

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AMN	AFSN/SSAN ██████████
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
GEN	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">NO</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	NO		X		
YES	NO					
	X					

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
████████████████████	X				
████████████████████					X
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ISSUES A92.21, A94.05, A93.01	INDEX NUMBER A67.00	EXHIBITS SUBMITTED TO THE BOARD
		1 ORDER APPOINTING THE BOARD
		2 APPLICATION FOR REVIEW OF DISCHARGE
		3 LETTER OF NOTIFICATION
HEARING DATE 6 JUN 03	CASE NUMBER FD2002-0457	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 IN THE 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 BOARD MEMBER ████████████████████	SIGNATURE OF BOARD PRESIDENT ████████████████████
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DATE: 6 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0457

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for misconduct, discreditable involvement with military or civil authorities. He had an Article 15 for damaging government property, three Letters of Counseling for writing multiple bad checks to the base exchange, and was apprehended for assaulting another military member. According to the legal review, the only discharge document currently in the file, the commander elected to process member for an immediate discharge as a result of the assault, rather than give him another Article 15. The legal review also indicated that member consulted counsel and submitted a statement in his own behalf at the time of the discharge. Member had one Airman Performance Report rated an overall "7." Member's discharge file and medical records were unavailable to the Board for review, therefore the Board was unable to determine the facts and circumstances of the incidents of misconduct, or to ascertain if there was other misconduct on member's part, or additional bases for the discharge. Lacking documented evidence from the applicant to the contrary, the Board relies on the presumption of regularity and finds the discharge proper and without basis for an upgrade. No inequity or impropriety could be found in this discharge in the course of the records review.

If the applicant can provide additional specific documented information about his discharge, and documented evidence to substantiate an issue, he should consider exercising his right to a personal appearance hearing, and be prepared to present the Board with evidence of an inequity or impropriety, as well as any exemplary post-service accomplishments and contributions to the community.

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 AMN) (HGH AMN)

MISSING MILITARY PERSONNEL RECORDS AND
MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 19 May 88 UP AFR 39-10, para 5-47a (Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Mar 68. Enlmt Age: 19 1/12. Disch Age: 20 2/12. Educ: HS DIPL. AFQT: N/A. A-46, E-55, G-41, M-38. PAFSC: 64530 - Apprentice Inventory Management Specialist. DAS: 28 Aug 87.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 May 87 for 4 yrs. Svd: 1 Yr 0 Mos 16 Das, all AMS.

b. Grade Status: AMN - 4 Nov 87

c. Time Lost: None.

d. Art 15's: (1) (Examiner's Note: Article 15 information is extracted from the Legal Review. AF Form 3070 is missing from file; therefore, punishment administered is not available)

4 Dec 87, Bergstrom AFB, TX - On or about 10 Nov 87, Amn ----- damaged, on the first floor of building 2101, the wall behind a candy vending machine and he also stole candy from the same machine. (No appeal) (No mitigation)

e. Additional: (EXAMINER'S NOTE: The following additional infractions are extracted from the Legal Review)

DD 1569 (MISSING), 15 APR 88 - Apprehended for assault.
LOC, 14 MAR 88 - Financial irresponsibility.
LOC, 03 MAR 88 - Financial irresponsibility.
LOC, 19 FEB 88 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 4 May 87 - 1 Mar 88 Bergstrom AFB 7 (Initial)

(Discharged from Bergstrom AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (0) Mos (16) Das
TAMS: (1) Yr (0) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 May 02.
(Change Discharge to Honorable)

Issue 1: I am currently a GS-12 employed by the US Army as the Network LAR and am scheduled to deploy in support of the current conflict. I am proud to serve my country now, just as I was proud serve my country then as a member of the United States Air Force.

Nevertheless, I do regret some of the choices and decisions that I made during my tenure with the Air Force. I would, however, like to say that these incidents occurred after a very critical time in my life, and was not a direct reflection of my dedication to the service of my country. And if I had to go in the Air Force once again to serve my country, I would proudly rise to the challenge.

Since then, I've gotten a little older, a little wiser and made some different choices and decisions concerning my life. Currently, I am the husband to my wife of eleven years and the proud father of four children.

Please understand that this is not an attempt to make excuses for what took place back then. I take full responsibility for my actions, but I believe the punishment given was more severe than the crime committed; thus the reason for this appeal. Thank you for your time and consideration.

