

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> SGT	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"><b>COUNSEL</b></td> <td><b>NAME OF COUNSEL AND OR ORGANIZATION</b></td> </tr> <tr> <td> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><b>YES</b></td> <td style="width: 50%;"><b>NO</b></td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table> </td> <td></td> </tr> </table>		<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><b>YES</b></td> <td style="width: 50%;"><b>NO</b></td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	<b>YES</b>	<b>NO</b>		X		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>									
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<b>YES</b>	<b>NO</b>									
	X									

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

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A70.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
<b>HEARING DATE</b> 21 FEB 03	<b>CASE NUMBER</b> FD2002-0367	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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>INDORSEMENT</b>	<b>DATE: 21 FEB 03</b>
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<b>TO:</b> SAF/MIBR 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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0367

**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.

**ISSUE:** Applicant contends that his discharge was too harsh because it was based on one isolated incident in 38 months of service and he did not have any other adverse actions. He also states that the charges were based on hearsay. Finally, the applicant states that he has been a respectable citizen since his discharge. The record indicates the applicant received an Under Other Than Honorable Conditions Discharge due to the fact that he asked for a discharge in lieu of a court martial. The applicant was charged with housebreaking, attempted larceny and dereliction of duty. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the discharge. The characterization of the applicant's discharge was appropriate due to the misconduct.

**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 SGT) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 27 Jun 89 UP AFR 39-10, Chapter 4 (Discharge in Lieu of Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 18 Feb 63. Enlmt Age: 18 9/12. Disch Age: 26 4/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 81152 - Law Enforcement Specialist. DAS: 5 Oct 87.

b. Prior Sv: (1) AFRes 7 Dec 81 - 19 May 82 (5 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 20 May 82 for 6 yrs. Extended 5 Jun 87 for 5 months. Extended 9 Oct 87 for 12 months. Svd: 7 Yrs 1 Mo 8 Das, all AMS.

b. Grade Status: Sgt - 12 Mar 87  
SrA - 7 Nov 84  
A1C - 7 Jul 82

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV:	20 May 82 - 19 May 83	Charleston AFB	9	(Annual)
	20 May 83 - 22 Jul 84	Kunsan AB	8	(Annual)
	23 Jul 84 - 15 Feb 85	Beale AFB	8	(CRO)
	16 Feb 86 - 15 Sep 86	Beale AFB	7	(CRO)
	15 Sep 86 - 25 Mar 87	Beale AFB	9	(CRO)
	26 Mar 87 - 02 Aug 87	Beale AFB	9	(CRO)

(Discharged from Minot AFB)

h. Awards & Decs: SAEMR, AFOSSTR W/1 BOLC, AFTR, AFLSAR, AFOUA, AFGCM W/1 BOLC.

i. Stmt of Sv: TMS: (7) Yrs (6) Mos (21) Das  
TAMS: (7) Yrs (1) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Aug 02.

(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on one isolated incident in 38 months of service plus with no other adverse action.

Issue 2: The discharge is improper because the charges was (sic) based on hearsay.

Issue 3: I've been a respectable citizen after my discharge from U.S. Air Force. I've raised three children and married to one wife for fifteen years. For eleven years I been employed by the City of Sacramento still (sic) present. Please upgrade my discharge to Honorable.

**ATCH**

1. DD Form 214.
2. Three Character Reference.
3. Education Transcript.

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