having received a lawful command from Colonel -----, your superior commissioned officer, then known by you to be your superior commissioned officer, to not operate any motor vehicle (other than a military vehicle in the performance of your duties, as stated in amending order dated 12 Sep 89, by Colonel -----) on Offutt AFB, or words to that effect, did, on or about 21 Dec 89, willfully disobey the same. Reduction to Amn, forfeiture of \$250.00 per month for 2 months. (No appeal) (No mitigation)

(2) 89/03/03, Offutt AFB, NE - Article 86. You, did, on or about 21 Feb 89, without authority, fail to go at the time prescribed to your appointed place of duty. You are hereby reduced to the grade of AB (suspended until 27 Aug 89), and 30 days correctional custody. (No appeal) (No mitigation)

e. Additional: LOR, 05 FEB 90 - Larceny.  
LOR, 24 FEB 89 - Dereliction of duty.

f. CM: none.

- g. Record of SV: 88/03/31 - 89/03/30 Offutt AFB 6 (Annual)  
90/03/31 - 89/11/29 Offutt AFB 4 (Initial)

(Discharged from Offutt AFB)

- h. Awards & Decs: AFTR, AFOUA.

- i. Stmt of Sv: TMS: (03) Yrs (06) Mos (18) Das  
TAMS: (02) Yrs (03) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/11/15.  
(Change Discharge to Honorable, Change the RE Code, and Change the Reason and Authority for Discharge)

Issue 1: My General, under Honorable Conditions discharge was based upon and stated to be result of the inability to conform and adjust to military standards. This reason, as you will see on attachments may have been incorrect and made in haste.

Issue 2: The Re-enlistment code of "2B" based upon the reason for discharge is restrictive of my ability to Re-enlist in the Guard or Reserves to continue out an enlistment.

**ATCH**

1. Letter to Discharge Review Board.
2. DD Forms 214 (Active Air Force, and Army National Guard).
3. Civilian Performance Appraisals.
4. Letters of Appreciation.
5. Letters of Commendation.
6. Letters of Congratulations.
7. Letter of Information.
8. Certificates of Completion.
9. Congratulatory Letters.
10. Certificate of Completion.

02/03/11/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 55TH STRATEGIC RECONNAISSANCE WING (SAC)  
OFFUTT AIR FORCE BASE, NEBRASKA 68113-5000



REPLY TO  
ATTN. OF:

16 FEB 1990

SUBJECT:

Legal Review - Recommendation for Discharge, [REDACTED],  
[REDACTED]

TO:

CC

1. BASIS FOR THE ACTION: This discharge action was initiated on 12 Feb 90 by the Commander, Mission Support Squadron (SAC), who recommends respondent's separation from the Air Force with a general (under honorable conditions) discharge without offering probation and rehabilitation (P&R) under AFR 39-10, Chapter 7. This action is based on the authority of AFR 39-10, paragraph 5-46, Misconduct - Minor Disciplinary Infractions.

2. EVIDENCE FOR THE GOVERNMENT: The supporting evidence consists of one offense of larceny on or about 14 Dec 89 for which [REDACTED] received a UIF/LOR on 7 Feb 90, one failure to obey on 21 Dec 89 for which he received an Article 15, UCMJ, one failure to go on 21 Feb 89 for which he received an Article 15, UCMJ and one dereliction of duty on 17 Feb 89 for which he received a UIF/LOR.

3. EVIDENCE FOR THE RESPONDENT: [REDACTED] is 21 years old. He enlisted in the USAF on 31 Mar 88 and has been a member of the Air Force since that time. He wears the Air Force Training Ribbon. [REDACTED] enlisted performance report was an overall "4" and his airman performance report was an overall "6". The respondent acknowledged receipt of this action on 12 Feb 90 and submitted a statement on 14 Feb 90.

4. OTHER PERTINENT INFORMATION: [REDACTED] received a medical evaluation on 08 Feb 90 with a finding that he is medically qualified for worldwide duty.

