

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN				
		AMN					
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW				
COUNSEL YES NO X		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
MEMBERS SITTING			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
							X
							X
							X
							X
ISSUES A94.05, A92.37		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD			
				1	ORDER APPOINTING THE BOARD		
HEARING DATE 10 JUL 03		CASE NUMBER FD2003-00009		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 RATIONAL							
REMARKS							
Case heard at Washington, D.C.							
Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel.							
DD Fm 149 submitted. The case will be forwarded to the AFBCMR for further processing.							
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT				
INTERSEMENT			DATE: 10 JUL 03				
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

FD2003-00009

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for discharge, and to change his reenlistment code.

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, change of reason and authority for the discharge, and change of reenlistment code are denied.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

**Issues.** Applicant was discharged for minor disciplinary infractions. He had two Articles 15, and a vacation of suspended punishment. His misconduct included larceny, conspiracy, forgery, false official statement, underage drinking, resisting arrest, and sleeping on post. At the time of the discharge, member waived his right to consult counsel and submit statements in his own behalf. The Board noted member was the same age as other airmen who had adhered to the standards when his misconduct occurred, and he knew right from wrong. He was counseled in an effort to help him correct his deficiencies and had several opportunities to improve his behavior. He failed to respond to those rehabilitative efforts. He was responsible for his actions, and therefore held accountable for them. 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

[REDACTED]  
[REDACTED]  
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 Jul 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 6 Apr 82. Enlmt Age: 17 7/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-46, E-48, G-42, M-36. PAFSC: 3P031 - Security Forces Apprentice. DAS: 30 Jun 00.

b. Prior Sv: (1) AFRes 17 Nov 99 - 26 Jan 00 (2 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Jan 00 for 6 yrs. Svd: 2 Yrs 5 Mo 27 Das, all AMS.

b. Grade Status: AMN - 16 Jan 02 (Vacation of Article 15, 2 Jul 02)  
A1C - 10 Mar 00

c. Time Lost: None.

d. Art 15's: (1) 2 Jul 02, Vacation, Kirtland AFB, NM - Article 113. You were, on or about 11 Jun 02, being posted as Security-6, found sleeping upon your post. Reduction to Airman. (No appeal) (No mitigation)

(2) 16 Jan 02, Kirtland AFB, NM - Article 92. You, who knew of your duties, on or about 1 Jan 02, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the age of 21, as it was your duty to do. Article 95. You did, on or about 1 Jan 02, resist being apprehended by TSgt -----, an armed Security Forces member, a person authorized to apprehend you. Article 134. You were, on or about 1 Jan 02, disorderly. Suspended reduction to Airman, and 30 days correctional custody. (No appeal) (No mitigation)

(3) 13 Sep 00, Kirtland AFB, NM - Article 81. You did, on or about 26 Jun 00, conspire with ----- to commit an offense under the Uniform Code of Military Justice, to wit: larceny of monies, of a value of about \$300.00, the property of Amn -----, and in order to effect the object of the conspiracy, you and ----- did forge a check and submit it for payment to a banking

institution. Article 107. You did, on or about 7 Aug 00, with intent to deceive, make an official statement, to wit: you stated the person who wrote a check belonging to Amn ----- was named -----, which statement was totally false, and was then known by you to be so false. Article 123. You did, on or about 26 Jun 00, with intent to defraud, utter a certain check in the following words and figures, to wit: a check belonging to Amn ----- for the amount of \$300.00, a writing which would, if genuine, apparently operate to the legal harm of another, which said check was, as you the said utterer, then well knew, was falsely made. Forfeiture of \$150.00, and 10 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 27 Jan 00 - 27 Sep 01 Kirtland AFB 3 (Initial)

(Discharged from Kirtland AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (7) Das  
TAMS: (2) Yrs (5) Mos (27) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Jan 01.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I feel that I did not comit (sic) a bad enough crime to not allow me to not re enter (sic) the United States Air Force.

**ATCH**

1. DD Form 149.

1APR03/ia



FD 2003-00089

## DEPARTMENT OF THE AIR FORCE

377<sup>th</sup> Security Forces Squadron  
KIRTLAND AIR FORCE BASE NEW MEXICO

12 Jul 02

MEMORANDUM FOR AMN [REDACTED] 377 SFS

FROM: 377 SFS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, minor disciplinary infractions. The authority for this action is AFD 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 31 Aug 00, you received an Article 15. See attached AF Form 3070 for complete details. (Atch 1)

b. On 8 Jan 02, you received an Article 15. See attached AF Form 3070 for complete details. (Atch 2)

c. On 24 Jun 02 you received a Vacation of Suspended Nonjudicial Punishment. See attached AF Form 366 for complete details. (Atch 3)

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 reenlistment in the Air Force. Special pay, bonuses, or education assistance funds may be subject to recoupment.

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 Captain [REDACTED] at building 20200, room 118, ext. 6-5554, on \_\_\_\_\_ at \_\_\_\_\_ hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination at the 377<sup>th</sup> Medical Group (Family Medicine) on \_\_\_\_\_ at \_\_\_\_\_ hours.

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.

  
2 LT, USAF  
Squadron Section Commander

**Attachments**

- a. Art 15, dated 31 Aug 00
- b. Art 15, dated 8 Jan 02
- c. Vacation, dated 24 Jun 02