

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> AMN	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
YES		
NO		
	X	

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

<b>ISSUES</b> A01.00 A95.00 A93.01	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		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	
<b>HEARING DATE</b> 22 MAY 03	<b>CASE NUMBER</b> FD2003-00042			

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.**

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>INDORSEMENT</b>	<b>DATE</b> MAY 22 2003
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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

FD2003-00042

**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 to Honorable is denied.

The Board finds that the evidence of record does not substantiate an inequity or impropriety that would justify an upgrade of the discharge.

**Issues.** The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case upon which to base an upgrade of discharge. The records indicated the applicant was discharged in November 1989 with an under honorable conditions (general) discharge for minor disciplinary infractions. Member had one Article 15 for making a false official statement to civilian law enforcement officers about his car where he reported it stolen while he knew he had arranged for its disposal, one Article 15 for dereliction of duty for negligently failing to deliver priority work and LOGAIR in a timely manner as required, one Letter of Reprimand and a security violation for leaving classified cargo unattended without proper security measures, and one Record of Individual Counseling for running a stop sign on base. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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 his 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 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.

**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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 2 Nov 89 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 10 Oct 69. Enlmt Age: 17 5/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-63, E-34, G-24, M-84. PAFSC: 64531 - Apprentice Material Storage and Distribution Specialist. DAS: 27 Dec 87.

b. Prior Sv: (1) AFRes 13 Mar 87 - 20 Oct 87 (7 Months 8 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 21 Oct 87 for 4 yrs. Svd: 2 Yrs 0 Mo 13 Das, all AMS.

b. Grade Status: AMN - 29 Sep 89 (Article 15, 29 Sep 89)  
A1C - 21 Feb 89  
AMN - 21 Apr 88

c. Time Lost: None

d. Art 15's: (1) 29 Sep 89, Fairchild AFB, WA - Article 92. You, who knew of your duties, on or about 16 Sep 89, were derelict in the performance of those duties in that you negligently failed to deliver priority work and LOGAIR in a timely manner as required. Reduction to AMN, and forfeiture of \$429.00 pay per month for one month. On 31 Oct 89, commander remitted forfeiture in excess of \$391.00 pay per month for one month and on 14 Dec 89, set aside forfeiture in excess of \$391.00 pay per month for one month. (No appeal) (No mitigation)

(2) 9 Sep 88, Fairchild AFB, WA - Article 107. You did, between on or about 31 Jul 88 and 1 Aug 88 with intent to deceive, make to, Officer ----- of the ----- Police Department, an official statement, to wit: report your vehicle was stolen, which was false in that you arranged to have your vehicle disposed of otherwise and was then known by you to be so false. Suspended reduction to AB, suspended forfeiture of \$250.00 pay per month for two months, and 30 days correctional custody. On 29 Sep 88, commander remitted correctional custody in excess of 21 days. (No appeal) (No mitigation)

e. Additional: LOR, 13 OCT 89 - Security violation.  
RIC, 22 MAR 89 - Running a stop sign.  
TRAFFIC TICKET, 9 OCT 88 - Exceeding speed limit.

f. CM: None.

g. Record of SV: 21 Oct 87 - 20 Oct 88 Fairchild AFB 7 (Annual)  
21 Oct 88 - 20 Jun 89 Fairchild AFB 4 (Initial)

(Discharged from Fairchild AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (7) Mos (21) Das  
TAMS: (2) Yrs (0) Mos (13) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 23 Jan 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH  
None.

20Mar03/cr



DEPARTMENT OF THE AIR FORCE  
 HEADQUARTERS 92D BOMBARDMENT WING (SAC)  
 FAIRCHILD AIR FORCE BASE, WASHINGTON 99011-5000



REPLY TO  
 ATTN. OF: 92 LGS/CC

23 Oct 89

SUBJECT: Notification Letter

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for Misconduct, to wit, Minor Disciplinary Infractions. The authority for this action is AFR 39-10, paragraph 5-46. 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 26 Aug 89, you did sign for four pieces of classified cargo. A security deviation occurred when this property was left in the receiving reject area without proper security measures taken over the weekend. For this misconduct, you received a Letter of Reprimand (13 Oct 89), Unfavorable Information File Entry (UIF), and a Special Security File (SSF) (Atch1a).

b. On or about 16 Sep 89, you were derelict in the performance of your duties, to wit: negligently failed to deliver priority work and LOGAIR in a timely manner as required. For this misconduct, you received a Article 15 (AF Form 3070, dated 29 Sep 89) (Atch 1b).

c. On or about 21 Mar 89, you did wrongfully run through a stop sign at the corner of Bong and 6th Street at Fairchild AFB, WA. For this misconduct, you received a Letter of Counseling (AF Form 174, dated 22 Mar 89) (Atch 1c).

d. On or about 9 Oct 88, you did wrongfully exceed the speed limit on Fairchild AFB, WA. For this misconduct, you received a Armed Forces Traffic Ticket (DD Form 1408) (Atch 1d).

e. On or about 31 Jul 88 to on or about 1 Aug 88, with intent to deceive, make to [REDACTED] of the Airway Heights Police Department, an official statement, to wit: reported your vehicle was stolen, which was false in that you arranged to have your vehicle disposed of otherwise. For this misconduct, you received a Article 15 (AF Form 3070, dated 9 Sep 88) (Atch 1e).

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 discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment 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 [REDACTED], Bldg 261, on 23 Oct 89 at 1500 hours. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 26 Oct 89, unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a medical examination. You must report to the 92d Strategic Hospital, Fairchild AFB at 0800 hours on 24 Oct 89, for the examination.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available in the orderly room, Bldg 2447B, for your use.
8. Execute the attached acknowledgement and return it to me immediately.

[REDACTED]  
[REDACTED]  
[REDACTED] USAF  
Supply Sq Commander