





# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE <b>A1C</b>	AFSN/SSAN 			
TYPE	<b>PERSONAL APPEARANCE</b>		<b>X RECORD REVIEW</b>			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	NO					
	<b>X</b>					
<b>MEMBERS SITTING</b>		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
ISSUES <b>A92.01, A94.05</b>		INDEX NUMBER <b>A67.30</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
HEARING DATE <b>19 FEB 03</b>		CASE NUMBER <b>FD2002-0455</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	
					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 <b>Case heard at Washington, D.C.</b>  <b>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 		SIGNATURE OF BOARD PRESIDENT 				
INDORSEMENT				<b>DATE: 19 FEB 03</b>		
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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0455

**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:** The applicant believes his discharge is inequitable because it was based on one isolated incident in 51 months of service. The records indicated the applicant received a General Discharge for Misconduct – Commission of a Serious Offense after being found guilty by a Special Court Martial for wrongfully using a credit card that was not his. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other information contained in the records. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the misconduct 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. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

**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)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 27 Mar 02 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 4 Nov 78. Enlmt Age: 17 10/12. Disch Age: 23 4/12. Educ: HS DIPL. AFQT: N/A. A-80, E-72, G-59, M-72. PAFSC: 2A353A - Tactical Aircraft Maintenance Apprentice. DAS: 24 Apr 98.

b. Prior Sv: (1) AFRes 9 Sep 96 - 12 Aug 97 (11 months 4 days) (Inactive).

(2) Enlisted as AB 13 Aug 97 for 4 yrs. Svd: 3 yrs 9 months 23 days, all AMS. AMN - 13 Feb 98. A1C - 13 Dec 98. SRA - 13 Feb 00. EPRs: 5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 6 Jun 01 for 4 Years 3 Months. Svd: 0 Yrs 9 Mos 21 Das, all AMS.

b. Grade Status: A1C - 17 Oct 01 (SPCMO No.1, 8 Nov 01)

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial Order No.1 - 8 Nov 01

CHARGE I: Article 80. Plea: Guilty. Finding: Guilty.

Specification: Did, on or about 30 Apr 01, attempt to steal money of a value of about \$453.27, the property of -----, by wrongfully using a ----- Credit Card account number issued to Mr. ----- to purchase gift cards from ----- Stores, Inc.

CHARGE II: Article 121. Plea: Guilty. Finding: Guilty.

Specification 1: Did, on or about 1 May 01, steal money of a value of about \$190.64, the property of -----, by wrongfully using a ----- Credit Card account number issued to Mr. ----- to purchase cigars from the ----- Company. Plea: Guilty. Finding: Guilty.

Specification 2: Did, on or about 30 Apr 01, steal money of a value of about \$603.27, the property of -----, by wrongfully using a ----- Credit Card account number issued to Mr. ----- to purchase gift cards from ----- Stores, Inc. Plea: Guilty. Finding: Guilty. Sentence adjudged by officer and enlisted members on 17 Oct 01: Reduction to A1C, and hard labor without confinement for three months.

g. Record of SV: 13 Oct 00 - 19 Oct 01 Eglin AFB 2 (Annual)

(Discharged from Eglin AFB)

h. Awards & Decs: AFEM, AFTR, AFLSAR, AFOUA W/1 OLC, AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (6) Mos (19) Das  
TAMS: (4) Yrs (7) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Oct 02.  
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on one isolated incident in 51 months of service of impeccable (sic) quality.

Issue 2: A Jury decided that discharge was not needed and I completed my punishment without question or discord.

Issue 3: The attached documents show my dedication to service throughout my career and punishment.

#### ATCH

1. Letter of Support.
2. Eleven Letters of Support.
3. Letter of Apology.
4. Acceptance of Responsibility.
5. Restitution.
6. Promotion Below the Zone.
7. Maintenance Airman of the Year.
8. Maintenance Airman of the Quarter.
9. Certificate of Recognition.
10. Certificate of Appreciation.
11. Three Letters of Appreciation.
12. Three Enlisted Performance Reports.

28JAN03/ia



DEPARTMENT OF THE AIR FORCE  
58<sup>TH</sup> FIGHTER SQUADRON (ACC)  
EGLIN AIR FORCE BASE, FLORIDA

7 MAR 02

MEMORANDUM FOR [REDACTED] 58 FS (ACC)

FROM: 58 FS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically commission of a serious offense. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.52.3. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as a general discharge.

2. My reasons for this action are:

On 17 Oct 01, you were convicted by a Special Courts-Martial of two specifications of larceny and one specification of attempted larceny. Specifically, you stole money of a value of about \$793.91, the property of Discover Financial Services, by wrongfully using a Discover account number issued to [REDACTED] to purchase gift cards from Wal-Mart Stores, Inc and cigars from Thompson Cigar Company. You also attempted to steal money of a value of about \$453.27, the property of Discover Financial Services, by wrongfully using a Discover account number issued to [REDACTED] to purchase gift cards from Wal-Mart Stores, Inc. Your sentence consisted of reduction to A1C and three months hard labor without confinement.

3. 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 reenlistment in the Air Force. Special pay, bonuses, or education assistance funds may be subject to recoupment.

4. 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 building 451, 882-4185, on 8 MAR 02 at 1030 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays from today unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.

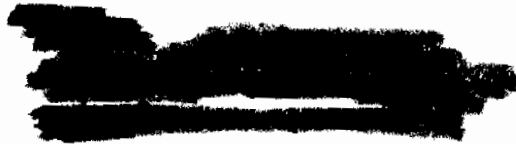
7. You will complete a medical examination with the 96th Medical Group, physical examination section on 11 MAR 02 at 0715 hours.

8. You have been scheduled for an appointment with the 96th Mission Support Squadron, separation section, on 13 MAR 02 at 0900 hours. Immediately after completion of your briefing, report to the 96th Traffic Management Office with your completed AFDTC Form 4134 or LGTT Office Form B133. If you have a TMO pickup, it must be before 19 MAR 02.

9. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on 12 MAR 02 at 0800 hours.

10. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in your unit orderly room.

11. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.



2 Attachments:

1. Supporting Documents
  - 1a. Report of Result of Trial, dated 17 Oct 01
2. Airman Acknowledgement