

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AMN</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">COUNSEL</td> <td rowspan="3" style="padding: 5px;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td rowspan="3" style="padding: 5px;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td style="padding: 5px;">YES</td> <td style="padding: 5px;">NO</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px; text-align: center;"><b>X</b></td> </tr> </table>	COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	NO		<b>X</b>		
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YES	NO									
	<b>X</b>									

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]	<b>X</b>				
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.10</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; padding: 5px; text-align: center;"><b>1</b></td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>2</b></td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>3</b></td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>4</b></td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<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		TAPE RECORDING OF PERSONAL APPEARANCE HEARING
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HEARING DATE <b>2 MAY 03</b>	CASE NUMBER <b>FD2002-0539</b>																	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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
[REDACTED SIGNATURES]	

INDORSEMENT	DATE: <b>2 MAY 03</b>
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<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0539

**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 unfair and harsh. He also states that since he has been out of the Air Force, he has started a family and is currently in the Army National Guard and that he would like to receive his GI Bill benefits. The record indicates the applicant received an Article 15 for being derelict in the performance of his duties in that he failed to prevent a Korean female from living in his dormitory room and for willfully failing to obtain a visitors pass for her. He also received four Letters of Reprimand for financial irresponsibility, failing to register a guest on base and failure to obey a written order concerning the Base escort policy. The DRB was pleased to see that the applicant was doing well with his family and his service in the Army National Guard. The applicant cited his desire to receive the G.I. Bill benefits. The Board 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. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the discharge. The Board further concluded the misconduct was a significant departure from conduct expected of all military members.

**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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 15 Jul 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Nov 73. Enlmt Age: 17 2/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-77, E-67, G-48, M-39. PAFSC: 3P052 - Law Enforcement Journeyman. DAS: 7 May 93.

b. Prior Sv: (1) AFRes 21 Feb 91 - 30 Jul 91 (5 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 31 Jul 91 for 6 yrs. Svd: 2 Yrs 11 Mo 15 Das, all AMS.

b. Grade Status: AMN - 19 May 94 (Article 15, 19 May 94)  
A1C - 13 Sep 91

c. Time Lost: None.

d. Art 15's: (1) 19 May 94, Osan AB, Korea - Article 92. You, who knew of your duties, between 23 Apr 94, and on or about 30 Apr 94, were derelict in the performance of your duties in that you failed to prevent a Korean female from living in your dormitory room. You, who knew of your duties, between 23 Apr 94 and on or about 30 Apr 94, were derelict in the performance of your duties in that you willfully failed to obtain a visitor's pass for your guest at the main gate, as it was your duty to do. Reduction to the grade of Airman, forfeiture of \$200.00 pay for two months. Restriction for 45 days, and 45 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 09 JUN 94 - Failure to obey a written order.  
LOR, 10 MAR 94 - Failed to register guest on base.  
LOR, 14 JUL 93 - Financial irresponsibility.  
LOR, 09 AUG 93 - Financial irresponsibility (see Legal Review).

f. CM: None.

g. Record of SV: 31 Jul 91 - 13 Sep 93 Osan AB 4 (Initial)

(Discharged from Travis AFB)

h. Awards & Decs: AFTR, AFAM, AFOSSTR.

i. Stmt of Sv: TMS: (3) Yrs (4) Mos (25) Das  
TAMS: (2) Yrs (11) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Dec 02.  
(Change Discharge to Honorable)

Issue 1: I feel my punishment was unfair and harsh. While stationed at Osan AB Korea I arrived at my barracks after my shift. My girlfriend at the time was at my door. A Korean Nat'l (sic) has to be signed on w/a (sic) sponsor. I did not sign her on. While she was there in my room an incident occurred (sic) within the barracks. First Sergeant & commader (sic) responded and asked for her visitor pass. I did not have one. They took me in. I recieved (sic) an Article 15, deduction of rank to E-2, 45 days extra duty, restriction to base, deduction \$500 for 2 months. Then my 39-10 discharge to follow. The airman who lot (sic) her on base recieved (sic) only a letter of counseling.

Since being out I have started a family of my own and I am currently in the Army Nat'L (sic) Gaurd (sic). My unit is Service Battery 1-143<sup>rd</sup> Field Artillery Richmond CA, 94506.

I am asking for this upgrade to recieve (sic) my GI Bill to go back to school. Which \$1500 of my money was put into. I thank the Board for your time in reviewing my appeal.

**ATCH**

1. Certificate of Achievement.
2. Air Force Achievement Medal.
3. Certificate of Training.

5MAR03/ia



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

FD 2002-0539



JUN 24 1994

MEMORANDUM FOR Amn [REDACTED]

FROM: 51 SPS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct (Minor Disciplinary Infractions) under the provisions of AFR 39-10, paragraph 5-46. If my recommendation is approved, your service could be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this discharge action are as follows:

a. You did, at Osan AB, on or about 4 June 1994, fail to obey a written order established by the 51st Fighter Wing Commander, to wit: the base escort policy. For this offense, you received a letter of reprimand dated 9 June 1994;

a. You were, at Osan AB, between on or about 23 April 1994 and on or about 30 April 1994, derelict in the performance of your duties in that you allowed a Korean female to live in your dormitory room. Additionally, between on or about 23 April 1994 and on or about 30 April 1994, you were derelict in the performance of your duties in that you failed to obtain a visitor's pass for your guest at the main gate. For these offenses, you received an Article 15 dated 5 May 1994;

b. You did, on or about 10 March 1994, fail to register a guest that you brought on the base. You used your position as a Security Policeman to circumvent procedures. For this offense, you received a Letter of Reprimand dated 10 March 1994;

c. You did, on or about 14 May 1993 to 16 May 1993, at Osan AB, write four checks for which you did not possess sufficient funds. For this offense, you received a Letter of Reprimand/UIF dated 14 July 1993;

d. You did, on or about 17 June 1993, write a check for which you did not have sufficient funds. For this offense, you received counseling on 9 August 1993.

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 higher authority will decide whether you will be discharged, and if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to

consult the Area Defense Counsel on 27 June 1994. You may consult  
civilian counsel at your own expense. at 0900

5. You have the right to submit statements on your own behalf. Any  
statements you want the separation authority to consider must reach me by  
three workdays, NLT 29 June 94 at 1400 hours. I will send  
them to the separation authority.

6. If you fail to consult counsel or to submit statements on your own  
half, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to  
the 51 FW Hospital at 0800 hours on 30 June 1994.

8. Any personal information you furnish in rebuttal is covered by the  
Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of  
AFR 39-10 is available for your use in the orderly room.

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



2 Attachments

1. Supporting Documents for the Reasons for Discharge
2. Airman's Receipt of Letter of Notification