

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
COUNSEL		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 A92.37, A92.27	INDEX NUMBER A67.30	EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 03-04-30	CASE NUMBER FD2002-0510	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			

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 <i>[Signature]</i>	SIGNATURE OF BOARD PRESIDENT <i>[Signature]</i>
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INDORSEMENT	DATE: 03-05-02
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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

FD2002-0510

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 impropriety or inequity that would justify an upgrade of the discharge to honorable.

Issues. Applicant was discharged for misconduct, namely civilian conviction. Applicant and a civilian accomplice were both arrested for theft of credit cards belonging to another military member, and using those cards at at least six civilian businesses to purchase merchandise valued at about \$2700.00. Applicant pled guilty to the class C felony of "theft by receiving" and was sentenced to 3 years probation and to pay \$375.00 in court fees. The maximum possible sentence was 3 to 10 years imprisonment and up to a \$10,000.00 fine. Applicant now contends his discharge should be upgraded because his civilian conviction has been expunged, yet he provides no documentary evidence to substantiate that claim. After review of all of the documents, the Discharge Review Board concluded that the convening authority had the grounds on which to determine member should receive a general discharge. The board did not find any mitigation to warrant an upgrade at this time, and no inequity or impropriety was found in this discharge in the course of the records review.

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 SRA) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 18 Jun 98 UP AFI 36-3208, para 5.51 (Misconduct - Civil Conviction). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 5 May 74. Enlmt Age: 20 1/12. Disch Age: 24 1/12. Educ: HS DIPL. AFQT: N/A. A-65, E-45, G-53, M-43. PAFSC: 3V052 - Still Photographic Journeyman. DAS: 10 Jul 95.

b. Prior Sv: (1) AFRes 22 Jun 94 - 31 Jan 95 (7 Mos 10 Days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enld as AB 1 Feb 95 for 4 yrs. Svd: 3 Yrs 4 Mos 18 Das, all AMS.

b. Grade Status: SRA - 1 FEB 98
A1C - 1 JUN 96
AMN - 1 AUG 95

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 8 MAY 98 - Theft of credit cards.

f. CM: None.

g. Record of SV: 1 Feb 95 - 30 Sep 96 Little Rock AFB 4 (Initial)
1 Oct 96 - 30 Sep 97 Little Rock AFB 4 (Annual)

(Discharged from Little Rock AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (3) Yrs (11) Mos (28) Das
TAMS: (3) Yrs (4) Mos (18) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 18 Nov 02.
(Change Discharge to Honorable)

Issue: The issue for discharge has no military bearing and has since (sic) been exsponged (sic) from the records. My military service and actions are untarnished. Please review all records (pif).

FD2002-0510

ATCH
None.

21Feb03/cr

7. You have been scheduled for a medical examination. You must report to Little Rock AFB Hospital at 1300 hours on 10 June 1998 for the examination.
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. Execute the attached acknowledgment and return it to me immediately.



Commander

Attachments:

- 1-1 Pulaski County Conviction, 5 May 98
- Plea Statement, 5 May 98
- Pulaski County Felony Information, Count I, 14 Feb 97
- LOR, 8 May 98
- Statement of Victim, [REDACTED], 25 Sep 96
- Evidence Tag, 2 Oct 96
- Jacksonville Arrest Report [REDACTED], 23 Oct 96
- Statement from [REDACTED] (Co-Defendant with [REDACTED]), 23 Oct 96