

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ██████████
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<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>NO</b>	
	X	

<b>MEMBERS SITTING</b>	<b>VOTE OF THE BOARD</b>				
	<b>HON</b>	<b>GEN</b>	<b>UOHC</b>	<b>OTHER</b>	<b>DENY</b>
████████████████████					X
████████████████████					X
████████████████████					X
████████████████████					X
████████████████████					X

<b>ISSUES</b> A95.00	<b>INDEX NUMBER</b> A67.10	<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> 26 FEB 03	<b>CASE NUMBER</b> FD2002-0394	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> ████████████████████	<b>SIGNATURE OF BOARD PRESIDENT</b> ████████████████████
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<b>INDORSEMENT</b>	<b>DATE: 26 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

FD01-0394

**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 had received three Letters of Reprimand for failure to pay just debts, failure to go and making a false official statement. He also received three Letters of Counseling for committing fraud, failure to pay just debts, and failure to go. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the 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

[REDACTED]  
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 16 Nov 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 5 Nov 72. Enlmt Age: 20 2/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-63, E-81, G-74, M-73. PAFSC: 2A031A - Avionics Test Station and Component Apprentice. DAS: 16 Mar 94.

b. Prior Sv: (1) AFRes 20 Jan 93 - 18 Apr 93 (2 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Apr 93 for 6 yrs. Svd: 1 Yr 6 Mos 29 Das, all AMS.

b. Grade Status: A1C - 3 Jun 93

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 24 OCT 94 - Making false official statement.  
LOR, 22 Sep 94 - Failure to go.  
ROC, 21 SEP 94 - Failure to go.  
LOR, 30 AUG 94 - Failure to pay just debt.  
ROC, 23 AUG 94 - Failure to pay just debt.  
ROC, 23 AUG 94 - Committing fraud.

f. CM: None.

g. Record of SV: None.

(Discharged from Tyndall AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yr (9) Mos (28) Das  
TAMS: (1) Yr (6) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Sep 02.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

FD2002-0394

ATCH  
None .

18DEC02/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

PD 2002-0394

14 NOV 1994

MEMORANDUM FOR 325 FW/CC

FROM: 325 FW/JA

SUBJECT: Legal Review of Administrative Discharge Under AFR 39-10,  
Chapter 5, Section H - [REDACTED]

1. **BASIS:** On 4 Nov 94, 325 MS/CC initiated action to administratively discharge [REDACTED] from the service under the provisions of AFR 39-10, Chapter 5, Section H, paragraph 5-46, for misconduct. The commander recommended a general service characterization.

2. **SPECIFIC REASONS:** The specific reason for the commander's discharge recommendation is [REDACTED] engaged in misconduct consisting of a pattern of minor disciplinary infractions. Specifically:

a. On or about 19 Aug 93, he did, at Tyndall Air Force Base, Florida, commit fraud, by taking possession of [REDACTED] truck stating to him that he was going to purchase his truck, knowing that he could not afford it. As a result, he received a record of counseling, dated 23 Aug 94.

b. On or about 19 Aug 94, he did, at Tyndall Air Force Base, Florida, fail to pay a just debt. As a result, he received a record of counseling, dated 23 Aug 94.

c. On or about 29 Aug 94, he did, at Tyndall Air Force Base, Florida, fail to pay a just debt. As a result, he received a letter of reprimand, dated 30 Aug 94.

d. On or about 16 Sep 94, he did, at Tyndall Air Force Base, Florida, fail to go at the prescribed time to his appointed place of duty. As a result, he received a record of counseling, dated 21 Sep 94.

e. On or about 21 Sep 94, he did, at Tyndall Air Force Base, Florida, fail to go at the prescribed time to his appointed place of duty. As a result, he received a letter of reprimand, dated 22 Sep 94 and a UIF was established.

f. On or about 3 Oct 94, he did, at Tyndall Air Force Base, Florida, make a false official statement to his supervisor. As a result, he received a letter of reprimand, dated 24 Oct 94, and an entry into his UIF.

3. **PERSONAL INFORMATION:** The respondent is a 22 year old Avionics Test Station Apprentice. He enlisted in the Air Force on 19 Apr 93 for a term of six years. He has not received an enlisted performance

report. After consulting with legal counsel, [REDACTED] did not submit a statement in his behalf.

4. **DISCUSSION:** The case file is legally sufficient subject to inclusion in the file of a report of medical examination showing the respondent is qualified for worldwide duty. AFR 39-10, paragraph 5-46, authorizes the discharge of airmen who engage in a pattern of misconduct consisting of minor disciplinary infractions. Documented instances of misconduct resulting in an Unfavorable Information File, Letters of Reprimand and a Records of Counseling satisfy the requirements under the regulation and support a general discharge. A1C Morrow has not behaved in accordance with the standards of personal conduct set for Air Force members. [REDACTED] has received opportunities to conform his conduct to Air Force standards. The failure of past rehabilitative attempts indicates that additional probation and rehabilitation efforts are inappropriate for this airman.

5. **OPTIONS:** As discharge authority you may:

- a. Direct retention, or
- b. Direct discharge with a general discharge either with or without probation and rehabilitation, or
- c. Forward this file to 19AF/CC with a recommendation for an honorable discharge either with or without probation and rehabilitation.

6. **RECOMMENDATION:** Recommend you direct discharge with a general service characterization without probation and rehabilitation.

[REDACTED]  
 [REDACTED], USAF  
 Staff Judge Advocate



FD 2002-0394

DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR [REDACTED]

04 NOV 1994

FROM: 325 MS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for misconduct consisting of 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 reason for this action is that you committed several offenses which constitute a pattern of minor disciplinary infractions. Specifically:

a. On or about 19 Aug 94, you did, at Tyndall Air Force Base, Florida, commit fraud, by taking possession of [REDACTED] truck stating to him that you were going to purchase his truck, knowing that you could not afford it. As a result, you received a record of counseling, dated 23 Aug 94 (Atch 1-1).

b. On or about 19 Aug 94, you did, at Tyndall Air Force Base, Florida, fail to pay a just debt. As a result, you received a record of counseling, dated 23 Aug 94 (Atch 1-2).

c. On or about 29 Aug 94, you did, at Tyndall Air Force Base, Florida, fail to pay a just debt. As a result, you received a letter of reprimand, dated 30 Aug 94 (Atch 1-3).

d. On or about 16 Sep 94, you did, at Tyndall Air Force Base, Florida, fail to go at the prescribed time to your appointed place of duty. As a result, you received a record of counseling, dated 21 Sep 94 (Atch 1-4).

e. On or about 21 Sep 94, you did, at Tyndall Air Force Base, Florida, fail to go at the prescribed time to your appointed place of duty. As a result, you received a letter of reprimand, dated 22 Sep 94 and a UIF was established (Atch 1-5).

f. On or about 3 Oct 94, you did, at Tyndall Air Force Base, Florida, make a false official statement to your supervisor. As a result, you received a letter of reprimand, dated 24 Oct 94, and an entry into your UIF (Atch 1-6).

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 [REDACTED] at Bldg 1005 on 7 Nov 94 at 1400 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 within 3 workdays 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 building 1015 on 8 Nov 94 at 0730 hours.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]  
Commander

USAF

Attachments:

- 1-1. ROC, 23 Aug 94
- 1-2. ROC, 23 Aug 94
- 1-3. LOR, 30 Aug 94
- 1-4. ROC, 21 Sep 94
- 1-5. LOR, 22 Sep 94
- 1-6. LOR, 24 Oct 94