

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]					
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW					
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		YES	NO		X	ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	NO							
	X							
MEMBERS SITTING [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]		VOTE OF THE BOARD						
		BON	GEN	UOTHC	OTHER	DENY		
					X			
					X			
					X			
					X			
					X			
ISSUES A93.11	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD						
		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						
HEARING DATE 24 JUN 03		CASE NUMBER FD2003-0066						
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 [REDACTED]		SIGNATURE OF BOARD PRESIDENT [REDACTED]						
INDORSEMENT			DATE: 24 JUN 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 RD FLOOR ANDREWS AFB, MD 20762-7002						

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD03-0066

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 does not contest his discharge. He merely wants an honorable discharge for the purpose of using his VA benefits. The record indicates the applicant received two Article 15s, both for failure to go. He also received three Letters of Reprimand for financial irresponsibility and for being late for duty. In addition, he received four Records of Individual Counseling for being late for duty (twice) and financial irresponsibility (twice). The Board concluded the applicant's 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]
[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 26 Jun 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 22 Jun 75. Enlmt Age: 18 11/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-68, E-63, G-57, M-83. PAFSC: 2W031A - Munitions Systems Apprentice. DAS: 7 Feb 95.

b. Prior Sv: (1) AFRes 17 Jun 94 - 6 Sep 94 (2 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Sep 94 for 4 yrs. Svd: 1 Yrs 9 Mo 20 Das, all AMS.

b. Grade Status: AB - 10 May 96 (Article 15, 10 May 96)
AMN - 7 May 96 (Article 15, 7 May 96)
A1C - 7 Jan 96
AMN - 7 Mar 95

c. Time Lost: None.

d. Art 15's: (1) 10 May 96, Spangdahlem AB, Germany - Article 86. You, did, on or about 1 May 96, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB, and 14 days extra duty. (No appeal) (No mitigation)

(2) 7 May 96, Spangdahlem AB, Germany - Article 86. You, did, on or about 23 Apr 96, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. (No appeal) (No mitigation)

e. Additional: LOR, 25 APR 96 - Financial irresponsibility.
LOR, 14 FEB 96 - Financial irresponsibility.
RIC, 30 JAN 96 - Financial irresponsibility.
LOR, 12 JAN 96 - Late for duty.
RIC, 12 DEC 95 - Financial irresponsibility.
RIC, 27 NOV 95 - Late for duty.
RIC, 31 OCT 95 - Late for duty.

f. CM: None.

g. Record of SV: 7 Sep 94 - 6 May 96 Spangdahlem AB 3 (Initial)REF

(Discharged from Scott AFB)

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

i. Stmt of Sv: TMS: (2) Yrs (0) Mos (10) Das
TAMS: (1) Yrs (9) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Feb 03.
(Change Discharge to Honorable)

Issue 1: I am simply requesting an upgrade to Honorable for the purpose of using my VA benefits as well as restoring honor to my family name. I have a grandfather who is a highly decorated WWII veteran (12 Armored Division) and it would mean the world to him to have this for me. Please consider this closely, I do appreciate your attention (sic) and I believe the good in my records outweighs the bad.

Issue 2: There were Letters of Achievement and Certificates that were not available at the time the decision to separate (sic) me from the USAF was made. Those items are in my service record now and should clearly indicate my sense of Duty and Patriotism in my country's hour of need. I served honorably during Operation Deliberate Force in Aviano, Italy for one example. Please consider my request and if you can find it in your good judgement, please grant it. Thank you.

ATCH

1. None.

26MAR03/ia



DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCES IN EUROPE

MEMORANDUM FOR AB [REDACTED]
[REDACTED]

30 MAY 1996

FROM: 52 EMS/CCQ

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 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 Oct 95, you, without authority, failed to go at the time prescribed to your appointed place of duty. For this action, you received a Letter of Counseling, dated 31 Oct 95 (Atch 1).

b. On or about 27 Nov 95, you, without authority, failed to go at the time prescribed to your appointed place of duty. For this action, you received a Letter of Counseling, dated 27 Nov 95 (Atch 2).

c. Between on or about 10 Jul 95 and 18 Nov 95, you were derelict in the performance of your duties in that you, by culpable inefficiency, failed to uphold your financial responsibilities, as it was your duty to do, by dishonorably failing to maintain funds in your checking account, bouncing checks, and failing to pay just debts. For these actions, you received a Letter of Counseling, dated 12 Dec 95 (Atch 3).

d. On 31 Oct 95, 27 Nov 95, 18 Dec 95, 11 Jan 96, and 12 Jan 96, you, without authority, failed to go at the time prescribed to your appointed place of duty. For these actions, you received a Letter of Reprimand, dated 12 Jan 96 (Atch 4).

e. On or about 30 Jan 96, you, being indebted to the NCO club in the sum of \$454.64 for your NCO club card account, which amount became due and payable on 30 Jan 96, failed to pay said debt. For this action, you received a Letter of Counseling, dated 30 Jan 96 (Atch 5).

f. On or about 13 Feb 96, you, being indebted to Non-Appropriated Funds for various charges, the sum of which became due and payable on 13 Feb 96, failed to pay said debt. For this action, you received a Letter of Reprimand, dated 14 Feb 96 (Atch 6).

g. On 28 Feb 96, 13 Mar 96, and 30 Mar 96, you made and uttered to AAFES and the Audio Club certain checks, in words and figures as follows, to wit: \$137.91, \$29.95, and \$47.90, and

thereafter dishonorably failed to maintain sufficient funds in your checking account for payment of such checks in full upon their presentment for payment. For these actions, you received a Letter of Reprimand, dated 25 Apr 96 (Atch 7).

h. You did, at or near Spangdahlem Air Base, Germany, on or about 23 Apr 96, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 780, Spangdahlem Air Base, Germany. For this action, you received an Article 15, dated 14 May 96 (Atch 8). Your punishment consisted of reduction to the grade of Airman, with a new date of rank of 7 May 96.

i. You did, at or near Spangdahlem Air Base, Germany, on or about 1 May 96, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 740, Spangdahlem Air Base, Germany. For this action, you received an Article 15, dated 23 May 96 (Atch 9). Your punishment consisted of reduction to the grade of Airman Basic, with a new date of rank of 10 May 96 and 14 days extra duty.

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.

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] Area Defense Counsel, Bldg 151, Spangdahlem AB, Germany DSN 452-6607, on 31 May 96 at 0900. 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 NO LATER THAN 4 Jun 96, unless you request in writing 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 52 FW Medical Group Physical Exams Element at 0800 on 4 Jun 96. Consume no alcohol 72 hours prior to your physical. You must report to the Physical Exams Element as soon as possible to have your blood drawn.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act statement of 1974. A copy of AFI 36-3208 is available for your use in your Orderly Room.

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

[REDACTED]
[REDACTED]
[REDACTED] Capt, USAF
[REDACTED]

Attachments:

1. AF Form 174, 31 Oct 95
2. AF Form 174, 27 Nov 95
3. AF Form 174, 12 Dec 95
4. LOR, 12 Jan 96
5. AF Form 174, 30 Jan 96
6. LOR, 14 Feb 96
7. LOR, 25 Apr 95
8. AF Form 3070, 14 May 96
9. AF Form 3070, 23 May 96