

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE SSGT	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO					
	X	ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBERS SITTING [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A93.09		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 27 JUN 03		CASE NUMBER FD2002-0431		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	
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 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]		SIGNATURE OF BOARD PRESIDENT [REDACTED]				
INDORSEMENT			DATE: 27 JUN 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

FD02-0431

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 states the circumstances that led to his discharge were not appropriately reviewed because he states he had already been approved for a medical retirement months prior to his command's decision to issue his discharge. He also states that his discharge was a direct result of his illness. The record indicates the applicant received three Article 15s for being AWOL, wrongfully used his government credit card and for dishonorably failing to pay just debts. The record was reviewed in its entirety and found to be legally sufficient. The applicants' case file was sent to SAF/MIB as a dual action (medical vs. administrative) case. It was decided that the Administrative discharge was more appropriate. The record also indicates that the OSI had a pending investigation for drug use by the applicant for cocaine use. The Board concluded the applicant's 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. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the 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 SSGT) (HGH MSGT)

1. MATTER UNDER REVIEW: Appl rec'd a UOTHC Disch fr USAF 22 Jul 97 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for General Disch.

2. BACKGROUND:

a. DOB: 4 Sep 59. Enlmt Age: 19 7/12. Disch Age: 37 10/12. Educ: HS DIPL. AFQT: N/A. A-31, E-79, G-80, M-73. PAFSC: T3E071 - Electrical Systems Craftsman. DAS: 29 Jul 95.

b. Prior Svc: Enld as AB 4 Apr 79 for 4 yrs. Reenld as SSgt 5 Jan 83 for 4 yrs. Ext: 13 May 86 for 6 months. Reenld as SSgt 10 Apr 87 for 4 yrs. Reenld as TSgt 21 May 90 for 4 yrs. Ext: 21 Oct 92 for 6 months. Svd: 14 Yrs 1 Mo 28 Das, all AMS. AMN - 4 Oct 79. AIC - 4 Apr 80. SRA - (APR Indicates): 30 Jan 81 - 29 Jan 82. SSGT - 1 Jan 83. TSGT - 1 Jul 87. MSGT - 1 Jul 90. APRs: 8,7,9,9,9,9,9,9,9,9,9. EPRs: 4,5,4,5,5.

3. SERVICE UNDER REVIEW:

a. Reenld as MSgt 1 Jun 93 for 4 yrs. Svd: 4 Yrs 1 Mo 22 Das, of which AMS is 4 Yrs 1 Mo 15 Das (Ex: 0 Mos 7 Das lost time).

b. Grade Status: SSGT - 10 Jan 97 (Article 15, 10 Jan 97)
TSGT - 26 Jan 96 (Vacation, Article 15, 12 Jun 96)

c. Time Lost: 25 Sep 95 - 2 Oct 95 (7 Days)

d. Art 15's: (1) 10 Jan 97, McGuire AFB, NJ - Article 134. You, being indebted to ----- in the total sum of \$3,729.07 for cash advances, charges, and advance fees, which amount became due and payable on or about 27 Jan 96, did within the territorial limits of the United States from on or about 27 Jan 96 to on or about 3 Dec 96, dishonorably fail to pay said debt. Reduction to the grade of SSGT and a reprimand. (No appeal) (No mitigation)

(2) 12 Jun 96, Vacation, McGuire AFB, NJ - Article 92 & 134. You, who knew of your duties within the territorial limits of the United States, between on or about 27 Jan 96 and on or about 21 Mar 96, were derelict in the performance of those duties in that you willfully failed to use your Government ----- for official government travel related expenses only, as it was your duty to do. You, being indebted to ----- in

the total sum of \$1,919.12 for cash advances, charges, and advance

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fees, which amount became due and payable on or about 26 Jan 96, did within the territorial limits of the United States from on or about 26 Jan 96 to on or about 27 Mar 96, dishonorably fail to pay said debt. Reduction to the grade of TSGT. (No appeal) (No mitigation)

(3) 26 Jan 96, McGuire AFB, Nj - Article 86. You, did, on or about 25 Sep 95, without authority, absent yourself from your unit, and did remain so absent until on or about 2 Oct 95. Suspended reduction to the grade of TSGT, and forfeiture of \$307.00 per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOC, 6 FEB 96 - Falsified an official leave form.
TRAFFIC TICKET, 4 NOV 95 - Parking violation.
TRAFFIC TICKET, 28 NOV 95 - Expire drivers license.
TRAFFIC TICKET, 28 NOV 95 - Unknown (Ticket not legible)

f. CM: None.

g. Record of SV: 2 Mar 93 - 1 Mar 94 Yokota AB 5 (Annual)
2 May 94 - 27 Mar 95 Yokota AB 5 (CRO)
28 Mar 95 - 27 Mar 96 McGuire AFB 3 (Annual)

(Discharged from McGuire AFB)

h. Awards & Decs: AFAM, AFCM, MSM, AFTR, AFOLTR, NDSM, AFLSA W/3 DEV, NCOPMER W/1 DEV, SAEMR, AFOUA W/2 DEV, AFGCM W/4 DEV.

i. Stmt of Sv: TMS: (18) Yrs (3) Mos (11) Das
TAMS: (18) Yrs (3) Mos (11) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 3 Oct 02.
(Change Discharge to General)

Issue: I am requesting an update of my discharge based on the fact that I feel that the circumstances that led to my discharge were not appropriately reviewed. One issue that concerns me is the fact that I had already been approved for medical retirement months prior to my commands (sic) decision to issue my discharge. Also, it was abundantly clear that the actions that were reviewed to determine my discharge were a direct result of my illness.

ATCH
None.

18Jan03/cr