

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; height: 15px; width: 100%;"></div>		GRADE <b>AB</b>	AFSN/SSAN <div style="background-color: black; height: 15px; width: 100%;"></div>				
TYPE	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	UOHC	OTHER	DENY
							X
							X
							X
							X
ISSUES <b>A93.09</b>		INDEX NUMBER <b>A67.10</b>		EXHIBITS SUBMITTED TO THE BOARD			
				1	ORDER APPOINTING THE BOARD		
HEARING DATE <b>9 APR 03</b>		CASE NUMBER <b>FD2002-0526</b>		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 <b>Case heard at Washington, D.C.</b>  <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.</b>							
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT				
INDORSEMENT				DATE: <b>9 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

FD02-0526

**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 is not contesting his discharge. He states that he was having marital problems and believes he has suffered enough. He also states that he was an upstanding airman without fault and would like all the derogatory information to be removed from his record. He concludes by including character letters. The record indicates the applicant received three Article 15's. The first for attempting to steal cash from the squadron unit snack fund, stealing money from that snack fund, and unlawfully enter a room with intent to commit a criminal offense. The second and third Article 15 was for falsely altering a check. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. He also states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports and other information contained in the records. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 Mar 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Sep 77. Enlmt Age: 18 9/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-51, E-39, G-30, M-33. PAFSC: 3E031 - Electrical Systems Apprentice. DAS: 16 Mar 97.

b. Prior Sv: (1) AFRes 19 Jun 96 - 24 Sep 96 (3 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Sep 96 for 4 yrs. Svd: 2 Yrs 5 Mo 27 Das, all AMS.

b. Grade Status: AB - 24 Feb 99 (Article 15, 24 Feb 99)  
AMN - 11 Dec 98 (Article 15, Vacation, 24 Feb 99)  
A1C - 25 Jan 98  
AMN - 25 Mar 97

c. Time Lost: None.

d. Art 15's: (1) 24 Feb 99, Barksdale AFB, LA - Article 123. You, did, on or about 10 Jan 99, with intent to defraud alter a certain check in the following words and figures, to wit: Two Hundred Sixty Dollars, \$260.00, which would, if genuine, apparently operate to the legal harm of ----- Reduction to AB. (No appeal) (No mitigation)

(2) 24 Feb 99, Vacation, Barksdale AFB, LA - Article 123. You, did, on or about 10 Jan 99, with intent to defraud, falsely alter a certain check in the following words and figures, to wit: Two Hundred Sixty Dollars, \$260.00, which would, if genuine, apparently operate to the legal harm of ----- Reduction to Amn. (No appeal) (No mitigation)

(3) 11 Dec 98, Barksdale AFB, LA - Article 80. You, did, on or about 3 Nov 98, attempt to steal cash from the 2d Civil Engineering Squadron Unit Snack Fund. Article 121. You, did, between on or about 27 Oct 98, and on or about 2 Nov 98, steal United States currency, of a value of \$60.00, the property of the 2d Civil Engineering Squadron Unit Snack Fund. Article 130. You, did, on or

about 3 Nov 98, unlawfully enter a room, the property of the 2d Civil Engineering Squadron, with intent to commit a criminal offense, to wit: to steal cash from the 2d Civil Engineering Squadron Unit Snack Fund, therein. Suspended reduction to Amn, a reprimand, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 25 Sep 96 - 24 May 98 Barksdale AFB 4 (Initial)

(Discharged from Barksdale AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (5) Das  
TAMS: (2) Yrs (5) Mos (27) Das

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

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. DD Form 149.
2. Arguments/Contentions.
3. Three Character References.
4. DD Form 214.
5. Enlistment Documents.
6. Personal Data.

27FEB03/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and social security number on each document.)

- ☐ a. Will not be submitted. Please complete review based on available service records.
- ☐ b. Will be submitted within 60 days.
- ☐ c. Will be submitted within \_\_\_\_\_ days.
- ☒ d. Are listed below and are attached to this application: (Continue on a plain sheet of paper if more space is needed.)

(1) DOCUMENT 1: Character Statement by Deputy [Redacted]  
 (2) DOCUMENT 2: Character Statement by Attorney [Redacted]  
 (3) DOCUMENT 3: Character Statement by former NCOIC Tsyt [Redacted]

8. **ISSUES.** The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board also will review the case to determine whether there are any issues which provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Read the instructions carefully that pertain to block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

ISSUE 1: DURING the middle of my four year term I began having marital problems with my wife. I was not only cheated out of my vows, but also of my hard earned money. I know what I did was not right by any means. I do believe that I have suffered enough by the discharge and not being able to even serve my country as a civilian with standards. Please consider, and address this.

