

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">COUNSEL</td> <td>NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td>YES</td> <td></td> </tr> <tr> <td>NO</td> <td>X</td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES		NO	X	ADDRESS AND OR ORGANIZATION OF COUNSEL
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION							
YES								
NO	X							

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

ISSUES A94.05	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD		
		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	
HEARING DATE 15 APR 03	CASE NUMBER FD2002-0488			

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, 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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INDORSEMENT	DATE: 15 APR 03
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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

FD02-0488

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 does not contest his discharge. He merely states that he would like to use the GI Bill. The record indicates the applicant received an Article 15 for wrongfully appropriating a bottle of topical Novocain during a dental appointment. He also received two Letters of Reprimand for failure to follow proper procedures, which resulted in damage to a forklift, and for issuing a worthless check. He also received two Letters of Counseling for failure to go and failure to comply with Air Force appearance standards and to meet personal responsibilities. 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 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

[REDACTED]
(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 22 Jun 98 UP AFI 36-3208, Para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 18 Dec 73. Enlmt Age: 23 1/12. Disch Age: 24 6/12. Educ: HS DIPL. AFQT: N/A. A-29, E-61, G-57, M-72. PAFSC: 2W031 - Munitions Systems Apprentice. DAS: 14 Jul 97.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 22 Jan 97 for 4 yrs. Svd: 1 Yr 5 Mos 1 Das, all AMS.

b. Grade Status: AMN - 22 Jul 97

c. Time Lost: None.

d. Art 15's: (1) 11 May 98, RAF Croughton, UK - Article 121. You, did, on or about 29 Apr 98, wrongfully appropriate a bottle of topical novocaine, of a value of about \$5.14, the property of the United States Air Force. Suspended reduction to AB, and forfeiture of \$50.00 pay per month for two months. (No appeal) (No mitigation)

e. Additional: LOR, 14 NOV 97 - Failure to follow proper procedures resulting in damage to a forklift truck.
LOR, 07 NOV 97 - Issuing a worthless check.
LOC, 16 SEP 97 - Failure to go.
RIC, 09 SEP 97 - Failure to comply with Air Force military appearance standards and to meet personal responsibilities.

f. CM: None.

g. Record of SV: None.

(Discharged from Beale AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (1) Yr (5) Mos (1) Das
TAMS: (1) Yr (5) Mos (1) Das

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

Issue: I would like to continue my education. I have been informed to check into the monies that were taken out of my checks since I enlisted, which would fall under the deduction for the "Montgomery GI Bill" I also would like for you to consider changing my discharge to "Honorable" to be eligible to further my education.

ATCH
None.

14Feb03/cr



FD2002-0488

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 100TH AIR REFUELING WING (USAF)

19 May 98

MEMORANDUM FOR AMN [REDACTED]

FROM: 424 ABS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Minor Disciplinary Infractions. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 29 April 1998, you wrongfully appropriated a bottle of topical Novocain from the United States Air Force during your dental appointment. For this incident you received Nonjudicial Punishment under Article 15, UCMJ, dated 11 May 1998. (Atch 1-1)

b. On 4 November 1997, you failed to follow proper operating procedures and damaged a forklift truck. For this incident you received a Letter Of Reprimand dated 14 November 1997. (Atch 1-2)

c. On or about 1 November 1997, you wrote a worthless check. For this incident you received a Letter Of Reprimand, dated 7 November 1997. (Atch 1-3)

d. On 15 September 1997, you failed to go to your appointed place of duty. For this incident you received a Letter Of Counseling, dated 16 September 1997. (Atch 1-4)

e. On or about 26 August 1997 to 8 September 1997, you failed to meet minimum Air Force standards of Dress and Appearance, and personal financial responsibility. For this incident you received a Record of Individual Counseling, dated 9 September 1997. (Atch 1-5)

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial 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 and probably any other branch of the military.

3. You are scheduled for a medical examination. For the examination, you must report to RAF Lakenheath, Building 926, Physical Exams section, at 1000 hours on 20 May 98, with your medical and dental records. You must be in uniform. If you have been prescribed glasses, you must wear your glasses to the appointment. If you have a family history of diabetes, contact Physical Exams at DSN 226-3111 for additional instructions.

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 Capt [REDACTED] Area Defense Counsel, Bldg 976, [REDACTED] Phone 226-3608, at 1330 hours on 19 May 98. 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 statements in your own behalf. Any statements you want the separation authority to consider must reach me by 0930 hours on 22 May 98 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. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208, attachment 2. A copy of AFI 36-3208 is available for your use in the unit orderly room.

8. Execute the acknowledgment provided and return to me immediately.

[REDACTED]
Commander

USAF

Attachments:

Atch 1-1; Article 15, dated 29 April 1998

Atch 1-2; Letter Of Reprimand, dated 14 November 1997.

Atch 1-3; Letter Of Reprimand, dated 7 November 1997.

Atch 1-4; Letter of Counseling, dated 16 September 1997.

Atch 1-5; Record of Individual Counseling, dated 9 September 1997.