

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE SRA	AFSN/SSAN ████████████████
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW				
<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 style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>	YES	NO		X	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
					X
					X
					X
					X
					X

ISSUES A93.07, A92.37, A94.05	INDEX NUMBER A67.90	QUESTIONS SUBMITTED TO THE BOARD
HEARING DATE 03-04-30	CASE NUMBER FD2002-0481	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

ALL MATTERS DISCUSSED BY THE BOARD AND THE BOARD'S DECISIONS ARE CONFIDENTIAL AND ARE DISCUSSED ONLY ON THE OFFICIAL AIR FORCE DISCHARGE REVIEW BOARD

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 	SIGNATURE OF BOARD PRESIDENT
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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

CASE NUMBER

FD2002-0481

GENERAL: The applicant appeals for upgrade of discharge to honorable, and to change the reason and authority for his discharge, and to change his reenlistment code.

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, change of reason and authority for the discharge, and reenlistment code are denied.

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

Issues. Applicant was discharged for misconduct, conduct prejudicial to good order and discipline. He had three Letters of Reprimand, a Record of Individual Counseling, and two Articles 15. His misconduct included two instances of financial irresponsibility, two incidents of making false official statements, failure to go, and theft. Additionally, the record review revealed that member appeared to have been on the Weight Management Program. The Board noted that when his misconduct occurred, member was age 36 to 37 and was a noncommissioned officer who had between 17 and 19 years of service. He knew right from wrong, so he was held accountable for his actions. At the time of the discharge, member submitted a conditional waiver of his right to an administrative board hearing based on receipt of an under honorable conditions (general) discharge, which was granted. In a reply to the discharge, he also requested to be separated at the earliest opportunity noting he was no longer a good fit for the Air Force and wanted to get on with his life. He conceded he was giving up many years of service, medical benefits, retirement benefits, and the right to lengthy service probation consideration. Member now notes he was on a remote assignment in Korea and was undergoing a divorce that clouded his judgment. The Board recognized that applicant's marital problems may have had some bearing on his difficulties but found them insufficient mitigation for his misconduct. While it is understandable that a member experiencing personal problems has additional stress, applicant's problems were not unique. There was no evidence he sought assistance from available base agencies such as the Chaplain, Family Support Center, Mental Health Clinic, or his chain of command. Because he was unable to separate his personal problems from his duties, he became an administrative burden to the unit, and was unable or unwilling to adjust his behavior. Although given many opportunities, he failed to correct his negative behavior. The record review offered no basis to substantiate an upgrade or to change his reenlistment code. The Board could find no wrongful action by the Air Force, nor an inequity or impropriety.

The applicant cited his desire to return to military service. While the Board commends applicant on this desire, and is sympathetic to the impact a General discharge has on his reenlistment code, this is not a matter of equity or propriety that warrants an upgrade.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was essentially 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 SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Aug 00 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 14 Feb 63. Enlmt Age: 18 6/12. Disch Age: 37 5/12. Educ: HS DIPL. AFQT: N/A. A-37, E-73, G-41, M-40. PAFSC: 2E153 - Ground Radio Communications Journeyman. DAS: 15 Feb 99.

b. Prior Sv: (1) AFRes 17 Aug 81 - 16 Nov 81 (3 months) (Inactive).

(2) Enlisted as AB 17 Nov 81 for 4 yrs. Extended 27 Feb 85 for 23 months. Reenlisted as Sgt 15 Jul 86 for 4 yrs. Reenlisted as Sgt 5 Jun 90 for 6 yrs. Svd: 14 years 1 month 10 days, all AMS. AMN-(APR Indicates): 17 Nov 81-6 Jan 83. A1C - 17 Nov 82. SRA-(APR Indicates): 17 Sep 84-20 May 85. SGT-(APR Indicates): 21 May 85-12 Jul 86. SSGT - 1 Aug 90. APRs: 9,8,9,9,9,9,9,9,9. EPRs: 4,3,4,4,4,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt 28 Dec 95 for 6 yrs. Ext: 24 Nov 99 for 24 months. Svd: 4 Yrs 7 Mos 6 Das, all AMS.

b. Grade Status: SRA - 27 Jun 00 (Article 15, 27 Jun 00)

c. Time Lost: None.

d. Art 15's: (1) 27 Jun 00, Moody AFB, GA - Article 121. You, did, on or about 7 Jun 00, steal one can of ----- chewing tobacco, of a value of about \$2.40, the property of the ----- . Reduction to SrA, and a reprimand. (No appeal) (No mitigation)