ISSUE 2: While serving in the U.S. Air Force before any occurrences, I was an upstanding Airman without fault. I have a written statement from my former NCOIC who knew me as a person. I would like you all to consider upgrading my discharge from General under Honorable to Honorable with no derogatory information. Even though I have made mistakes, I have owned up to them. Help me to help myself join my fellow American citizens.

ISSUE 3: This is to specifically say what I am asking as a plea. That all information that is derogatory be removed from my record and be upgraded to Honorable from General. I have many goals that I would like to reach, but the the information that lies within my DD214 I will never reach them. My family and friends would like to see me flourish, I hope I can get another chance.

ISSUE 4: Please write back statements concerning all issues in Block (8) 1-4. This information is very important and pertinent to me. I have several Character statements and I would like you to consider them and the people who have signed their name because they have great Faith and Confidence in me and the Government System. I know God has forgiven me, Can You do the same?

- ☐ a. Mark this block if you have listed additional issues as an attachment to this application.
- ☐ b. I previously submitted an application on (Enter date) and I am completing this form in order to submit additional issues.
- ☐ c. The above issues supersede all previously submitted.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides a penalty as follows: A maximum fine of \$10,000 or maximum imprisonment of 5 years, or both)

a. DATE (Year, Month, Day) 02/11/27  
 b. SIGNATURE [Redacted]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW			
ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
CO, USARPCAP 9700 Page Blvd St. Louis, MO 63132-5200	NAVAL Discharge Review 801 No. Randolph St. Arlington, VA 22203-1991	AFMPC/MPCDOA1 Randolph AFB, TX 78150-6001	Commandant (G-PE-1) U.S. Coast Guard Headq Washington, DC 20593-0001

## Arguments / Contentions

- 1) I received an Article 15 in December of 1998 for theft, unlawful entry into a locked room. I was reprimanded and counseled by base legal. Since my discharge there has been no unlawful behavior in my favor. I have a steady job and life, but would like to better my work. I applied to my local law enforcement in 2000 and I was turned down for hire due to my behavior and discharge status. I feel that my life has changed for the best and I know that God has changed my life over the past three years. (So Warrants an upgrade to Honorable)
- 2) On 12 MAR 1999 I was discharged from the Armed forces for an alleged theft from close friend also who was my supervisor. (Documents stating incident included in package). I knew when the incident occurred that it would be the end on my short tour in the U.S. Air Force. Since the incident the plaintiff and myself have spoken several times and have put our differences aside. The plaintiff has left the area recently. I applied for the U.S. Postal service and was also denied employment due to my actions which I have corrected over the past few years. (So Warrants an Upgrade to Honorable.)

\* See Attached Documents and Statements \*



# DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 2D BOMB WING (ACC)  
BARKSDALE AIR FORCE BASE, LOUISIANA

12 MAR 99 <sup>ROC</sup><sub>CRB</sub>

MEMORANDUM FOR AMI [REDACTED]

FROM: 2 CES/CC

SUBJECT: Notification Letter - Administrative Discharge

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, para 5.49. If my recommendation is approved, your service will be characterized as under honorable conditions (general) or honorable. I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 10 Jan 99, you falsely altered a check in the amount of \$260, as evidenced by an Article 15, dated 1 Mar 99 (atch 1), and a Vacation Action, dated 25 Feb 99 (atch 2);

b. On or about 3 Nov 98, you attempted to steal cash from the 2 CES Unit Snack Fund, as evidenced by an Article 15, dated 11 Dec 98 (atch 3);

c. Between 27 Oct 98 and 2 Nov 98, you stole \$60, in cash, from the 2 CES Unit Snack Fund, as evidenced by an Article 15, dated 11 Dec 98 (atch 3); and

d. On or about 3 Nov 98, you unlawfully entered a room, the property of the 2 CES, with the intent of stealing cash from the 2 CES Unit Snack Funds as evidenced by an Article 15, dated 11 Dec 98 (atch 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 re-enlistment in the Air Force.

3. 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 with Capt Eller, Area Defense Counsel, Bldg 4714 (gym annex building), third floor, ext. 6-8355 on 12 Mar 99 at 1430 hours. You may consult civilian counsel at your own expense.

4. You have had a medical examination within the past year. Therefore, one is not needed before your separation.

*Global Power For America*

5. You have been scheduled for a Pre-separation Counseling Briefing. You must report to the Family Support Center, Bldg 4713, at 0830 on 16 Mar 99 for the briefing.
6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days unless you request and receive an extension for good cause shown. I will send them to the separation authority.
7. 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.
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 your unit Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.



Attachments:

1. Article 15, dated 1 Mar 99
2. Vacation Action, dated 24 Feb 99
3. Article 15, dated 11 Dec 98
4. Receipt of Notification