

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
████████████████████					X
████████████████████					X
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<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A67.90	<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> 6 MAY 03	<b>CASE NUMBER</b> FD2002-0439	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: 6 MAY 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

FD02-0439

**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 the Article 15 he received for being AWOL was due to a broken down car. The record indicates the applicant received two Article's 15. The first one for being AWOL for three days and the second one for wrongfully using his government charge card for purposes other than official government travel. He also received three Letters of Counseling for not returning to work after an appointment, being derelict in the performance of his duty and for being late for work. The applicant indicates that he was stuck in Savannah Georgia for the weekend during the period of 26 May 98 through 29 May 98. However, the second Article 15 he received indicates that he used his government credit card in Houston Texas and in Savannah Georgia during that same time frame. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this 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. 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 9 SEP 98 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 24 Mar 76. Enlmt Age: 20 9/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-67, E-68, G-82, M-57. PAFSC: 2W131F - Munitions Systems Apprentice. DAS: 20 Nov 97.

b. Prior Sv: (1) AFRes 17 Jan 97 - 20 May 97 (4 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 May 97 for 4 yrs. Svd: 1 Yr 3 Mos 20 Days, all AMS.

b. Grade Status: AB - 17 Aug 98 (Article 15, 14 Aug 98)  
AMN - 21 Nov 97

c. Time Lost: None.

d. Art 15's: (1) 14 Aug 98, Moody AFB, GA - Article 92. You, did, at or near Houston, Texas, and or Savannah, Georgia, on divers occasions between on or about 27 May 98 and on or about 30 May 98, fail to obey a lawful general instruction, to wit: paragraph 25.1, AFI 65-104, dated 1 May 96, by wrongfully using your Government ----- Travel Charge Card for purposes other than official government travel. Reduction to AB. (No appeal) (No mitigation)

(2) 5 Jun 98, Moody AFB, GA - Article 86. You, did, on or about 26 May 98, without authority, absent yourself from your place of duty at which you were required to be, and did remain so absent until on or about 29 May 98. Suspended reduction to AB, and 14 days restriction. (No appeal) (No mitigation)

e. Additional: LOC, 24 JUN 98 - Late for work.  
LOC, 19 JUN 98 - Dereliction of duty.  
LOC, 18 JUN 98 - Not returning to work after appointment.

f. CM: None.

g. Record of SV: None.

(Discharged from Moody AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (7) Mos (24) Das  
TAMS: (1) Yrs (3) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Sep 02.  
(Change Discharge to Honorable)

Issue 1: One issue I have with this is that I had gotten an Article 15 for being AWOL. What caused me to be late was a broken down car. It broke down in Savannah, GA while I was coming home from leave. After breaking down I called my squadron commander and told him of the situation. After 4 days of being stranded in Savannah, because the mechanic kept telling me he should get my car back to me the next day, I decided to take the car & get it towed to Valdosta GA Moody AFB. Everyday I reported to my superiors. After that first incident I was unfairly singled out and treated bad.

**ATCH**

1. Congressional Correspondence.
2. DD Form 214.

22JAN03/ia

**DEPARTMENT OF THE AIR FORCE****HEADQUARTERS 347TH WING (ACC)  
MOODY AIR FORCE BASE, GEORGIA**

20 August 1998

MEMORANDUM FOR [REDACTED]

FROM: 69 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct (conduct prejudicial to good order and discipline). The authority for this action is AFI 36-3208, section 5.50.2. If my recommendation for discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reasons for this action are as follows:
  - a. You, did, on or about 26 May 1998, without authority, absent yourself from your place of duty at which you were required to be, to wit: Building 775, 69<sup>th</sup> Fighter Squadron, Weapons Sections, located at Moody Air Force Base, Georgia, and did remain so absent until on or about 29 May 1998. For this offense, you received nonjudicial punishment pursuant to Article 15, UCMJ dated 5 June 1998. Punishment included reduction to the grade of airman basic, suspended until 3 December 1998, unless sooner vacated (Atch 1a).
  - b. On or about 17 Jun 98, without authority, you did not return to duty after taking your cycle ergometry test. For this offense, you were counseled, as documented by a Letter of Counseling (LOC), dated 18 Jun 98 (Atch 1b).
  - c. On or about 19 Jun 98, you were derelict in the performance of your duties in that you failed to complete volume 2 of your CDCs' within the allotted 30 day period. For this offense, you were counseled, as documented by an LOC, dated 19 Jun 98 (Atch 1c).
  - d. On or about 24 Jun 98, without authority, you were late reporting back to work after lunch. For this offense, you were counseled, as documented by an LOC, dated 24 Jun 98 (Atch 1d).
  - e. You, did, at or near Houston, Texas, and or Savannah, Georgia, on divers occasions between on or about 27 May 1998 and on or about 30 May 1998, fail to obey a lawful general instruction, to wit: paragraph 25.1, Air Force Instruction 65-104, dated 1 May 1996, by wrongfully using your Government American Express Travel Charge Card for purposes other

than official government travel. For this offense, you received nonjudicial punishment pursuant to Article 15, UCMJ dated 14 Aug 1998. Punishment included reduction to the grade of airman basic (Atch 1e).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (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 re-enlistment 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] in Bldg 5107, on 21 Aug 98 at 0900. Please take your copy of this Notification Memorandum and the attachments with you to your appointment. 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 three duty days after receipt of this notification letter, unless you request and receive an extension for good cause shown. **If your appointment with defense counsel is beyond three duty days after receipt of this letter, you should contact the Area Defense Counsel office at extension 7-3421 to obtain a delay request.** I will send any statement(s) you submit 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 the Moody Air Force Base Hospital, Physical Exams Section, Bldg 3296, at 0730 on 26 Aug 98 for the examination. Bring contact lenses or prescription glasses if applicable. If you have a family history of diabetes, do not eat food fourteen (14) hours prior to this appointment. **This is a mandatory appointment.**

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208, is available for your use in the orderly room.

8. Execute the attached acknowledgment (Atch 2) and return it to me immediately.



Commander, 69<sup>th</sup> Fighter Squadron, USAF

**Attachments:**

1. Supporting Documents, Reasons for Discharge
  - a. AF Form 3070, 5 Jun 98 (w/atchs)
  - b. LOC, 18 Jun 98
  - c. LOC, 19 Jun 98
  - d. LOC, 24 Jun 98
  - e. AF Form 3070, 14 Aug 98 (w/atchs)
2. Receipt of Notification Memorandum