ATCH

1. Letter to SAF/MRBR, 31 Jan 03.
2. SAF/MRBR Letter to Applicant, 8 Jan 03.
3. DD Form 214.

19FEB03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 67TH COMBAT SUPPORT GROUP (TAC)
BERGSTROM AIR FORCE BASE TX 78743-5000

MAY 16 1988

REPLY TO JA/3781

ATTN OF

SUBJECT AFR 39-10 Administrative Discharge, ██████████, 67 SUPS,
Bergstrom AFB, Texas

TO: 67 CSG/CC

1. BASIS FOR THE ACTION: ██████████, Squadron Section Commander, 67 SUPS, Bergstrom Air Force Base, Texas, has recommended that ██████████ (Respondent) be separated from the Air Force pursuant to AFR 39-10, Section H, para 5-47a, for Misconduct--Discreditable Involvement With Military or Civil Authorities. He has recommended that ██████████ receive a General Discharge without suspension for probation and rehabilitation.

2. SUMMARY OF EVIDENCE FOR THE GOVERNMENT:

a. On or about 10 November 1987, ██████████ damaged, on the first floor of Building 2101, the wall behind a candy vending machine and he also stole candy from the same machine. For this he received a Non-Judicial Punishment on 4 December 1987, as evidenced by AF Form 3070.

b. On, about, or between 6, 21, and 22 January 1988, ██████████ wrote checks to Bergstrom AFB Exchange which were dishonored for insufficient funds as evidenced by AAFES Form 7200-75(M) dated 18 February 1988. For this he received a Letter of Counselling dated 19 February 1988.

c. On 3 March 1988, ██████████ received a Letter of Counselling, dated 3 March 88, for writing three personal checks to the Bergstrom AFB Exchange which were dishonored for insufficient funds.

d. On or about 12 February 1988, ██████████ wrote a check to the Bergstrom AFB Exchange which was dishonored for insufficient funds as evidenced by AAFES Form 7200-75(M) dated 11 March 1988. For this he received a Letter of Counselling, dated 14 March 1988.

e. On or about 14 April 1988, ██████████ was apprehended, by Security Police for assault on another military member as evidenced by DD Form 1569, dated 15 April 1988. 67th Combat Support Group/JA recommended Non-Judicial Punishment, but the commander believed immediate discharge action was more appropriate.

3. SUMMARY OF EVIDENCE FOR THE RESPONDENT: The Respondent is a 20-year old first-term airman who began his current four-year enlistment on 4 May 1987 and was assigned to his present organization on 28 August 1987. He has received one APR (4 May 87 - 1 Mar 88) with an overall rating of 7. His AQE scores are: Admin-46, Elec-55, Gen-41, and Mech-38. The Respondent was notified of this action on 9 May 1988. After consulting with counsel and having his administrative due process rights fully explained, he submitted a letter dated 9 May 1988 acknowledging those rights.

Readiness is our Profession

4. ERRORS OR IRREGULARITIES: None.

5. DISCUSSION:

a. All the Respondent's substantive and procedural rights have been satisfied, and the case is legally sufficient to support discharge. The instances of misconduct described in paragraph 2 of this review demonstrate the Respondent's discreditable involvement with military and civil authorities. In view of the record of repeated efforts to counsel [REDACTED], there appears to be no reasonable expectation that further rehabilitation efforts would be effective.

b. Misconduct discharges are usually characterized as under other than honorable conditions, unless unwarranted by the circumstances. [REDACTED] has completed entry-level status, and has generally met duty performance standards. Although the effects of misconduct by [REDACTED] outweigh the positive aspects of his record, his service has generally been honest and faithful. Recommendation for general discharge is appropriate.

6. RECOMMENDATIONS: As the Special Court-Martial Convening Authority, you may:

a. Retain the Respondent and discontinue the action.

b. Direct the Respondent be separated with a general discharge with or without suspension for probation and rehabilitation.

c. Forward the case file to the General Court-Martial Convening Authority recommending an honorable discharge with or without suspension for probation and rehabilitation.

I recommend a general discharge without suspension for probation and rehabilitation.

[REDACTED]

[REDACTED], USAF
Assistant Staff Judge Advocate

- 2 Atch
- 1. Case File (Bishop)
- 2. Discharge Order

I concur.

[REDACTED]
Staff Judge Advocate USAF