

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE AMN	AFSN/SSAN <b>[REDACTED]</b>				
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						
	X						
<b>MEMBERS SITTING</b>			<b>VOTE OF THE BOARD</b>				
			HON	GEN	UOTHC	OTHER	DENY
							X
							X
							X
							X
							X
ISSUES <b>A94.05</b>		INDEX NUMBER <b>A67.10</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</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			
HEARING DATE <b>15 APR 03</b>		CASE NUMBER <b>FD2002-0482</b>		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>  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			
<b>INDORSEMENT</b>					<b>DATE: 15 APR 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

FD02-0482

**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 and that he was not given a chance to fix one problem before more problems were added. He also mentions a "snowball" effect or charges not taken into consideration and that there was apparent "headhunting" by certain members of his chain of command. Finally, he states that he has not had any problems since his discharge but he is unable to go to school or get many jobs due to the lack of an Honorable discharge. The record indicates the applicant received two Article's 15--the first one for failure to obey an order and for being overdue on his government travel card; the second one for stealing a first aid kit, two leatherman tools, and one landing gear "remove before flight" pin, and then lying about where he got them. In addition, he received one Letter of Reprimand for failure to keep his dorm room clean and orderly and having unauthorized items in his room, two Letters of Counseling for dereliction of duty and being disrespectful to a NCO, and 2 Records of Individual Counseling for financial irresponsibility and for missing an appointment. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade. The record does not indicate any snowball effect or headhunting in the applicant's unit. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate. 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 AMN) (HGH A1C)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 28 Oct 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Sep 72. Enlmt Age: 24 8/12. Disch Age: 27 1/12. Educ: HS DIPL. AFQT: N/A. A-67, E-92, G-94, M-99. PAFSC: X1A231 - Aircraft Loadmaster Apprentice. DAS: 18 Aug 98.

b. Prior Sv: (Examiner's Note): The following service is extracted from DD Forms 214 due to missing enlistment or discharge documents)

(1) USN AMS = 1 month 18 days.

(2) Prior inactive service = 6 years 10 months 4 days.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Oct 97 for 4 yrs. Svd: 2 Yrs 0 Mo 14 Das, all AMS.

b. Grade Status: AMN - 2 Jul 99 (Article 15, 2 Jul 99)  
A1C - 15 Feb 99  
AMN - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 2 Sep 99, Pope AFB, NC - Article 92. You, having knowledge of a lawful order issued by MSgt -----, to move back in to the Pope AFB Dormitory #399, and order which it was your duty to obey, did, on or about 19 Jun 99, fail to obey the same by wrongfully failing to move into Pope AFB Dormitory #399. Article 134. You, being indebted to ----- Bank in the sum of \$1,543.54 for charges on your Government Travel Card, of which \$249.00 became due and payable, on or about 30 Jan 99, an additional \$1,012.49 became due and payable, on or about 28 Feb 99, an additional \$161.58 became due and payable, on or about 29 Mar 99, an additional \$229.70 became due and payable, on or about 27 Apr 99, an additional \$20.00 became due and payable, on or about 28 May 99, less \$150.00 paid on 28 May 99, for a total of \$1,543.54, did, in the continental United States, from on or about 30 Jan 99 to on or about 28 May 99 dishonorably fail to

pay said debt. Reduction to Amn, 30 days restriction, and 30 days extra duty. (Appeal/Denied) (No mitigation)

- (2) 2 Jul 99, Pope AFB, NC - Article 121. You, did, between on or about 1 Sep 98 and 15 Jul 99, steal a first aid kit, two Leatherman tools, and one landing gear "Remove Before Flight" pin, military property, of some value, the property of the United States Air Force. Article 107. You, did, on or about 16 Jul 99, with intent to deceive, make to MSgt ----- and SrA -----, an official statement, to wit: "I bought the first aid kit, Remove Before Flight tag, and strobe light from an Army/Navy surplus store," or words to that effect, which statement was totally false, and was then known by you to be so false. Suspended reduction to AB, and forfeiture of \$100.00 pay per month for two months. (No appeal) (No mitigation)

- e. Additional: LOR, 04 AUG 99 - Failure to keep your dorm room clean and orderly and having unauthorized item in his room.  
 LOC, 16 JUL 99 - Dereliction of duty.  
 LOC, 16 JUL 99 - Disrespect to a noncommissioned officer.  
 RIC, 28 JUL 99 - Missed appointment.  
 RIC, 13 APR 99 - Financial irresponsibility.

f. CM: None.

g. Record of SV: None.

(Discharged from Pope AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (7) Yrs (2) Mos (7) Das  
 TAMS: (2) Yrs (2) Mos (16) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Oct 02.  
 (Change Discharge to Honorable)

Issue 1: "Snowball" effect or charges/punishments not taken into consideration.