(2) 14 Mar 00, Moody AFB, GA - Article 107. You, did, on or about 17 Feb 00, with intent to deceive, make to SSgt-----, an official statement, to wit: "I spoke to TSgt -----, about having Friday, 18 February 2000 off" or words to that effect which statement was totally false in that you never spoke with TSgt ----- about compensatory time off, and was then known by you to be so false. Fourteen days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 01 MAY 02 - Failure to go.
 LOR, 09 JUN 00 - Financial irresponsibility.
 LOR, 12 AUG 99 - Making false official statement.
 LOR, 01 MAR 99 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 26 Jul 95 - 25 Jul 96 Moody AFB 5 (Annual)
 26 Jul 96 - 06 Dec 96 Moody AFB 5 (CRO)
 07 Dec 96 - 06 Dec 97 CRCAI Korea 5 (Annual)
 07 Dec 97 - 06 Dec 98 Moody AFB 4 (Annual)
 07 Dec 98 - 06 Dec 99 Moody AFB 4 (Annual)

(Discharged from Moody AFB)

h. Awards & Decs: AFAM W/2 OLCS, AFCM W/1 OLC, AFLSAR W/3 OLCS, AFTR, NDSM, HSM, SAEMR, CRM, NCOPMER, AFOUA W/4 OLCS, AFGCM W/4 OLCS.

i. Stmt of Sv: TMS: (18) Yrs (11) Mos (18) Das
 TAMS: (18) Yrs (08) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Nov 02.
 (Change Discharge to Honorable, Change the RE Code, and the Reason and Authority for Discharge)

Issue 1: Please review my records. Upon my discharge I was in the middle of a messy divorce which was brought on with my remote assignment to Korea in 97-98.

Issue 2: Was under a great deal of stress with my divorce which clouded my judgement. At times I served very proudly during my time on active duty.

Issue 3: I also wish to have my seperation (sic) code changed so that I can once again join the ranks of the military.

Issue 4: I also wish to have my reentry code changed so that I can once again join the ranks of the military. I truely (sic) do want to be apart (sic) of the worlds greatest military.

Issue 5: Please strongly consider this application and grant its approval. Then I can proceed with joining the reserves and continue on with my patriotic service.

ATCH
 None.

11JAN03/ia



DEPARTMENT OF THE AIR FORCE

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

FD 2002-0481

5 July 2000

MEMORANDUM FOR [REDACTED]

FROM: 347 CS/CC

SUBJECT: Notification Memorandum - Board Hearing

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 AFPD 36-32 and AFI 36-3208, section 5.50.2. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.
2. My reasons for this action are as follows:
 - a. On or about 21 Jan 99, you failed to pay a just debt to American Express. For this offense, you received a Letter of Reprimand (LOR), dated 1 Mar 99 (Atch 1a).
 - b. On or about 5 Aug 99, you did, with the intent to deceive, make a false official statement to [REDACTED]. For this offense, you received an LOR, dated 12 Aug 99 (Atch 1b).
 - c. You, did, at or near Moody Air Force Base, Georgia, on or about 17 February 2000, with the intent to deceive, make to [REDACTED] an official statement, to wit: "I spoke to [REDACTED] about having Friday, 18 February 2000 off" or words to that effect which statement was totally false in that you never spoke with [REDACTED] about compensatory time off, and was then known by you to be so false. For this offense, you received nonjudicial punishment pursuant to Article 15, UCMJ. Punishment included 14 days extra duty, and a reprimand (Atch 1c).
 - d. On or about 30 Mar 00, you issued a check to Western Auto in the amount of \$21.39. Subsequently, you failed to maintain sufficient funds in your account to pay the check, thus Lowndes County Sheriffs served you with an arrest warrant for deposit fraud. For this offense, you received an LOR, dated 9 Jun 00, which was placed in a Unfavorable Information File (Atch 1e).
 - e. On or about 28 Apr 00, you failed to go to your appointed place of duty. For this incident, you received a Letter of Counseling, dated 4 Jan 00 (Atch 1e).
 - f. You, did, at or near Moody Air Force Base, Georgia, on or about 7 June 2000, steal one can of Skoal chewing tobacco, of a value of about \$2.40, the property of the Moody Air Force Base Shoppette. For this offense, you received nonjudicial punishment pursuant to Article 15, UCMJ. Punishment included reduction to the grade of senior airman (Atch 1f).

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive an under honorable conditions (general) discharge. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

- a. Consult legal counsel;
- b. Present your case to an administrative discharge board;
- c. Be represented by legal counsel at a board hearing;
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing; and,
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, Physical Exams Section, Bldg 3296, at 1300 on 6 July 00 for the examination. **This is a mandatory appointment.**

6. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to contact [REDACTED] in Bldg 5109, Room 3, extension 3421, on 6 July 00 at 0900. Please take your copy of this Notification Memorandum and attachments with you to your appointment. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within **seven (7)** workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

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 orderly room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. The discharge board or, the discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g).

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


Commander, 347th Communications Squadron

Attachments:

1. Supporting Documents, Reasons for Discharge
 - a. LOR, 1 Mar 99
 - b. LOR, 12 Aug 99, (w/atch)
 - c. AF Form 3070, 14 Mar 00 (w/atch)
 - d. LORUIF, 9 Jun 00
 - e. LOC\ 1 May 00
 - f. AF Form 3070, (w/atch)
2. Receipt of Notification Memorandum