

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL.
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53, A93.07, A92.37	INDEX NUMBER A67.30	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 03-03-07	CASE NUMBER FD2002-0478	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 and 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]
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INDORSEMENT	DATE: 03-03-10
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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

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for commission of a serious offense, and received a general (under honorable conditions) characterization of service. Member received an Article 15 for stealing a 40 MM, M-203 High Explosive round, and for unlawfully striking his wife on divers occasions between 1 Dec 2000 and 6 March 2002, a 15-month period. As a result he was disqualified from further service in the Security Forces career field. In his reply to the Article 15, member admitted his guilt and apologized for his actions. He was also directed to undergo evaluation at the Life Skills Center for partner relationship problems, and was enrolled in anger management classes. At the time of the discharge member consulted counsel and waived his right to submit statements in his own behalf. Although member only had this one Article 15, the misconduct it documented was extremely serious, and sufficient to warrant administrative separation. Member was essentially the same age as other airmen who complete their enlistments without disciplinary infractions when his misconduct occurred, and there was no evidence he did not know right from wrong. He also failed to show how his marital and personal problems were unique or different from those of other similarly situated airmen. Therefore, the Board found the record supports the characterization of service received.

Applicant cited his desire to receive his G.I. Bill education benefits as justification for an upgrade. While the Board was sympathetic to the impact of the loss of these benefits on applicant, this is not a matter of equity or propriety that warrants an upgrade.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 14 JUN 02 UP AFI 36-3208, Para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 13 Nov 79. Enlmt Age: 18 8/12 . Disch Age: 22 7/12. Educ: HS DIPL. AFQT: N/A. A-51, E-67, G-46, M-84. PAFSC: 3P051 - Security Forces Apprentice. DAS: 12 Apr 99.

b. Prior Sv: (1) AFRes 10 Aug 88 - 9 Nov 88 (3 Months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 10 Nov 98 for 6 yrs. Svd: 3 Yrs 7 Mos 5 Das, all AMS.

b. Grade Status: A1C - 2 MAY 02 (Article 15, 2 May 02)
SRA - 24 APR 01
A1C - 24 DEC 98

c. Time Lost: None

d. Art 15's: (1) 2 May 02, Altus AFB, OK- Article 121. You, did, between on or about 1 Oct 01 and on or about 30 Nov 01, steal a 40MM, M-203 High Explosive round, military property, of a value of \$6.42, the property of the United States Government. Article 128. You, did, on divers occasions, between on or about 1 Dec 00 to on or about 6 Mar 02, unlawfully strike ----- on the arm, face and leg with your closed fist, open fist, and foot. Reduction to A1C, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 10 Nov 98 - 9 Jul 00 Altus AFB 5 (Initial)
10 Jul 00 - 9 Jul 01 Altus AFB 5 (Annual)

(Discharged from Altus AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA W/2 DEV.

i. Stmt of Sv: TMS: (3) Yrs (10) Mos (5) Das
TAMS: (3) Yrs (7) Mos (5) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 Oct 02.
(Change Discharge to Honorable)

Issues: I would just like to ask if my records be reviewed. I had a good tour except the only incident I got discharged for. I need my discharged changed so that I may get help with paying for school from the G.I. Bill.

ATCH

None.

10Feb03/cr

FD 2002-0478

DEPARTMENT OF THE AIR FORCE
Air Education and Training Command
Altus Air Force Base, Oklahoma

MEMORANDUM FOR [REDACTED]

JUN 03 2002

FROM: 97 SFS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense. The authority for this action is AFPD 36-32 and AFI 36-3208, Section 5H, paragraph 5.52.3. If you are discharged your service may be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reason for this action is:

Between on or about 1 Oct 01 and on or about 30 Nov 01, you stole a 40 MM, M-203 High Explosive round, property of the United States Government. Also, on divers occasions between on or about 1 Dec 00 and on or about 6 Mar 02, you unlawfully struck your wife. For these instances of misconduct, you received Article 15, non-judicial punishment and this discharge action was initiated.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising 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 and any special pay, bonus, or education 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 52 on 4 June 02 at 0900. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 6 June 02 (3 duty days) 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 in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the base hospital, (family practice/physical exams), at 1000 on 4 June 02.

8. 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 the unit orderly room.

9. Execute the attached acknowledgment and return it to me immediately.



Attachments:

1. Supporting Documentation
Article 15 w/atch, dated 2 May 02
2. Airman's Receipt of Notification Letter