Issue 2: Not given a chance to fix one "problem" before more "problems" were added.

Issue 3: Apparant (sic) "headhunting" by certain members of my chain of command.

Issue 4: I have had no problems since my discharge, and even had my security clearance reactivated for employment. I am unable to go to school or get many jobs due to my lack of an "Honorable" discharge.

**ATCH**

1. DD Form 214.
2. AF Form 1381, USAF Certificate of Air Crew Training.
3. MFR, Certification of Upgrade/Training.
4. Four AF Forms 8, Certificate of Aircrew Qualification.
5. Memo For 43 AW/CC, Response to Discharge.
6. Four Character References.

12FEB03/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 43D AIRLIFT WING (AMC)  
POPE AIR FORCE BASE NORTH CAROLINA

12 Oct 99

MEMORANDUM FOR AM [REDACTED], 2 AS

FROM: 2 AS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. The most severe type of discharge authorized in this case is an under other than honorable conditions discharge. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. Between on or about 1 September 1998 and 15 July 1999, you did, at or near Pope Air Force Base, North Carolina, steal a first aid kit, two Leatherman tools, and one landing gear "Remove Before Flight" pin, military property, of some value, the property of the United States Air Force as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 22 September 1999.

b. On or about 16 July 1999, you, did, at or near Pope Air Force Base, North Carolina, with intent to deceive, make to Master Sergeant [REDACTED] and Senior Airman [REDACTED] an official statement, to wit: "I bought the first aid kit, Remove Before Flight tag, and strobe light from an Army/Navy surplus store," or words to that effect, which statement was totally false, and was then known by you to be false as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 22 September 1999.

c. Between on or about 9 July 1999 and 13 July 1999, you failed to keep your dormitory room clean and orderly as documented by a Letter of Reprimand, dated 4 August 1999.

d. On or about the period between 9 and 13 July 1999 you had several unauthorized items in your dorm as documented by a Letter of Reprimand, dated 4 August 1999.

e. On or about 16 July 1999, you, who knew of your duties, at Pope Air Force Base, North Carolina, were derelict in the performance of those duties in that you failed to turn in training bundles and D-bags, as it was your duty to do as documented by a Letter of Counseling, dated 16 July 1999.

f. On or about 13 July 1999, you were disrespectful in language and deportment toward Master Sergeant [REDACTED] a noncommissioned officer, then known by you to be the Assistant Superintendent of H-flight, who was then in the execution of his office, by interrupting him on several occasions, using a very sarcastic tone of voice, and by rolling your eyes and head along with excessive body movement, or words and gestures to that effect, as documented by a Letter of Counseling, dated 16 July 1999.

g. On or about 22 June 1999, you failed to turn in the required papers on time for your financial Management Class as documented by AF Form 174, Record of Individual Counseling, dated 28 June 1999.

h. On or about 19 June 1999, you, having knowledge of a lawful order issued by Master Sergeant [REDACTED] to move back into the Pope Air Force Base Dormitory #399, an order which it was your duty to obey, did, at or near Pope Air Force Base, North Carolina, fail to obey the same by wrongfully failing to move into Pope Air Force Base Dormitory #399 as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 1 July 1999.

i. Between or about 30 January 1999 and 28 May 1999, you, being indebted to NationsBank in the sum of \$1,543.54 for charges on your Government Travel Card, of which \$249.00 became due and payable on or about 30 January 1999, an additional \$1,012.49 became due and payable on or about 28 February 1999, an additional \$161.58 became due and payable on or about 29 March 1999, an additional \$229.70 became due and payable on or about 27 April 1999, an additional \$20.00 became due and payable on or about 28 May 1999, less \$150.00 paid on 28 May 1999, for a total of \$1,543.54, did, in the continental United States, dishonorably fail to pay said debt as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 1 July 1999.

j. Between on or about 1 April 1999 and 13 April 1999, you, being indebted to your rental company for your rent, did in the continental United States, dishonorably fail to pay said debt as documented by AF Form 174, Record of Individual Counseling, dated 13 April 1999.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The 43d Airlift Wing Commander, who exercises SPCM jurisdiction or a higher authority, will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. Contact SSgt [REDACTED] (extension 4-2362) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult Capt [REDACTED] the Area Defense Counsel. 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.

5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 1530 at 15 Oct 99 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 in three days**, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a physical examination. Report to physical exams on 21 Oct at 1000 hrs. In addition, report to physical exams/Lab ASAP for HIV screening.

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 at the orderly room.



SAF

Attachments:

1. AF Form 3070, dated 22 Sep 99
2. Letter of Reprimand, dated 4 Aug 99
3. Letter of Counseling, dated 16 July 99
4. AF Form 174, dated 28 June 99
5. AF Form 3070, dated 1 Jul 99
6. AF Form 174, dated 13 Apr 99