

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> A1C	<b>AFSN/SSAN</b> [REDACTED]			
<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>UOTHC</b>	<b>OTHER</b>
[REDACTED]						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
			<b>X</b>			
<b>ISSUES</b> A95.00		<b>INDEX NUMBER</b> A67.3		<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	
<b>HEARING DATE</b> 16APR 03		<b>CASE NUMBER</b> FD2002-0426		<b>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</b>		
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.</b>						
<b>REMARKS</b> 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>			
[REDACTED]			[REDACTED]			
<b>INDORSEMENT</b>				<b>DATE: 16APR 03</b>		
<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			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0426

**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 having a concealed weapon. The Board concluded this disciplinary infraction was 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 SRA)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAFR 18 Jun 99 UP AFI 36-3209, Chapter 3, para 3.21.3.4 (Misconduct - Commission of a Serious Offense, Other Serious Offense). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 18 Jan 75. Enlmt Age: 19 3/12. Disch Age: 24 5/12. Educ: HS DIPL. AFQT: N/A. A-58, E-37, G-46, M-28. PAFSC: 3M031 - Morale, Welfare, Recreation and Services Apprentice. DAS: 1 Dec 97.

b. Prior Sv: (1) Enlisted ANGUS as AB 21 Apr 94 for 6 yrs. Svd: 3 yrs 7 months 9 days, of which AMS is 6 months 16 days. Amn-A1C unknown. SrA - 21 Apr 96. EPRs not available.

3. **SERVICE UNDER REVIEW:**

a. Transferred to USAFR as SrA 1 Dec 97. Svd: 1 Yrs 6 Mo 17 Das, of which AMS is 7 months 13 days.

b. Grade Status: A1C - 2 Aug 98 (Article 15, 2 Aug 98)

c. Time Lost: None.

d. Art 15's: (1) 2 Aug 98, Sheppard AFB, TX - Article 80. You, did, on or about 3 Jul 98, carry on or about you a concealed weapon, to wit: a loaded 9mm Taurus PT-92 with laser sight weapon. Reduction to A1C. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Robins AFB)

h. Awards & Decs: AFTR, AFOUA, AREMSM, AFLSAR.

i. Stmt of Sv: TMS: (5) Yrs (1) Mos (29) Das  
TAMS: (1) Yrs (1) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Oct 02.

(Change Discharge to Honorable and Change the RE Code)

NO ISSUES SUBMITTED.

**ATCH**

1. Copy of Discharge Correspondence.

17Jan03/ia



DEPARTMENT OF THE AIR FORCE

AIR FORCE RESERVE COMMAND

FD 2002-0426

APR 5 1988

MEMORANDUM FOR



FROM: HQ AFRC/DPM  
155 2nd St  
Robins AFB GA 31098-1635

SUBJECT: Notification of Initiation of Separation Action under AFI 36-3209

1 By this memorandum separation action is being initiated against you for misconduct, commission of serious offense, other serious offense. The authority for this separation action is AFI 36-3209, Chapter 3, paragraph 3.21.3.4. Information regarding your entitlement to submit statements about your case, the lawful usage of such statements and their disclosure is provided in the attached Privacy Act Statement (Atch 1). A description of the reason for this separation action is set forth in the attached Statement of Reasons (Atch 2) along with supporting documents. AFI 36-3209 is available for your review at your servicing Military Personnel Flight. The type of separations authorized are Honorable, General (Under Honorable Conditions), and Under Other Than Honorable Conditions. The type of separation recommended in your case is a General (Under Honorable Conditions) Discharge.

2. Within 24 hours after you receive this memorandum, you must complete and return the attached acknowledgment of receipt (Atch 3) of this memorandum and the attachments thereto.

3. The following is a summary of your rights:

a. You are entitled to consult with a military legal counsel who is qualified under Article 27(B)(1), Uniform Code of Military Justice (UCMJ), at no cost to you. You may also consult with civilian legal counsel of your choice, but at your own expense. [REDACTED] a Judge Advocate qualified under Article 27(B)(1), UCMJ, has been designated to represent you in connection with this separation action. Her mailing address is HQ AFRC/JAS, 155 2nd Street, Robins AFB GA 31098-1635. Her phone numbers are DSN 497-1588, 1-800-458-5391, or [REDACTED]

b. You have the right to submit pertinent statements and/or documents in your behalf which you desire to be considered in the disposition of your case. If you elect to exercise your right to submit statements, and you return the attached form (Atch 4) within 15 days of receipt, you

may submit statements or documents at any time during the administrative discharge process. The form must be signed either by you or your legal counsel and returned to HQ AFRC/DPM, 155 2nd Street, Robins AFB GA 31098-1635.

c. If you need additional time to respond to this separation action, either you or your legal counsel may submit a written request to HQ AFRC/DPM, 155 2nd Street, Robins AFB GA 31098-1635, for an extension of time, stating why you need the extra time and how much time you'll need. The request must be submitted in sufficient time to reach this office within 15 days after receipt of this memorandum.


d. Your failure to submit any form or to submit a written request for additional time to respond to the separation action within 15 days after receiving this memorandum waives all your rights and your case will be processed on the basis of all the evidence then available.

4. You are not eligible for an administrative discharge board.

5. You are not eligible to apply for transfer to the Retired Reserve.

6. You should note that failure to respond on selection of one of these options, or failure to request a delay within 15 days after you receive this memorandum, will constitute waiver of all your rights. This will result in your case being processed on the basis of all the evidence then available.

7. A return envelope (Atch 5) is attached for your convenience.

 USAF  
Chief, Military Personnel Operations  
Military Personnel Division

Attachments:

1. Privacy Act Statement
2. Statement of Reasons with  
Supporting Documentation
3. Acknowledgement of Receipt
4. Selection of Rights
5. Envelope

cc:

HQ AFRC/JAS  
403 MSS/DPMSA wo Attachments