5. DISCUSSION:

a. According to AFR 39-10, paragraph 5-2, airmen should, as a rule, be given an opportunity to overcome their deficiencies before discharge action starts. However, [REDACTED] has been given every opportunity to improve his behavior. Further rehabilitation is not in the best interests of the Air Force.

b. [REDACTED] has not generally met Air Force standards of acceptable conduct and performance of duty. In a 12-month period, the respondent has committed four disciplinary infractions. There appears to be an insufficient evidentiary basis to warrant a UOTHC. However, his service has not been "so meritorious that any characterization (other than honorable) would be inappropriate." Therefore, a general discharge is appropriate.

c. In his statement of 14 Feb 90, [REDACTED] makes reference to his being late to work on 12 Feb 89 and the alleged action which followed. However, this offense is not included as part of the basis for his discharge and no evidence of such is included in his notification package. Disregarding this failure to report to work on time, there are still sufficient reasons to establish a basis for this action.

d. I find this action legally sufficient and in substantial procedural compliance with the provisions of AFR 39-10.

e. Debarment is often used to ensure that good order and discipline is maintained at Air Force installations. Due to the fact that [REDACTED] has been involved in numerous disciplinary infractions, we recommend debarment of [REDACTED]

f. As special court-martial convening authority, you have the following options:

(1) Retain the respondent;

(2) Direct the discharge of respondent with a general discharge with or without offering P&R;

(3) Return the case to the unit commander with direction that a new case file be prepared recommending an under other than honorable conditions discharge (UOTHC). If a recommendation for a discharge under other than honorable conditions is approved, the respondent must be given the opportunity to request a board hearing; or

(4) Recommend to 15 AF/CC that he discharge respondent with an honorable discharge with or without offering P&R.

6. RECOMMENDATION: I recommend you approve this action and direct respondent's separation with a general (under honorable conditions) discharge and that an opportunity for formal probation and rehabilitation under AFR 39-10, Chapter 7 not be offered.

[REDACTED]

1 Atch  
Case File



DEPARTMENT OF THE AIR FORCE  
55TH MISSION SUPPORT SQUADRON (SAC)  
OFFUTT AIR FORCE BASE, NEBRASKA 68113-5000



REPLY TO  
ATTN. OF: CC

12 February 1990

SUBJECT: Notification Letter

TO: A [REDACTED] 55MBSQ

1. I am recommending you for discharge from the United States Air Force for Misconduct - 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 (under honorable conditions).

2. My reasons for this action are:

a. LARCENY: On or about 14 Dec 89, you unlawfully took a money order which you knew did not belong to you without permission and later cashed and spent the money. You received a UIF/LOR for this offense. Atch 1-1

b. FAILURE TO OBEY: On or about 21 Dec 89, you, having received a lawful command from a superior commissioned officer, to not operate any motor vehicle (other than a military vehicle in the performance of your duties) on Offutt AFB, did willfully disobey the same. You received an Article 15, UCMJ, for this offense. Atch 1-2

c. FAILURE TO GO: On or about 21 Feb 89, you did, without authority, fail to go at the time prescribed to your appointed place of duty. You received an Article 15, UCMJ, for this offense. Atch 1-3

d. DERELICTION OF DUTY: On or about 17 Feb 89, at Offutt AFB, NE., Education Office, you placed three unauthorized telephone calls on the Embry Riddle University commercial extension. You received a UIF/LOR for this offense. Atch 1-4

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction or 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 with [REDACTED] at the Area Defense Counsel office, Bldg 526, Offutt AFB, on 12 Feb 90, at 0900 hours. 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 15 Jan 90, 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 submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You have completed a medical examination at the Ehrling Bergquist Strategic Hospital, Physical Exams Section at 0700 hours on 08 Feb 90.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act as explained in AFR 39-10, Atch 6. A copy of AFR 39-10 is available for your use in the 55th MSSQ Orderly Room.

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

